

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

S

2

SENATE BILL 1383  
State & Local Government Committee Substitute Adopted 5/10/07

Short Title: Allow Cyclists to Use Public Lands.

(Public)

Sponsors:

Referred to:

March 26, 2007

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ANY AGENCY OF THIS STATE, OR ANY OTHER ENTITY, THAT HAS PURCHASED OR LEASES OR MANAGES LAND WITH STATE FUNDS TO ALLOW ACCESS TO BICYCLISTS FOR THE PURPOSE OF CYCLING; PROVIDED HOWEVER, THAT SUCH USE OF THE LAND IS NOT PROHIBITED BY ANOTHER STATE LAW, A FEDERAL LAW, OR THE USE OF BICYCLES IN A PARTICULAR AREA WOULD BE DETRIMENTAL TO THE CYCLIST, OTHER INDIVIDUALS, OR THE ENVIRONMENT.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 20 of the General Statutes is amended by adding a new section to read:

**"§ 20-171.3. Land available for bicycling.**

(a) Any land held in fee simple by this State, any agency of this State, or any land purchased, leased, or managed with funds provided by this State, shall be open and available for use by bicyclists. There is no requirement under this section that any special trails, paths, or other accommodations be created, maintained, or made available to any user of the land for cycling purposes. However, nothing contained herein shall prevent any local cycling organization from offering to create and maintain special trails for cycling purposes. Any trails created by a cycling organization for the express purpose of off-road cycling shall be constructed according to guidelines established by a nationally recognized mountain biking organization.

(b) Any land made open and available for bicyclist use by subsection (a) of this section may be restricted or removed from use if it is determined by the State, an agency of the State, or the holder of land purchased, leased, or managed with State funds, that such use would constitute a hazard to the health and welfare of the cyclist, any other individual, or the environment, or that such use would violate another State law or a federal law. The duty is on the State, an agency of the State, or the holder of land purchased, leased, or managed with State funds to show cause why the lands should not be open for use by bicyclists. Before restricting the use of bicycles on any land

1 purchased, leased, or managed with State funds, local cycling advocacy organizations  
2 shall be given an opportunity to show cause why cycling should be allowed on the  
3 lands. The Division of Bicycle and Pedestrian Transportation of the Department of  
4 Transportation shall keep a record of all such lands made open and available for use, by  
5 bicyclists, by this section and publish the information to the public upon request.

6 (c) Any person operating a bicycle, as defined under this Part, on land made open  
7 and available for use by bicyclists under subsection (a) of this section shall wear a  
8 protective bicycle helmet securely fastened upon the head with the straps of the helmet.  
9 The operation of a bicycle on land made open and available by subsection (a) of this  
10 section shall occur only between sunrise and sunset. Special events that occur outside of  
11 these hours shall be allowed provided that the holder of the land is notified at least 24  
12 hours in advance of the date and time of the event. A violation of this subsection is an  
13 infraction punishable by a fine of one hundred dollars (\$100.00).

14 (d) Notwithstanding the provisions of subsections (a) and (b) of this section, any  
15 use of bicycles on game lands administered by the Wildlife Resources Commission  
16 shall be restricted to roads and trails designated for vehicular use. Bicycle use by  
17 persons not hunting shall be restricted to days closed to hunting. The Wildlife Resources  
18 Commission may restrict the use of bicycles on game lands where necessary to protect  
19 sensitive wildlife habitat or species."

20 **SECTION 2.** This act becomes effective January 1, 2008. Upon passage of  
21 this act and prior to its effective date, the State, an agency of this State, or a holder of  
22 land purchased, leased, or managed with State funds, shall determine if the land should  
23 be restricted or removed from availability and use and provide to, in writing, the  
24 Division of Bicycle and Pedestrian Transportation any reasons to support the decision.