

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1383

Short Title: Allow Cyclists to Use Public Lands. (Public)

Sponsors: Senators Jenkins; Cowell and Hoyle.

Referred to: State & Local Government.

March 26, 2007

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ANY AGENCY OF THIS STATE, OR ANY OTHER ENTITY, THAT HAS PURCHASED 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 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.

(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 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 with State funds to show cause why the lands should not be open for use by bicyclists. The Division of Bicycle and Pedestrian Transportation, of the Department of Transportation, shall keep a record of all such lands made open and available for use, by bicyclists, by this section and publish the information to the public upon request.

(c) Any person operating a bicycle, as defined under this Part, on land made open and available for use by bicyclists under subsection (a) of this section shall wear a

1 protective bicycle helmet securely fastened upon the head with the straps of the helmet.
2 The operation of a bicycle on land made open and available by subsection (a) of this
3 section shall only occur between the hours of 8:00 A.M. to 5:00 P.M. A violation of this
4 subsection is an infraction punishable by a fine of one hundred dollars (\$100.00)."

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