

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 670  
HOUSE BILL 436

AN ACT TO CREATE A SCENIC AND RECREATION TRAILS SYSTEM AND TO PROVIDE FOR THE DESIGNATION, ADMINISTRATION, REGULATION, AND ACQUISITION OF SCENIC TRAILS AND TRAIL RIGHTS-OF-WAY.

The General Assembly of North Carolina enacts:

**Section 1.** Chapter 113A of the General Statutes is hereby amended by- adding thereto a new Article to read as follows:

"Article 4.

"North Carolina Trails System.

"§ 113A-50. **Short title.** — This Article shall be known and may be cited as the 'North Carolina Trails System Act'.

"§ 113A-51. **Declaration of policy and purpose.** — (a) In order to provide for the ever-increasing outdoor recreation needs of an expanded population and in order to promote public access to, travel within, and enjoyment and appreciation of the outdoor, natural and remote areas of the State, trails should be established in natural, scenic areas of the State, and in and near urban areas.

(b) The purpose of this Article is to provide the means for attaining these objectives by instituting a State system of scenic and recreation trails, and by prescribing the methods by which, and standards according to which, components may be added to the system.

"§ 113A-52. **Definitions.** — Except as otherwise required by context, the following terms when used in this Article shall be construed respectively to mean:

- (1) 'Department' means the North Carolina Department of Natural and Economic Resources.
- (2) 'Political subdivision' means any county, any incorporated city or town, or other political subdivision.
- (3) 'Scenic easement' means a perpetual easement in land which
  - a. is held for the benefit of the people of North Carolina,
  - b. is specifically enforceable by its holder or beneficiary, and
  - c. limits or obligates the holder of the servient estate, his heirs, and assigns with respect to their use and management of land and activities conducted thereon, the object of such limitations and obligations being the maintenance or enhancement of the natural beauty of the land in question or of areas affected by it.
- (4) 'Secretary' means the Secretary of the North Carolina Department of Natural and Economic Resources, except as otherwise specified in this Article.
- (5) 'System' means the 'North Carolina Trails System' as established in this Article and including all trails and trail segments, together with their rights-of-way, added by any of the procedures described in this Article.

"§ 113A-53. **Composition of trails system.** — The State system of trails shall be composed of:

- (1) State Scenic Trails, which are defined as extended trails so located as to provide maximum potential for the appreciation of natural areas and for the

conservation and enjoyment of the significant scenic, historic, natural, ecological, geological or cultural qualities of the areas through which such trails may pass.

- (2) State Recreation Trails, which are defined as trails planned principally for recreational value and may include trails for foot travel, horseback, nonmotorized bicycles, nonmotorized water vehicles, and two-wheel and four-wheel-drive motorized vehicles. More than one of the aforesaid types of travel may be permitted on a single trail in the discretion of the Secretary.
- (3) Connecting or side trails, which will provide additional points of public access to State Recreation or State Scenic Trails or which will provide connections between such trails.

**"§ 113A-54. Authority to designate trails.** — The Department may establish and designate State scenic and recreation trails on lands administered by the Department; or on lands under the jurisdiction of a State department, political subdivision, or private lands providing fee simple title, or lesser estates, scenic easements, easements of surface ingress and egress running with the land or leases are obtained from landowners through which a State Trail may pass.

**"§ 113A-55. North Carolina Trails Committee; composition; meetings and functions.** —

(a) There is hereby created the North Carolina Trails Committee, which shall be advisory and consist of seven members appointed by the Secretary to serve without pay except that members are to be reimbursed for actual expenses incurred in the performance of their duties pursuant to G.S. 138-5. Initially, three members shall be appointed for two years, and four members for four years; thereafter each appointment shall be for four years. Two members shall be from the mountain section, two from the Piedmont section, two from the coastal plain, and one at large. They shall as much as possible represent various trail users.

(b) The Committee shall meet in various sections of the State, not less than two times annually to advise the Department on all matters directly or indirectly pertaining to trails, their use, extent, location, and the other objectives and purposes of this Article.

(c) The Committee shall coordinate trail development among local governments, and shall assist local governments in the formation of their trail plans and advise the Department quarterly of its findings.

(d) The Secretary, with advice of the Committee, shall study trail needs and potentials, and make additions to the State Trails System as needed. He shall submit an annual report to the Governor and General Assembly on trail activities by the Department, including rights-of-way that have been established and on the program for implementing this act. Each report shall include a short statement on the significance of the various trails to the System.

The Secretary shall make such rules and regulations as to trail development, management, and use that are necessary for the proper implementation of this Article.

**"§ 113A-56. Location of trails.** — The process of locating routes of trails to be added to the system shall be as follows:

For State Scenic Trails, the Secretary, after consulting with the Committee, shall recommend a route. For State Recreation Trails and for connecting or side trails, the Secretary, after consulting with the Committee, shall select the route. When a route shall transverse land within the jurisdiction of a governmental unit or political subdivision, the Department shall consult with such unit or such subdivision prior to its final determination of the location of the route. The selected route shall be compatible with preservation or enhancement of the environment it transverses. Reasonable effort shall be made to minimize any adverse effects upon adjacent landowners and users. Notice of the selected route shall be published by the Department in a newspaper of general circulation in the area in which the trail is located, together with appropriate maps and descriptions to be conspicuously posted at the appropriate courthouse. Such publication shall be prior to the designation of the trail by the Secretary.

"§ 113-57. **Scenic easements within right-of-way.** — Within the boundaries of the right-of-way, the Secretary of the North Carolina Department of Administration may acquire, on behalf of the State of North Carolina, lands in fee title, or interest in land in the form of scenic easements, cooperative agreements, easements of surface ingress and egress running with the land, leases, or less than fee estates. Acquisition of land or of interest therein may be by gift, purchased with donated funds or funds appropriated by the governmental agencies for this purpose, proceeds from the sale of bonds or exchange. Any change in value of land resulting from the grant of an easement shall be taken into consideration in the assessment of the land for tax purposes.

"§ 113A-58. **Trails within parks; conflict of laws.** — Any component of the System that is or shall become a part of any State Park, recreation area, wildlife management area, or similar area shall be subject to the provisions of this Article as well as any other laws under which the other areas are administered, and in the case of conflict between the provisions the more restrictive provisions shall apply.

"§ 113A-59. **Uniform trail markers.** — The Department, in consultation with the Committee, shall establish a uniform marker for trails contained in the System. An additional appropriate symbol characterizing specific trails may be included on the marker. The markers shall be placed at all access points, together with signs indicating the modes of locomotion that are prohibited for the trail, provided that where the trail constitutes a portion of a national scenic trail, use of the national scenic trail uniform marker shall be considered sufficient. The route of the trail and the boundaries of the right-of-way shall be adequately marked.

"§ 113A-60. **Administrative policy.** — The North Carolina Trails System shall be administered by the Department according to the policies and criteria set forth in this Article. The Department shall, in addition, have or designate the responsibility for maintaining the trails, building bridges, campsites, shelters, and related public-use facilities where required.

"§ 113A-61. **Incorporation in National Trails System.** — Nothing in this Article shall preclude a component of the State Trails System from becoming a part of the National Trails System. The Secretary shall coordinate the State Trails System with the National Trails System and is directed to encourage and assist any federal studies for inclusion of North Carolina trails in the National Trails System. The Department may enter into written cooperative agreements for joint federal-state administration of a North Carolina component of the National Trails System, provided such agreements for administration of land uses are not less restrictive than those set forth in this act."

**Sec. 2.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**Sec. 3.** This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1973.