

Bicycle & Bikeway Act of 1974

With the passage of comprehensive Bicycle and Bikeway Act of 1974, North Carolina established the first state bicycle program in the nation, which quickly became a national model. The legislation granted authority for the North Carolina Bicycle Program (now the Division of Bicycle and Pedestrian Transportation) to undertake comprehensive bicycle planning and programming.

This far-reaching legislation established these provisions:

- supports the legal definition that a bicycle is a vehicle
- defines bicycle facilities as a bona fide highway purpose
- designates the North Carolina Department of Transportation to carry out the provisions of the article
- assigns specific duties
- allows for designation of bicycle facilities along and upon the state's public roadways
- authorizes the department to spend budgeted funds and other funds from federal, state, local, and private sources
- establishes the North Carolina Bicycle Committee.

The Act directs the NCDOT to perform the following duties:

- assist local governments with the development of bicycle programs and the construction of bicycle facilities
- develop policies, procedures, and standards for planning, designing, constructing, maintaining, marking, and operating bicycle facilities and provide for the safety of bicyclists and motorists
- develop demonstration projects and safety training programs
- develop and construct a state bikeway system. * Note: The term "bikeway" was used in 1973, when this legislation was written, to denote all types of facilities for bicycles. Since that time more specific terminology has replaced the term "bikeway" in general use.

G.S. 136-71.6. How Article Cited

This article may be cited as the North Carolina Bicycle and Bikeway Act of 1974 (1973, c. 1447, s.1)

G.S. 136-71.7. Definitions

As used in this Article, except where the context clearly requires otherwise, the words and expressions defined in this section shall be held to have the meanings here given to them:

1. Bicycle: A non-motorized vehicle with two or three wheels tandem, a steering handle, one or two saddle seats, and pedals by which the vehicle is propelled.

2. Bikeway: A thoroughfare suitable for bicycles, and which may either exist within the right-of-way of other modes of transportation, such as highways, or along a separate, independent corridor.

3. Department: North Carolina Department of Transportation.

4. Program: North Carolina Bicycle and Bikeway Program.

5. Secretary: The Secretary of the North Carolina Department of Transportation (1973, c. 1447, s.2; 1975, c. 716, s.7; 1977, c.1021, s.1)

G.S. 136-71.8. Findings

The General Assembly, hereby finds that it is in the public interest, health, safety, and welfare for the state to encourage and provide for the efficient and safe use of the bicycle; and that to coordinate plans for bikeways most effectively with those of the state and local government as they affect roads, streets, schools, parks and other publicly owned lands, abandoned roadbeds and conservation areas, while maximizing the benefits from the use of tax dollars, a single state agency, eligible to receive federal matching funds, should be designated to establish and maintain a state bikeways programs. The General Assembly also finds that bikeways are a bona fide highway purpose, subject to the same rights and responsibilities, and eligible for the same considerations as other highway purposes and functions. (1973, c. 1447, s.3; 1977, c. 1021, s.1)

G.S. 136-71.9. Program development

The Department is designated as such state agency responsible for developing and coordinating the program. (1973, c. 1447, s.4)

G.S. 136-71.10. Duties

The Department will:

1. Assist and cooperate with local government and other agencies in the development and construction of local and regional bikeway projects.
2. Develop and publish policies, procedures, and standards for planning, designing, maintaining, marking, and operating bikeways in the State; for the registration and security of bicycles; and for the safety of bicyclists, motorists and the public.
3. Develop bikeway demonstration projects and safety training programs.
4. Develop and construct a state bikeway system. (1973, c.1447, s.5)

G.S. 136-71.11. Designation of bikeways

Bikeways may be designated along and upon the public roads. (1973, c. 1447, s.5)

G.S. 136-71.12. Funds

The General Assembly hereby authorizes the Department to include needed funds for the program in its annual budgets for fiscal years after June 30, 1975, subject to the approval of the General Assembly. The Department is authorized to spend any federal, state, local or private funds available to the Department and designated for the accomplishments of this Article. Cities and towns may use any funds available. (1972, c. 1447, s.6.)

G.S. SESSION LAWS 2011-266:**NORTH CAROLINA BICYCLE COMMITTEE, Section 1.27. G.S. 146.71.13 is repealed.****G.S. 136-71.13. North Carolina Bicycle Committee; composition, meetings, and duties.**

- a. Transportation. The Bicycle Committee shall consist of seven members appointed by the Secretary. Members of the Committee shall receive per diem and necessary travel and subsistence expense in accordance with the provisions of 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. Upon the resignation of a member in mid-term, the replacement shall be appointed for the remainder of the unexpired term. The Secretary shall make appointments to the Committee with a view to providing representation to each of the state's geographical regions and to the various types of bicycle users and interests.
- b. The Bicycle Committee shall meet in various sections of the state, not less than once in every three months, and at such other times as may be necessary to fulfill its duties. A majority of the members of the Committee shall constitute a quorum for the transaction of business. The staff of the Bicycle and Bikeway Program shall serve the Committee, maintain the minutes of the Committee meetings, research questions of bicycle transportation importance, and undertake other such activities for the Committee as may be consistent with the program's role in the Department.
- c. The Bicycle Committee shall have the following duties:
 1. To represent the interests of bicyclists in advising the Secretary on all matters directly or indirectly pertaining to bicycle and bikeways, their use, extent, location, and other objectives and purposes of this Article.
 2. To adopt bylaws for guiding its operation, as well as an outline for pursuing a safer environment for bicycling in North Carolina.

3. To assist the Bicycle and Bikeway Program in the exercise of its duties within the Department.

4. To promote the best interest of the bicycling public, within the context of the total transportation system, to governing officials and the citizenry at large.

d. The Secretary, with the advice of the Bicycle Committee, shall coordinate bicycle activities among the divisions of the Department, as well as between the Department of Transportation and the other departments. Further, he shall study bicycle and bikeway needs and potentials and report the findings of said studies, with the Committee's recommendations to the appropriate policy and legislative bodies. The Secretary shall submit an annual report to the Governor and General Assembly on bicycle and bikeway activities within the Department, including a progress report on the implementation of this Article. (1977, c. 11021, s.1)



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