



National Park Service
U.S. Department of the Interior

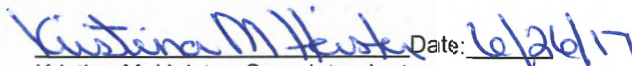
Upper Delaware Scenic
and Recreational River

274 River Road
Beach Lake, PA 18405

Superintendent's Compendium
Of Designations, Closures, Permit Requirements
and Other Restrictions Imposed Under
Discretionary Authority.

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Approved:

 Date: 6/26/17
Kristina M. Heister, Superintendent

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7, authorized by Title 54 United States Code, the following provisions apply to all lands and waters administered by the National Park Service, within the boundaries of Upper Delaware Scenic and Recreational River. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

These rules are applicable on the Delaware River from the confluence of the East and West Branches at Point Mountain in the vicinity of Hancock, New York to the #2 railroad trestle in the vicinity of Sparrowbush, New York, and on any lands owned or managed by the National Park Service (NPS) within the designated boundary of the Upper Delaware Scenic and Recreational River.

Individuals interested in more information about these provisions should contact: the Superintendent, Upper Delaware Scenic and Recreational River, 274 River Road, Beach Lake, PA 18405-9737, or call (570) 729-8251, ext. 2225.

Written determinations, which explain the reasoning behind the Superintendent's use of discretionary authority, as required by Section 1.5(c), appears in this document identified by *italicized print*.

36 CFR § 1.5 – VISITING HOURS, PUBLIC USE LIMITS, CLOSURES, AND DESIGNATIONS FOR SPECIFIC USES OR ACTIVITIES

(a)(1) The following visiting hours, public use limits, and closures are established:

Visiting Hours:

- Pennsylvania Fish and Boat Commission river accesses are closed from 10:00 pm to 5:00 am.
- The Delaware Aqueduct (Roebing Bridge) NY and PA parking lots are closed from 10:00 pm to 5:00 am.

Public Use Limits:

- It is the determination of the Superintendent of the Upper Delaware Scenic and Recreational River, based upon a review of the River Management Plan, inspection of the Milanville facilities,

and consultation with field law enforcement personnel, that Milanville Office land bases will not be used for public launching or landing of watercraft.

The Milanville facility has limited shoreline on the Delaware River and the unimproved road access is only partially on National Park Service property. This particular road is deeded shared-access by two other property holders as part of a subdivision covenant. In addition the minimal shoreline owned by the NPS in this area is not suitable for launching watercraft. Public launch sites exist immediately across the river at Skinner's Falls, three miles north of the Milanville Office at Damascus, on the Pennsylvania shore; and at Cochection on the New York shore.

- The Delaware & Hudson Canal Towpath Trail located on the New York shore in the vicinity of the Delaware Aqueduct is closed to all motorized vehicles except those authorized by the NPS for maintenance and emergency service operations and single-occupant conveyances for handicapped visitors.

This restriction is determined necessary to manage the risk of visitor injury and damage to the trail surface.

Closures:

- All lands owned and managed by the NPS are closed to the following activities:
 - Camping is permitted at the Zane Grey Museum with expressed permission of the Superintendent.

(a)(2) The following designations, conditions, and/or restrictions are imposed on all specific use or activities:

- During periods of high water all individuals in or on the waters of the Delaware River within the Upper Delaware Scenic and Recreational River are required to wear a Type I, II, III, or V U.S. Coast Guard approved Personal Flotation Device (PFD). The PFD must be of the proper size for the individual wearing it and must be in good, serviceable condition. High water is defined as six (6) feet and above, as measured at the Callicoon Gauge for all points upstream of the northern side of the Callicoon Bridge. For the river downstream of that point to the southern boundary of the park, high water is defined as six (6) feet and above as measured at the Barryville Gauge.

This condition is determined necessary to manage the increased risk to river users and rescue personnel during periods of high water.

- Personal floatation devices are required to be readily accessible by users of inflatable inner tubes or similar devices used for transportation on the water.
- Personal flotation devices must be worn during cold weather periods in accordance with state law.

This condition is determined necessary to ensure public safety on the river.

- Water skiing is only allowed in the Narrowsburg Pool. Water skiing on the Narrowsburg Pool must be done in accordance with applicable State (NY/PA) Laws.

This condition is determined necessary to ensure public safety on the river.

- The possession of glass containers is prohibited on the river and to the ordinary high water mark.

This condition is determined necessary to ensure public safety on the river and reduce pollution. There is a history of glass containers breaking in the river, on the rocky shoreline, gravel bars and islands. Broken glass can be difficult to pick up, can be unsightly, and can cause injury to people and animals. The river is frequented by swimmers and boaters who are often barefooted. Broken glass has caused numerous injuries over the years to recreationists. Between 1990 and 2014, public river clean-ups recovered over 440 tons of trash from the Upper Delaware River but less than 1% of trash recovered was glass. In addition to being difficult to recover, broken glass remains in the environment a long time. A glass bottle requires up to a million years to decompose in the environment and it requires 5-50 years to smooth sharp glass edges.

- Swimming and wading is allowed in all areas of the river, except at PA Fish & Boat Commission Access Areas. There are no designated swimming beaches.
- Bathing is prohibited in the river.
- Bicycle riding is prohibited on the Roebling Bridge sidewalks and towpaths (upper walkways).
- Launching, landing, or operating an unmanned aircraft/drone from or on lands and water administered by the National Park Service within the boundaries of Upper Delaware Scenic and Recreational River is prohibited except as approved in writing by the Superintendent. Unmanned aircraft/ drone can not interfere with public use on the river or harass wildlife.

This condition is deemed necessary for the maintenance of public health and safety; protection of environmental and scenic values; protection of natural and cultural resources; implementation of management responsibilities, equitable allocation of and use of facilities; and the avoidance of conflict among visitor use activities. Of special concern is the potential impact of this activity on nesting bald eagles and other endangered or threatened species.

This prohibition is a necessary interim measure until the National Park Service considers how to address this new use on a long-term basis and that allowing the use of unmanned aircraft before the park has properly evaluated whether this use is appropriate could result in unacceptable impacts to park resources, park values and visitor safety.

Definition:

The term "unmanned aircraft" means a device that is used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communication links). This term included all types of devices that meet this definition (e.g. model airplanes, quadcopters, and drones) that are used for any purpose including for recreation or commerce.

36 CFR § 1.6 – ACTIVITIES THAT REQUIRE A PERMIT

Activities requiring a permit are listed throughout this document under the specific 36 CFR section that authorizes or requires the issuance of a permit. These include but are not limited to:

- All commercial filming and photography shoots.
- Organized boating and tubing special events.
- Baptisms and similar religious ceremonies.
- Weddings on NPS owned and managed property.
- Commercial business conducted on the river and/or NPS owned and managed property.
- Any special use of property NPS owned and managed property.
- Construction, maintenance, or inspection of bridges that cross above the Delaware River.
- Construction below the ordinary high water mark

See Appendix A for permit procedures.

36 CFR § 2.1 – PRESERVATION OF NATURAL, CULTURAL AND ARCHEOLOGICAL RESOURCES

(a) Collecting natural materials from the park is generally prohibited. However, pursuant to (c) (1), The Superintendent may designate certain fruits, berries, nuts, or unoccupied seashells which may be gathered by hand for personal use or consumption upon a written determination that the gathering or consumption will not adversely affect park wildlife, the reproductive potential of a plant species, or otherwise adversely affect park resources. The following fruits may be gathered by hand for personal use or consumption:

- Visitors may take dropped fruit from the Corwin Farm orchard or the Zane Grey orchard. The Corwin Farm orchard and Zane Grey orchard consist of apple and pear trees.
- Visitors may not climb or shake fruit from the trees due to their historic significance.

It has been determined that the gathering of dropped fruit from the Corwin Farm and Zane Grey orchard will not adversely affect park wildlife, the productive potential of a plant species, or otherwise adversely affect park resources.

36 CFR § 2.2 - WILDLIFE PROTECTION

(d) The transporting of lawfully taken wildlife through federally managed land is permitted under the following conditions and procedures:

- Applicable Federal and State (NY/PA) laws apply.

36 CFR §2.3 –Fishing

(a)Fishing shall be in accordance with the laws of New York and Pennsylvania.

- A valid New York or Pennsylvania fishing license is required for all anglers, age 16 and older, on the Delaware River between NY and PA when fishing from a boat or from either shore.

Pursuant to (d)(8), fishing from motor road bridges is prohibited.

36 CFR §2.4 – WEAPONS, TRAPS, AND NETS

Pursuant to 18 U.S.C. § 930, firearms are prohibited in federal facilities. Federal facilities are defined as “buildings or parts thereof owned or leased by the federal government, where federal employees are regularly present for the purpose of performing their official duties.” Federal facilities are marked with signs at public entrances, and include the following buildings:

- Headquarters Complex (Headquarters Building, Operations Building and Annex Building)
- Milanville Office & Garage Facility
- Zane Grey Museum
- Lackawaxen Maintenance Facility
- Margold House and barn
- Corwin Farm Ranger Station and barn

Pursuant to 54 U.S.C. 104906 (P.L. 111-24 Section 512), park visitors may carry firearms in National Parks if they are in compliance with federal, state, and local laws.

Pursuant to (a)(2)(ii), weapons, traps or nets may be carried, possessed or used at the following times and locations:

- In accordance with Federal and State (NY/PA) Laws.

36 CFR §2.5 – RESEARCH SPECIMENS

(a) Taking plants, fish, wildlife, rocks or minerals is prohibited except in accordance with the regulations contained in Chapter I of 36 CFR or pursuant to the terms and conditions of a specimen collection permit.

36 CFR §2.10 – CAMPING AND FOOD STORAGE

(a) Camping is prohibited in the park pursuant to 36 CFR § 1.5 Closures.

- Camping is permitted at the Zane Grey Museum with the expressed written permission of the Superintendent.

36 CFR §2.12 – AUDIO DISTURBANCES

(a)(2) Operating a power saw in developed areas is prohibited, except pursuant to the terms and conditions of a permit.

- Developed area means roads, parking areas, picnic areas or other areas owned or managed by the NPS.

(a)(4) Operating a public address system is prohibited, except in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51.

36 CFR § 2.13 – FIRES

(a)(1) The lighting or maintaining of fires is generally prohibited, except as provided for in the following designated areas and/or receptacles, and under the conditions noted:

- Contained fires such as a charcoal grill or hibachi are permitted at access areas and on the shoreline of the Delaware River. All fire remains must be extinguished and carried out.

36 CFR §2.14 – SANITATION and REFUSE

(a)(2) Using park refuse receptacles or facilities for dumping household, commercial or industrial refuse is prohibited.

36 CFR § 2.15 – PETS

(a)(1) The following structures and/or areas are closed to the possession of pets: (except for use with disabilities)

- All Upper Delaware Scenic and Recreational River government buildings.

(a)(2) Failing to crate, cage, restrain on a leash, which shall not exceed six feet in length, or otherwise physically confine a pet at all times.

- This applies to the Tusten Mountain Trail and all lands owned and managed by the NPS.

(a)(5) Pet excrement must be disposed of in accordance with the following conditions:

- Persons having custody of any animal(s) will immediately remove and dispose of excrement voided by an animal(s) under their control. Excrement will be properly disposed of in outdoor trash containers or removed from park property.

(b) The use of dogs in support of hunting must be in accordance with Federal and State laws and the following conditions:

- No further conditions apply.

36 CFR § 2.17 - AIRCRAFT and AIR DELIVERY

(a)(3) Delivering or retrieving a person or object by parachute, helicopter, or other airborne means is prohibited, except in emergencies involving public safety or serious property loss or pursuant to the terms and conditions of a permit.

(c)(1) The removal of a downed aircraft, components, or parts thereof is subject to procedures established by the Superintendent (Permitting process).

36 CFR § 2.20 – SKATING, SKATEBOARDS and SIMILAR DEVICES

Using roller skates, skateboards, roller skis, coasting vehicles, hover boards, or similar devices are prohibited.

36 CFR § 2.21 – SMOKING

(a) The following portions of the park, buildings, structures and/or facilities are closed to smoking as noted:

- The Superintendent has determined that smoking, vaping, and the use of Electronic Nicotine Delivery Systems such as e-cigarettes is prohibited in and within 25 feet of all UPDE facilities.

These designations are based on a determination that smoking is prohibited to protect park resources, reduce the risk of fire, and prevent conflicts among visitor use activities. These designations are in accordance with Federal law.

36 CFR § 2.22 – PROPERTY

(a)(2) Leaving property unattended for longer than 24 hours is prohibited.

36 CFR § 2.35 –ALCOHOLIC BEVERAGES and CONTROLLED SUBSTANCES

(a)(3)(i) The following areas and facilities within the park are closed to consumption of alcoholic beverages, and/or to the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or has been opened, or whose seal has been broken or the contents of which have been partially removed:

- Alcoholic beverages are permitted in the park in accordance with all applicable Federal and State (NY/PA) laws.
- The possession or consumption of alcoholic beverages is prohibited on all PA Fish and Boat Commission Access Areas in Wayne County, PA.

36 CFR § 2.37 – NONCOMMERCIAL SOLICITING

Soliciting or demanding gifts, money, goods or services is prohibited except pursuant to the terms and conditions of a permit that has been issued under §2.50, §2.51, or §2.52.

36 CFR § 2.38 – EXPLOSIVES

(a) Using, possessing, storing, or transporting explosives, blasting agents or explosive materials is prohibited, except pursuant to the terms and conditions of a permit.

(b) Using, or possessing fireworks and firecrackers is prohibited.

36 CFR § 2.50 – SPECIAL EVENTS

(a) Sports events, pageants, regattas, public spectator attractions, entertainments, ceremonies, and similar events are allowed, provided there is a meaningful association between the park area and the events, and the observance contributes to visitor understanding of the significance of the park area, and a permit therefore has been issued by the Superintendent.

36 CFR § 2.51 -- DEMONSTRATIONS

(b) Demonstrations of 25 people or fewer are allowed within the park areas designated as available under paragraph (c)(2). Demonstrations of more than 25 people are allowed within designated park areas when the Superintendent has issued a permit for the activity.

(c)(2) The following locations are designated as available for demonstrations (see Appendix B for further description of location):

- Delaware Aqueduct PA Parking Lot
- Zane Grey Museum

36 CFR § 2.52 -- SALE OR DISTRIBUTION OF PRINTED MATTER

(b) The sale or distribution of printed matter by 25 people or fewer is allowed within the park areas designated as available under §2.51(c)(2) (see above). The sale or distribution of printed matter by more than 25 persons is allowed within designated areas when the Superintendent has issued a permit.

36 CFR §2.60 – LIVESTOCK USE AND AGRICULTURE

(a) Livestock are generally prohibited on property owned or managed by the NPS. They are only permitted areas pursuant to the exceptions provided for in §2.60(a) and only pursuant to the terms and conditions of a license, permit, or lease.

36 CFR §2.61 – RESIDING ON FEDERAL LANDS

(a) Residing in park areas, other than on privately owned lands, is prohibited except pursuant to the terms and conditions of a permit lease or contract.

36 CFR §2.62 – MEMORIALIZATION

(a) The installation of a monument, memorial, tablet, structure, or other commemorative installation in a park area without the authorization of the Superintendent is prohibited.

(b) The scattering of human ashes from cremation is prohibited.

- 40 CFR 229.1 and the Clean Water Act prohibit the scattering of human remains in federal waterways.

36 CFR § 3.7 – PERSONAL FLOATATION DEVICE (PFD) REQUIREMENTS

(a) All requirements in Title 33 CFR part 175 related to PFDs are adopted.

Pursuant to § 3.7(b), PFDs must be worn or carried on the designated waters, at the designated times and/or during designated water based activities outlined in this document under 36 CFR § 1.5.

- Specifically, all individuals in or on the waters of the Delaware River within the Upper Delaware Scenic and Recreational River during periods of high water are required to wear a Type I, II, III, or V U.S. Coast Guard approved Personal Flotation Device (PFD). The PFD must be of the proper size for the individual wearing it and must be in good, serviceable condition. High water is defined as six (6) feet and above, as measured at the Callicoon Gauge for all points upstream of the northern side of the Callicoon Bridge. For the river downstream of that point to the southern boundary of the park, high water is defined as six (6) feet and above as measured at the Barryville Gauge.
- Personal floatation devices are required by users of all watercraft, inflatable inner tubes or similar devices used for transportation on the water.
- Personal flotation devices must be worn during cold weather periods in accordance with state law.

36 CFR § 3.8 – BOATING OPERATIONS

(a)(2) Launching or recovering a vessel is prohibited, except at one of the following launch sites:

- PA Fish and Boat Commission accesses with launch ramps
- NY DEC accesses with launch ramps
- Ten Mile River Access
- Hand launch only at the following NY DEC Accesses: Mongaup, Barryville, Highland, Skinner's Falls, Cochection, Lordville and Hancock.
- **This provision does not apply to landowners launching and retrieving watercraft from their private property.**

(b)(3) Operating a vessel in excess of flat wake speed is prohibited in the following areas:

- Within 100' of shoreline, docks, launch ramps, swimmers or downed skiers, waders, anchored or drifting boats.

36 CFR § 3.9 – PERSONAL WATERCRAFT (PWC)

- The use of PWC on the Upper Delaware S&RR is prohibited.

- Personal watercraft refers to a vessel, usually less than 16 feet in length, which uses an inboard, internal combustion engine powering a water jet pump as its primary source of propulsion. The vessel is intended to be operated by a person or persons sitting, standing or kneeling on the vessel, rather than within the confines of the hull.

36 CFR § 3.12 – USING A VESSEL TO TOW A PERSON

(a) The towing of a person by a vessel is allowed only in the designated areas and in accordance with the conditions listed in this document under 36 CFR § 1.5.

- Specifically, water skiing is allowed in the Narrowsburg pool only, in accordance with applicable State (NY/PA) Law.

(b) Towing a person using a parasail, hang-glider or other airborne device may be allowed only in accordance with a permit.

36 CFR § 3.16 – SWIMMING AND WADING

Swimming or wading is allowed in waters, subject to closures or restrictions designated in this document under 36 CFR § 1.5.

- Swimming and wading is prohibited at all access areas owned by the PA Fish and Boat Commission.

36 CFR § 3.17 – SWIMMING AREAS AND BEACHES

(a) Swimming areas and swimming beaches are designated in this document under 36 CFR § 1.5.

- There are no designated swimming areas.

36 CFR § 3.18 – SCUBA AND SNORKELING

(a) Snorkeling and underwater diving is allowed in park waters.

36 CFR § 3.19 – USE OF SUBMERSIBLES

The use of manned or unmanned submersibles may only occur in accordance with a permit issued by the Superintendent.

36 CFR § 4.10 – TRAVEL ON PARK ROADS AND ROUTES

(a) Operating a motor vehicle is prohibited except on the Delaware Aqueduct (Roebing Bridge) and established parking areas.

36 CFR § 4.11 – VEHICLE LOAD, WEIGHT AND SIZE LIMITS

(a) The following load, weight and size limits, which are more restrictive than State law, apply to the roads indicated under the terms and conditions, and/or under permit as noted:

- Delaware Aqueduct (Roebing Bridge) - 10 ton gross vehicle weight (GVW) limit.

36 CFR §4.21 – SPEED LIMITS

(b) The following speed limits are established for the routes/roads indicated:

- Delaware Aqueduct (Roebing Bridge) - 15 miles per hour (MPH) posted speed limit.

36 CFR §4.30 – BICYCLES

(a) The use of a bicycle is permitted on park roads and in parking areas that are otherwise open for motor vehicle use by the general public.

- Areas closed to bicycle use are listed in this document under 36 CFR § 1.5. Specifically, riding a bicycle on the Delaware Aqueduct sidewalks and towpaths is prohibited.

Appendix A:

Overview: Special Use Permits are issued for use at Upper Delaware under authority as outlined in 36 CFR 1.6 and 54 USC 100101.

Special Use Permits (SUP)'s may be issued, at the discretion of the Superintendent, to businesses, civic organizations and private organizations who wish to utilize park resources for events, meetings, conferences and programs. The use of any park facilities is limited in number as determined by the Superintendent. Regular monthly meetings shall not be permitted in order to avoid monopolization by any one group and to make the facilities available for use by a wide range of local and regional organizations.

To apply for a SUP contact the National Park Service Headquarters Office for the Upper Delaware, 1.5 miles north of Narrowsburg, NY on the Pennsylvania side of the Delaware River between the hours of 8:00 a.m. and 4:00 p.m. on weekdays, or by mail at the following address: 274 River Road, Beach Lake, PA 18405-9737. Contact the Special Park Uses Coordinator at (570) 729-8215, ext. 2221 for assistance and information.

Permits might not be issued if it is determined by the Superintendent that the use will result in injury or damage to a park resource, unduly impose restrictions on visitor use activities, or threaten or be a clear and present danger to public health and safety (36 CFR 1.6), be contrary to the purposes for which the park was established, impair the operation of public facilities, unreasonable impair the atmosphere of the peace and tranquility, interfere with the interpretative visitor services or other programs, impair the operation of public facilities, or be in significant conflict with other existing uses within the park.

SUP applications will be processed at a non-refundable charge of \$100.00 to recover associated costs. SUP applications must be completed and submitted with a certified check or money order at least forty-five days (45) prior to the event to allow the Superintendent time to determine if the activity is appropriate.

Commercial Use Authorizations (CUA): CUA's may be issued, at the discretion of the Superintendent, to anyone wishing to conduct commercial business within the jurisdiction of the National Park Service. Contact the Special Park Uses Coordinator at (570) 729-8251, ext. 2221 for information and assistance.

Cooperative Agreements: Organizations who have active cooperative agreements with the park may utilize Park facilities free of charge. Cooperators will only be assessed overtime charges as determined by the Superintendent.

Liability Insurance Standards: A liability insurance policy ranging from \$1,000,000.00 to \$5,000,000.00 + will be required for any special event conducted at the Upper Delaware S&RR. The Superintendent may determine reduced liability insurance coverage for small attendance programs. Events providing alcohol will be required to post a \$1,000,000.00 policy naming the Department of the Interior, National Park Service, Upper Delaware S&RR as co-insured. Insurance will be issued in the name of the group. A certificate of insurance must be provided before the activity may take place and received before the permit will be issued.

Performance Bond: A performance bond is the permittee's guarantee payment for potential damages to park resources. A performance bond will be required if the Superintendent has determined that prior activities conducted by the permittee have resulted in damage to park-owned or legislatively protected resources. A performance bond may also be required if the Superintendent has determined that intensive use of the Upper Delaware Scenic & Recreational River by the permittee

may result in damages to its facilities and resources. The amount of the bond will be calculated based on the total cost of repair for predictable or possible damages that the park does not consider as normal maintenance. Performance bonds will be placed in the park's reimbursable account. Permittee may place a bond with a commercial bonding agent.

Food Service: Events that serve food for the general public will conform to health sanitation standards as outlined in PA/NY State standards.

First Amendment Rights: In accordance with provisions of 36 CFR 2.51, a permit may be issued, at the discretion of the Superintendent, for public assemblies for the purpose of expressing freedom of religion, speech, or press, including the right to peaceable assemblies. No fees, liability insurance or bond shall be assessed for any individual or group claiming First Amendment Rights. The Superintendent shall determine special use permit conditions of time, place and manner to provide for visitor safety and safeguard park resources. The Park shall not support or condone any opinion expressed by special use permittees.

Sale and Distribution of Printed Matter: A permit may be issued, at the discretion of the Superintendent, for such use but the sale and distribution of printed material is limited to areas established in the Compendium (36 CFR 2.52). Permittees shall not restrict visitor traffic, flow, or interfere with interpretive services.

Appendix B:

Description of Designated First Amendment Areas:

Lackawaxen Parking Lot (Delaware Aqueduct):

Grassy area of parking lot bordered by parking lot and sidewalk leading to towpath on downstream side of Delaware Aqueduct and south of sidewalk paralleling roadway and entrance to parking area. Demonstrators may not obstruct the sidewalks or roadways.



Zane Grey Museum:

Grassy area to the south of the bluestone sidewalk leading to the front entrance of the Zane Grey Museum following along Lackawaxen Drive to the southeast corner of the NPS property (marked by concrete posts). West along the mowed portion of the NPS property to the northwest corner of where the property is no longer mowed, then (east) to the sidewalk at the south side of the Zane Grey Museum. Demonstrators may not obstruct the sidewalks or roadways.



