

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 601

Short Title: Railroad Corridors-Interim Use.

(Public)

Sponsors: Representative Gamble.

Referred to: Transportation.

April 4, 1991

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE LEASING OF RAILROAD CORRIDORS BY THE
DEPARTMENT OF TRANSPORTATION FOR INTERIM PURPOSES UNDER
CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 136-44.36 reads as rewritten:

**"§ 136-44.36. Department of Transportation designated as agency to administer
federal and State railroad revitalization programs.**

The General Assembly hereby designates the Department of Transportation as the agency of the State of North Carolina responsible for administering all State and federal railroad revitalization programs. The Department of Transportation is authorized to develop, and the Board of Transportation is authorized to adopt, a State railroad plan, and the Department of Transportation is authorized to do all things necessary under applicable State and federal legislation to properly administer State and federal railroad revitalization programs within the State. Such authority shall include, but shall not be limited to, the power to receive federal funds and distribute and expend federal and State funds for rail programs designed to cover the costs of acquiring, by purchase, lease or other manner as the department considers appropriate, a railroad line or other rail property to maintain existing or to provide future rail service; the costs of rehabilitating and improving rail property on railroad lines to the extent necessary to permit safe, adequate and efficient rail service on such lines; and the costs of constructing rail or rail related facilities for the purpose of improving the quality, efficiency and safety of rail service. The Department shall also have the authority to preserve railroad corridors for future railroad use and interim compatible uses and may lease such corridors for interim

1 compatible uses. Provided, however, the authority to lease the corridors for interim
2 compatible uses shall be limited and shall not apply when the railroad corridor was
3 obtained by an easement granted for nominal consideration or without consideration to
4 the railroad prior to 1900 for a right-of-way that is one hundred feet or less in width
5 which crosses farmland when the easement requires the return of the land to the
6 property owners. In this case, the land shall return to the owners of the underlying or
7 qualified fee. Such authority shall also include the power to receive and administer
8 federal financial assistance without State financial participation to railroad companies to
9 cover the costs of local rail service continuation payments, of rail line rehabilitation, and
10 of rail line construction as listed above. This Article shall not be construed to grant to
11 the department the power or authority to operate directly any rail line or rail facilities."
12 Sec. 2. This act is effective upon ratification.