

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1801*

Short Title: Mecklenburg Rail Banking.

(Local)

Sponsors: Representatives Earle; Alexander, Bridgeman, Easterling, Gulley, McMahan, and C. Wilson.

Referred to: Transportation.

May 25, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE RAIL BANKING OF A PORTION OF THE
3 PIEDMONT AND NORTHERN RAIL CORRIDOR IN MECKLENBURG
4 COUNTY.

5 The General Assembly of North Carolina enacts:

6 Section 1. Notwithstanding the provisions of G.S. 136-44.36D, portions of the
7 Piedmont and Northern Rail Corridor between mileposts SFC 0.75 and SFC 1.52 held by
8 the North Carolina Department of Transportation in fee simple absolute or in some lesser
9 estate, provided in the case of an estate less than fee simple absolute the terms of the
10 instrument or conveyance by which the State holds title does not expressly prohibit the
11 proposed interim use may be leased by the Department for interim public recreation use
12 provided the following conditions are met:

- 13 (1) Before requesting trail use, a sponsoring unit of local government has
14 held a public hearing in accordance with G.S. 143-318.12 and notified
15 the owners of all parcels of land abutting the corridor as shown on the
16 county tax listing of the hearing date, place, and time by first-class mail
17 at the last addresses listed for such owners on the county tax abstracts.
18 A transcript of all public comments presented at the hearing has been

- 1 sent to the North Carolina Department of Transportation at the time of
2 requesting use of the corridor.
- 3 (2) A unit of local government has requested use of the rail corridor or a
4 portion thereof for interim public recreational trail use, and agrees in
5 writing to assume all development costs as well as management,
6 security, and liability responsibilities as defined by the North Carolina
7 Department of Environment and Natural Resources and the North
8 Carolina Department of Transportation.
- 9 (3) Adjacent property owners are offered broad voting representation by
10 membership in the organization, if any, that is delegated most
11 immediate responsibility for development and management of the rail
12 trail by the sponsoring local government.
- 13 (4) The North Carolina Department of Transportation has determined that
14 there will not likely be a need to resume active rail service in the leased
15 portion of the rail corridor for at least 10 years.
- 16 (5) Any lease or other agreement allowing trail use includes terms for
17 resumption of active rail use which will assure unbroken continuation of
18 the corridor's perpetual use for railroad purposes and interim compatible
19 uses.
- 20 (6) Use of the rail corridor or portions thereof as a recreational trail does not
21 interfere with the ultimate transportation purposes of the corridor as
22 determined by the North Carolina Department of Transportation.
- 23 Section 2. This act applies to Mecklenburg County only.
- 24 Section 3. This act is effective when it becomes law.