

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**SENATE BILL 719  
Judiciary I Committee Substitute Adopted 4/12/01  
House Committee Substitute Favorable 5/22/01**

Short Title: TTA Eminent Domain.

(Public)

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Sponsors:

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Referred to:

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March 28, 2001

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE QUICK-TAKE PROCEDURES IN EMINENT DOMAIN  
2 PROCEEDINGS BY A REGIONAL PUBLIC TRANSPORTATION AUTHORITY  
3 AND BY A STATE-OWNED RAILROAD COMPANY.  
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5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 40A-42(a) reads as rewritten:

7 "(a) When a local public condemner is acquiring property by condemnation for a  
8 purpose set out in G.S. 40A-3(b)(1), (4) or (7), or when a city is acquiring property for a  
9 purpose set out in G.S. 160A-311(1), (2), (3), (4), (6), or (7), or when a county is  
10 acquiring property for a purpose set out in G.S. 153A-274(1), (2) or (3), or when a local  
11 board of education or any combination of local boards of education is acquiring  
12 property for any purpose set forth in G.S. 115C-517, or when a condemner is acquiring  
13 property by condemnation as authorized by G.S. 40A-3(c)(8), (9), ~~(10) or (12)~~, (10),  
14 (12), or (13), or when a State-owned railroad company as defined in G.S. 124-11 is  
15 acquiring property as authorized in G.S. 40A-3(a)(5), title to the property and the right  
16 to immediate possession shall vest pursuant to this subsection. Unless an action for  
17 injunctive relief has been initiated, title to the property specified in the complaint,  
18 together with the right to immediate possession thereof, shall vest in the condemner  
19 upon the filing of the complaint and the making of the deposit in accordance with G.S.  
20 40A-41."

21 **SECTION 2.** G.S. 124-12 reads as rewritten:

22 "**§ 124-12. Powers of a State-owned railroad company.**

23 A State-owned railroad company shall have, in addition to the powers of any  
24 railroad corporation, the power to:

- 25 (1) Lease, license, or improve property. – A State-owned railroad  
26 company may lease, license, or improve its right-of-way and property,  
27 whether held by easement, presumptive grant, express grant, or

1 otherwise, for the purpose of preserving and protecting its railroad  
2 corridor and franchise.

3 (2) Condemnation in fee simple. – A State-owned railroad company may  
4 exercise the power of eminent domain to acquire property in fee  
5 simple for the purposes specified in G.S. 40A-3(a)(4). The procedures  
6 of Article 2 of Chapter 40A of the General Statutes shall apply to the  
7 exercise of the power of eminent domain under this ~~subdivision.~~  
8 subdivision, except as otherwise provided in G.S. 40A-42."

9 **SECTION 3.** This act is effective when it becomes law.