

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 662
HOUSE BILL 957

AN ACT TO REQUIRE THAT ORDINANCES RESTRICTING THE SPEED OF
TRAINS BE FILED WITH THE UTILITIES COMMISSION BEFORE
BECOMING EFFECTIVE.

The General Assembly of North Carolina enacts:

Section 1. Chapter 62 of the General Statutes is amended by adding a new section to read:

"§ 62-238.1. Ordinances regulating train speeds in municipalities filed with the Commission. – (a) When an ordinance limiting the speed of trains within the corporate limits of a municipality is enacted, pursuant to G.S. 160A-195, the city enacting the ordinance shall file with the Commission a certified copy of the ordinance plus one additional certified copy for each railroad corporation operating on the tracks through the affected city.

(b) The Commission shall mail a certified copy of each ordinance filed pursuant to subsection (a) of this section, by registered or certified mail with a return receipt requested, to the agent registered pursuant to G.S. 55-13 of each railroad corporation operating on the tracks through the affected city. Thereafter, the Commission shall notify the city of the date of receipt of the certified copy of the ordinance by the registered agent of each railroad corporation affected.

(c) No ordinance limiting train speed within the corporate limits of the city shall become effective until 20 days after the certified copies of the ordinance have been received by all of the registered agents of the railroads pursuant to subsection (b) of this section."

Sec. 2. G.S. 62-239 (a) is amended by adding immediately after the words "may file its petition before the Commission," the words "within 20 days of receipt of the certified copy of the ordinance limiting the speed of the trains within a city as required by G.S. 62-238.1(b),".

Sec. 3. G.S. 160A-195 is amended by adding a new sentence at the end to read:

"Any such ordinance shall be filed with the Utilities Commission as required by G.S. 62-238.1."

Sec. 4. This act shall become effective October 1, 1985.

In the General Assembly read three times and ratified, this the 9th day of July, 1985.