

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 1071
SENATE BILL 1557

AN ACT TO PRESERVE NORTH CAROLINA RAILWAY CORRIDORS.

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 ~~financial assistance—funds~~ for rail ~~freight—assistance~~ 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 line; and the costs of constructing rail or rail related facilities for the purpose of improving the quality, efficiency and safety of ~~freight—~~rail service. The Department shall also have the authority to preserve railroad corridors for future railroad use and interim compatible uses. Such authority shall also include the power to receive and administer federal financial assistance without State financial participation to railroad companies to cover the costs of local rail service continuation payments, of rail line rehabilitation, and of rail line construction as listed above. This Article shall not be construed to grant to the department the power or authority to ~~purchase or operate~~ directly any rail line or rail facilities."

Sec. 2. Article 2D of Chapter 136 of the General Statutes is amended by adding a new section to read:

"§ 136-44.36A. Railway corridor preservation.—The North Carolina Department of Transportation is authorized, pursuant to 16 U.S.C.A. 1247(d), to preserve rail transportation corridors and permit compatible interim uses of such corridors."

Sec. 3. If the Congress of the United States repeals the authorization contained in 16 U.S.C.A. 1247(d) or if a court of competent jurisdiction declares the provisions to be unconstitutional or otherwise invalid, following any appellate review,

then Section 2 of this act shall expire upon certification by the Secretary of State that the federal authorization has been repealed or has been invalidated.

Sec. 4. The Department of Transportation is authorized to proceed under Section 2 of this act, but the payment of just compensation may be provided to the underlying fee owners in accordance with Article 9 of Chapter 136 of the General Statutes, the same as if the railroad had been abandoned rather than preserved for future railroad use and compatible interim uses.

Sec. 5. The Department of Transportation shall develop a proposed high speed rail corridor plan for North Carolina, in conjunction with the Department's railway corridor preservation program. The Department shall present its plan to the 1989 General Assembly for its review and approval.

Sec. 6. G.S. 1-44.2(c) is repealed.

Sec. 7. This act is effective upon ratification and applies only to railroad corridors and abandonments after the date of ratification of this act.

In the General Assembly read three times and ratified this the 7th day of July, 1988.