

**§ 160A-882. Definition of territorial jurisdiction of the Authority; rail corridor boundary and service area designation.**

(a) An Authority may be created for any area of the State that, at the time of creating the Authority, meets the following criteria:

- (1) The area consists of three or more contiguous counties each containing portions of an existing rail corridor, with one of the counties having a population in excess of 150,000 but less than 200,000 based on the 2020 census and the other two contiguous counties having a population in excess of 75,000 but less than 90,000 based on the same census.
- (2) The distance between the rail corridor milepost origination and termination points is no more than 25 miles in length.
- (3) If the Authority intends to receive existing rail corridor interests in property, those rail property interests can be transferred to the Authority without purchase of those rail corridor interests in property.
- (4) An Authority shall not have jurisdiction over any Class I railroad, as that term is defined under 49 U.S.C. § 20102 and 49 C.F.R. § 1201.1-1, nor a rail line or rail corridor owned or operated by the United States Department of Defense, nor a rail line owned or operated by the North Carolina Railroad Company or its subsidiaries.

(b) The territorial jurisdiction of the Authority shall be coterminous with the boundaries of the three or more organizing counties, except as provided in subdivision (3) of subsection (a) of this section.

(c) The rail corridor service area of the Authority shall be designated by and recorded in the minutes of the Board of Trustees, consistent with its purpose, and shall not exceed the immediately adjacent and proximate area of the rail corridor as owned or otherwise controlled by the Authority for the powers provided under G.S. 160A-886.

(d) The boundaries of the rail corridor of the Authority shall be designated by and recorded in the minutes of the Board of Trustees once the properties and rail line making up the rail corridor are in the Authority's possession or control. If there is a change in the rail corridor boundaries after it is initially designated, the rail corridor designation shall be updated and recorded in the minutes of the Board of Trustees at its next meeting. The Authority may not extend the rail corridor into a political subdivision that is not an organizing entity under G.S. 160A-883 without (i) the consent of the governing body of that political subdivision or (ii) the political subdivision having first become an organizing entity as provided under G.S. 160A-883(e). A majority vote of the governing body shall constitute consent. The Authority may not at any time extend its rail corridor to be longer than 25 miles in compliance with subdivision (2) of subsection (a) of this section through any subsequent addition.

(e) The designation required by subsection (d) of this section shall describe the rail corridor boundaries by its rail milepost origination and termination points and one or more of the following:

- (1) Reference to a map, deed, or other title instrument.
- (2) Metes and bounds.
- (3) General descriptions referring to natural boundaries, boundaries of existing political subdivisions, or boundaries of tracts or parcels of land. (2024-45, s. 19.4(a).)