

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1246
Committee Substitute Favorable 5/10/89

Short Title: Railroad Corridor Eminent Domain.

(Public)

Sponsors:

Referred to:

April 12, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO
3 CONDEMN PROPERTY FOR RAILROAD CORRIDOR PRESERVATION.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 136-44.35 reads as rewritten:

6 "**§ 136-44.35. Railroad revitalization and corridor preservation a public purpose.**

7 The General Assembly hereby finds that programs for railroad revitalization which
8 assure the maintenance of safe, adequate, and efficient rail transportation services and
9 that programs for railway corridor preservation which assure the availability of such
10 corridors in the future are vital to the continued growth and prosperity of the State and
11 serve the public purpose."

12 Sec. 2. G.S. 136-44.36 reads as rewritten:

13 "**§ 136-44.36. Department of Transportation designated as agency to administer**
14 **federal and State railroad revitalization programs.**

15 The General Assembly hereby designates the Department of Transportation as the
16 agency of the State of North Carolina responsible for administering all State and federal
17 railroad revitalization programs. The Department of Transportation is authorized to
18 develop, and the Board of Transportation is authorized to adopt, a State railroad plan,
19 and the Department of Transportation is authorized to do all things necessary under
20 applicable State and federal legislation to properly administer State and federal railroad
21 revitalization programs within the State. Such authority shall include, but shall not be
22 limited to, the power to receive federal funds and distribute and expend federal and
23 State funds for rail programs designed to cover the costs of acquiring, by purchase, lease

1 or other manner as the department considers appropriate, a railroad line or other rail
2 property to maintain existing or to provide future rail service; the costs of rehabilitating
3 and improving rail property on railroad lines to the extent necessary to permit safe,
4 adequate and efficient rail service on such line; and the costs of constructing rail or rail
5 related facilities for the purpose of improving the quality, efficiency and safety of rail
6 service. The Department shall also have the authority to preserve railroad corridors for
7 future railroad use and interim compatible uses and may lease such corridors for interim
8 compatible uses. Such authority shall also include the power to receive and administer
9 federal financial assistance without State financial participation to railroad companies to
10 cover the costs of local rail service continuation payments, of rail line rehabilitation, and
11 of rail line construction as listed above. This Article shall not be construed to grant to
12 the department the power or authority to operate directly any rail line or rail facilities."

13 Sec. 3. Chapter 136 of the General Statutes is amended by adding a new
14 section to read:

15 "**§ 136-44.35A. Department to have condemnation authority for corridor**
16 **preservation.**

17 The Department of Transportation may acquire by purchase, gift, condemnation, or
18 otherwise lands necessary for railroad or railroad corridor preservation. The
19 Department may condemn lands for these purposes in accordance with the procedures in
20 Article 9 of this Chapter provided this authority shall not apply to existing active
21 railroad lines."

22 Sec. 4. This act is effective upon ratification.