

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 758

Short Title: Preserve Railroad Easements.

(Public)

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Sponsors: Senators Sherron; and Carpenter.

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Referred to: Transportation.

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April 8, 1993

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE FILING OF AN AFFIDAVIT BY THE SECRETARY OF  
TRANSPORTATION OR BY AN OFFICER OF THE RAILROAD TO STATE AN  
INTENTION TO PRESERVE A RAILROAD EASEMENT FOR FUTURE  
TRANSPORTATION PURPOSES AND NEGATE THE PRESUMPTION OF  
ABANDONMENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1-44.1 reads as rewritten:

"§ 1-44.1. **Presumption of abandonment of railroad ~~right~~. easement.**

(a) Any railroad which has removed its tracks from a ~~right-of-way~~ an easement and has not replaced them in whole or in part within a period of seven (7) years after such removal and which has not made any railroad use of any part of such ~~right-of-way~~ easement after such removal of tracks for a period of seven (7) years after such removal, shall be presumed to have abandoned the railroad ~~right-of-way~~ easement.

(b) Notwithstanding subsection (a) of this section, an abandonment shall not be presumed if an affidavit executed by (i) an appropriate officer of the railroad holding railroad easements or (ii) the Secretary of the Department of Transportation is recorded in the registry of the county in which easements are located stating the affiant's intention to preserve easements for future transportation use.

Sec. 2. This act is effective upon ratification.