

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 673
HOUSE BILL 281

AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ACQUIRE PROPERTY FOR NEW RAILROAD CORRIDORS AND TO ENTER INSTALLMENT CONTRACTS FOR THE PURCHASE OF RAILROAD CORRIDORS AND OTHER RAIL PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 136-44.36B reads as rewritten:

"§ 136-44.36B. Power of Department to preserve and acquire railroad corridors.

In exercising its power to preserve railroad corridors, the Department of Transportation may acquire property for new railroad corridors and may acquire property that is or has been part of a railroad corridor and is not part of an existing, active railroad line by purchase, gift, condemnation, or other ~~method.~~ method, provided that the Department may not condemn part of an existing, active railroad line. The procedures in Article 9 of this Chapter apply when the Department condemns property to preserve or acquire a railroad corridor."

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

"§ 136-44.36C. Installment contracts authorized.

The Department of Transportation may purchase active or inactive railroad lines, corridors, rights-of-way, locomotives, rolling stock, and other rail property, both real and personal, by installment contracts which create in the property purchased a security interest to secure payment of the purchase money. No deficiency judgment may be rendered against the Department of Transportation in any action for breach of a contractual obligation authorized by this section, and the taxing power of the State is not and may not be pledged directly or indirectly to secure any money due the seller."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 13th day of July, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives