

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 466

Short Title: Railroad Corridor Eminent Domain.

(Public)

Sponsors: Senator Block.

Referred to: Transportation.

March 16, 1989

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF ADMINISTRATION TO
CONDEMN PROPERTY FOR RAILROAD CORRIDOR PRESERVATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 146-22.1 reads as rewritten:

"§ 146-22.1. Acquisition of property.

In order to carry out the duties of the Department of Administration as set forth in Chapters 143 and 146 of the General Statutes, the Department of Administration is authorized and empowered to acquire by purchase, gift, condemnation or otherwise:

- (1) Lands necessary for the construction and operation of State buildings and other governmental facilities.
- (2) Lands necessary for construction and operation of parking facilities.
- (3) An area in the City of Raleigh bounded by Edenton Street, Person Street, Peace Street, the right-of-way of the main line of Seaboard Coast Line Railway and North McDowell Street for the expansion of State governmental facilities, the public interest in, public use of, and the necessity for the acquisition of said area, being hereby declared as a matter of legislative determination.
- (4) Lands necessary for the location, expansion, operation and improvement of hospital and mental health facilities and similar institutions maintained by the State of North Carolina.
- (5) Lands necessary for public parks and forestry purposes.
- (6) Lands involving historical sites, together with such adjacent lands as may be necessary for their preservation, maintenance and operation.

- 1 (7) Lands necessary for the location, expansion and improvement of any
2 educational, penal or correctional institution.
- 3 (8) Lands necessary to provide public access to the waters within the
4 State.
- 5 (9) Lands necessary for agricultural, experimental and research facilities.
- 6 (10) Utility and access easement, rights-of-way, estates for terms of years
7 or fee simple title to lands necessary or convenient to the operation
8 of State-owned facilities.
- 9 (11) Lands necessary for the development and preservation of the
10 estuarine areas of the State.
- 11 (12) Lands necessary for the development of waterways within the State.
- 12 (13) Lands necessary for acquisition of all or part of an area of
13 environmental concern, as requested pursuant to G.S. 113A- 123.
- 14 (14) Lands necessary for the construction of hazardous waste facilities as
15 defined in G.S. 130-166.16(5) and lands necessary for the
16 construction of low-level radioactive waste facilities as defined in
17 G.S. 104E-5(9b).
- 18 (15) Lands necessary for railroad or railroad corridor preservation."

19 Sec. 2. G.S. 136-44.35 reads as rewritten:

20 "**§ 136-44.35. Railroad revitalization and corridor preservation a public purpose.**

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

26 Sec. 3. G.S. 136-44.36 reads as rewritten:

27 "**§ 136-44.36. Department of Transportation designated as agency to administer**
28 **federal and State railroad revitalization programs.**

29 The General Assembly hereby designates the Department of Transportation as the
30 agency of the State of North Carolina responsible for administering all State and federal
31 railroad revitalization programs. The Department of Transportation is authorized to
32 develop, and the Board of Transportation is authorized to adopt, a State railroad plan,
33 and the Department of Transportation is authorized to do all things necessary under
34 applicable State and federal legislation to properly administer State and federal railroad
35 revitalization programs within the State. Such authority shall include, but shall not be
36 limited to, the power to receive federal funds and distribute and expend federal and
37 State funds for rail programs designed to cover the costs of acquiring, by purchase, lease
38 or other manner as the department considers appropriate, a railroad line or other rail
39 property to maintain existing or to provide future rail service; the costs of rehabilitating
40 and improving rail property on railroad lines to the extent necessary to permit safe,
41 adequate and efficient rail service on such line; and the costs of constructing rail or rail
42 related facilities for the purpose of improving the quality, efficiency and safety of rail
43 service. The Department shall also have the authority to preserve railroad corridors for
44 future railroad use and interim compatible uses and may lease such corridors for interim

1 compatible uses. Such authority shall also include the power to receive and administer
2 federal financial assistance without State financial participation to railroad companies to
3 cover the costs of local rail service continuation payments, of rail line rehabilitation, and
4 of rail line construction as listed above. This Article shall not be construed to grant to
5 the department the power or authority to operate directly any rail line or rail facilities."

6 Sec. 4. Chapter 136 of the General Statutes is amended by adding a new
7 section to read:

8 "**§ 136-44.36.1. Department to have condemnation authority for corridor**
9 **preservation.**

10 The Department of Transportation may acquire by purchase, gift, condemnation, or
11 otherwise lands necessary for railroad or railroad corridor preservation. The
12 Department may condemn lands for these purposes in accordance with the procedures in
13 Article 9 of this Chapter."

14 Sec. 5. This act is effective upon ratification.