

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 600
SENATE BILL 466

AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN PROPERTY FOR RAILROAD CORRIDOR PRESERVATION, TO EXPAND THE AUTHORITY OF THE DEPARTMENT TO PROVIDE RAIL REVITALIZATION FUNDS, AND TO PERMIT CITIES AND COUNTIES TO PRESERVE RAILROAD CORRIDORS.

The General Assembly of North Carolina enacts:

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

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

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

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

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

The General Assembly hereby designates the Department of Transportation as the agency of the State of North Carolina responsible for administering all State and federal railroad revitalization programs. The Department of Transportation is authorized to develop, and the Board of Transportation is authorized to adopt, a State railroad plan, and the Department of Transportation is authorized to do all things necessary under applicable State and federal legislation to properly administer State and federal railroad revitalization programs within the State. Such authority shall include, but shall not be limited to, the power to receive federal funds and distribute and expend federal and State funds for rail programs designed to cover the costs of acquiring, by purchase, lease or other manner as the department considers appropriate, a railroad line or other rail property to maintain existing or to provide future rail service; the costs of rehabilitating and improving rail property on railroad lines to the extent necessary to permit safe, adequate and efficient rail service on such ~~line; lines;~~ and the costs of constructing rail or rail related facilities for the purpose of improving the quality, efficiency and safety of rail service. The Department shall also have the authority to preserve railroad corridors for future railroad use and interim compatible uses. and may lease such corridors for interim compatible uses. Such authority shall also include the power to receive and administer federal financial assistance without State financial participation to railroad companies to cover the costs of local rail service continuation payments, of rail line

rehabilitation, and of rail line construction as listed above. This Article shall not be construed to grant to the department the power or authority to operate directly any rail line or rail facilities."

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

"§ 136-44.36A. Power of Department to preserve railroad corridors.

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

Sec. 4. G.S. 136-44.38 reads as rewritten:

"§ 136-44.38. Department to provide State and federal financial assistance to cities and counties for rail revitalization.

(a) The Department of Transportation is authorized to distribute to cities and counties State financial assistance for local rail revitalization programs provided that every rail revitalization project for which State financial assistance would be utilized must be approved by the Board of Transportation and by the Director of the Budget. Prior to taking any action under this ~~subsection, section,~~ the Director of the Budget may consult with the Advisory Budget Commission.

~~(b) State financial assistance to counties as authorized by this Article may not exceed ten percent (10%) of total project costs."~~

Sec. 5. G.S. 153A-149(c) reads as rewritten:

"(c) Each county may levy property taxes for one or more of the purposes listed in this subsection up to an effective combined rate of one dollar and fifty cents (\$1.50) on the one hundred dollars (\$100.00) appraised value of property subject to taxation before the application of any assessment ratio. To find the actual rate limit for a particular county, divide the effective rate limit of one dollar and fifty cents (\$1.50) by the county assessment ratio. Authorized purposes subject to the rate limitation are:

- (1) To provide for the general administration of the county through the board of county commissioners, the office of the county manager, the office of the county budget officer, the office of the county finance officer, the office of the county assessor, the office of the county tax collector, the county purchasing agent, and the county attorney, and for all other general administrative costs not allocated to a particular board, commission, office, agency, or activity of the county.
- (2) Agricultural Extension. – To provide for the county's share of the cost of maintaining and administering programs and services offered to agriculture by or through the Agricultural Extension Service or other agencies.
- (3) Air Pollution. – To maintain and administer air pollution control programs.
- (4) Airports. – To establish and maintain airports and related aeronautical facilities.

- (5) Ambulance Service. – To provide ambulance services, rescue squads, and other emergency medical services.
- (6) Animal Protection and Control. – To provide animal protection and control programs.
- (6a) Arts Programs and Museums. – To provide for arts programs and museums as authorized in G.S. 160A-488.
- (6b) Auditoriums, coliseums, and convention and civic centers. – To provide public auditoriums, coliseums, and convention and civic centers.
- (7) Beach Erosion and Natural Disasters. – To provide for shoreline protection, beach erosion control, and flood and hurricane protection.
- (8) Cemeteries. – To provide for cemeteries.
- (9) Civil Preparedness. – To provide for civil preparedness programs.
- (10) Debts and Judgments. – To pay and discharge any valid debt of the county or any judgment lodged against it, other than debts and judgments evidenced by or based on bonds and notes.
- (10a) Defense of Employees and Officers. – To provide for the defense of, and payment of civil judgments against, employees and officers or former employees and officers, as authorized by this Chapter.
- (10b) Economic Development. – To provide for economic development as authorized by G.S. 158-12.
- (11) Fire Protection. – To provide fire protection services and fire prevention programs.
- (12) Forest Protection. – To provide forest management and protection programs.
- (13) Health. – To provide for the county's share of maintaining and administering services offered by or through the county or district health department.
- (14) Historic Preservation. – To undertake historic preservation programs and projects.
- (15) Hospitals. – To establish, support and maintain public hospitals and clinics, and other related health programs and facility, or to aid any private, nonprofit hospital, clinic, related facilities, or other health program or facility.
- (15a) Housing Rehabilitation. – To provide for personnel costs related to planning and administration of housing rehabilitation programs authorized by G.S. 153A-376. This subdivision only applies to counties with a population of 400,000 or more, according to the most recent decennial federal census.
- (16) Human Relations. – To undertake human relations programs.
- (16a) Industrial Development. – To provide for industrial development as authorized by G.S. 158-7.1.

- (17) Joint Undertakings. – To cooperate with any other county, city, or political subdivision in providing any of the functions, services, or activities listed in this subsection.
- (18) Law Enforcement. – To provide for the operation of the office of the sheriff of the county and for any other county law-enforcement agency not under the sheriff's jurisdiction.
- (19) Libraries. – To establish and maintain public libraries.
- (20) Mapping. – To provide for mapping the lands of the county.
- (21) Medical Examiner. – To provide for the county medical examiner or coroner.
- (22) Mental Health. – To provide for the county's share of the cost of maintaining and administering services offered by or through the area mental health, mental retardation, and substance abuse authority.
- (23) Open Space. – To acquire open space land and easements in accordance with Article 19, Part 4, Chapter 160A of the General Statutes.
- (24) Parking. – To provide off-street lots and garages for the parking and storage of motor vehicles.
- (25) Parks and Recreation. – To establish, support and maintain public parks and programs of supervised recreation.
- (26) Planning. – To provide for a program of planning and regulation of development in accordance with Article 18 of this Chapter and Article 19, Parts 3A and 6, of Chapter 160A of the General Statutes.
- (27) Ports and Harbors. – To participate in programs with the North Carolina Ports Authority and provide for harbor masters.
- (28) Register of Deeds. – To provide for the operation of the office of the register of deeds of the county.
- (29) Sewage. – To provide sewage collection and treatment services as defined in G.S. 153A-274(2).
- (30) Social Services. – To provide for the public welfare through the maintenance and administration of public assistance programs not required by Chapters 108A and 111 of the General Statutes, and by establishing and maintaining a county home.
- (31) Solid Waste. – To provide solid waste collection and disposal services, and to acquire and operate landfills.
- (32) Surveyor. – To provide for a county surveyor.
- (33) Veterans' Service Officer. – To provide for the county's share of the cost of services offered by or through the county veterans' service officer.
- (34) Water. – To provide water supply and distribution systems.
- (35) Watershed Improvement. – To undertake watershed improvement projects.
- (36) Water Resources. – To participate in federal water resources development projects.

(37) Armories. – To supplement available State or federal funds to be used for the construction (including the acquisition of land), enlargement or repair of armory facilities for the North Carolina national guard.

(38) Railway Corridor Preservation. – To acquire property for railroad corridor preservation as authorized by G.S. 160A-498."

Sec. 6. G.S. 153A-445(a) reads as rewritten:

"(a) A county may take action under the following provisions of Chapter 160A:

- (1) Chapter 160A, Article 20, Part 1. – Joint Exercise of Powers.
- (2) Chapter 160A, Article 20, Part 2. – Regional Councils of Governments.
- (3) G.S. 160A-487. – Financial support for rescue squads.
- (4) G.S. 160A-488. – Art galleries and museums.
- (5) G.S. 160A-492. – Human relations programs.
- (6) G.S. 160A-497. – Senior citizens programs.
- (7) G.S. 160A-489. – Auditoriums, coliseums, and convention and civic centers.
- (8) G.S. 160A-498. – Railroad corridor preservation."

Sec. 7. G.S. 159-48(b) reads as rewritten:

"(b) Each county and city is authorized to borrow money and issue its bonds under this Article in evidence thereof for the purpose of paying any capital costs of any one or more of the following:

- (1) Providing airport facilities, including without limitation related land, landing fields, runways, clear zones, lighting, navigational and signal systems, hangars, terminals, offices, shops, and parking facilities.
- (2) Providing armories for the North Carolina national guard.
- (3) Providing auditoriums, coliseums, arenas, stadiums, civic centers, convention centers, and facilities for exhibitions, athletic and cultural events, shows, and public gatherings.
- (4) Providing beach improvements, including without limitation jetties, seawalls, groins, moles, sand dunes, vegetation, additional sand, pumps and related equipment, and drainage channels, for the control of beach erosion and the improvement of beaches.
- (5) Providing cemeteries.
- (6) Providing facilities for fire fighting and prevention, including without limitation headquarters buildings, station buildings, training facilities, hydrants, alarm systems, and communications systems.
- (7) Providing hospital facilities, including without limitation general, tuberculosis, mental, chronic disease, and other types of hospitals and related facilities such as laboratories, outpatient departments, nurses' homes and training facilities, and central service facilities operated in connection with hospitals; facilities for the provision of public health services, including related facilities such as laboratories, clinics, and administrative offices; facilities specially designed for the diagnosis, treatment, education, training, or custodial care of the mentally

retarded, including facilities for training specialists and sheltered workshops for the mentally retarded; nursing homes; and in connection with the foregoing, laundries, nurses', doctors', or interns' residences, administrative buildings, research facilities, maintenance, storage, and utility facilities, auditoriums, dining halls, food service and preparation facilities, fire prevention facilities, mental and physical health care facilities, dental care facilities, nursing schools, mental teaching facilities, offices, parking facilities, and other supporting service structures.

- (8) Providing land for corporate purposes.
- (9) Providing facilities for law enforcement, including without limitation headquarters buildings, station buildings, jails and other confinement facilities, training facilities, alarm systems, and communications systems.
- (10) Providing library facilities, including without limitation fixed and mobile libraries.
- (11) Providing art galleries, museums, and art centers, and providing for historic properties.
- (12) Providing parking facilities, including on- and off-street parking, and in connection therewith any area or place for the parking and storing of automobiles and other vehicles open to public use, with or without charge, including without limitation meters, buildings, garages, driveways, and approaches.
- (13) Providing parks and recreation facilities, including without limitation land, athletic fields, parks, playgrounds, recreation centers, shelters, stadiums, arenas, permanent and temporary stands, golf courses, swimming pools, wading pools, marinas, and lighting.
- (14) Providing public building, including without limitation buildings housing courtrooms, other court facilities, and council rooms, office buildings, public markets, public comfort stations, warehouses, and yards.
- (15) Providing public vehicles, including without limitation those for law enforcement, fire fighting and prevention, sanitation, street paving and maintenance, safety and public health, and other corporate purposes.
- (16) Providing for redevelopment through the acquisition of land and the improvement thereof for assisting local redevelopment commissions.
- (17) Providing sanitary sewer systems, including without limitation community sewerage facilities for the collection, treatment, and disposal of sewage or septic tank systems and other on-site collection and disposal facilities or systems.
- (18) Providing solid waste disposal systems, including without limitation land for sanitary landfills, incinerators, and other structures and buildings.

- (19) Providing storm sewers and flood control facilities, including without limitation levees, dikes, diversionary channels, drains, catch basins, and other facilities for storm water drainage.
- (20) Providing voting machines.
- (21) Providing water systems, including without limitation facilities for the supply, storage, treatment, and distribution of water.
- (22) Providing for any other purpose for which it is authorized, by general laws uniformly applicable throughout the State, to raise or appropriate money, except for current expenses.
- (23) Providing public transportation facilities, including without limitation equipment for public transportation, buses, surface and below-ground railways, ferries, and garage facilities.
- (24) Providing industrial parks, land suitable for industrial or commercial purposes, shell buildings, in order to provide employment opportunities for citizens of the county or city.
- (25) Providing property to preserve a railroad corridor."

Sec. 8. G.S. 160A-209(c) reads as rewritten:

"§ 160A-209. Property taxes.

(c) Each city may levy property taxes for one or more of the following purposes subject to the rate limitation set out in subsection (d):

- (1) Administration. – To provide for the general administration of the city through the city council, the office of the city manager, the office of the city budget officer, the office of the city finance officer, the office of the city tax collector, the city purchasing agent, the city attorney, and for all other general administrative costs not allocated to a particular board, commission, office, agency, or activity.
- (2) Air Pollution. – To maintain and administer air pollution control programs.
- (3) Airports. – To establish and maintain airports and related aeronautical facilities.
- (4) Ambulance Service. – To provide ambulance services, rescue squads, and other emergency medical services.
- (5) Animal Protection and Control. – To provide animal protection and control programs.
- (5a) Arts Programs and Museums. – To provide for arts programs and museums as authorized in G.S. 160A-488.
- (6) Auditoriums, Coliseums, and Convention Centers. – To provide public auditoriums, coliseums, and convention centers.
- (7) Beach Erosion and Natural Disasters. – To provide for shoreline protection, beach erosion control and flood and hurricane protection.
- (8) Cemeteries. – To provide for cemeteries.
- (9) Civil Defense. – To provide for civil defense programs.
- (9a) Community Development. – To provide for community development as authorized by G.S. 160A-456 and 160A-457.

- (10) Debts and Judgments. – To pay and discharge any valid debt of the city or any judgment lodged against it, other than debts or judgments evidenced by or based on bonds or notes.
- (10a) Defense of Employees and Officers. – To provide for the defense of, and payment of civil judgments against, employees and officers or former employees and officers, as authorized by this Chapter.
- (10b) Economic Development. – To provide for economic development as authorized by G.S. 158-12.
- (10c) Drainage. – To provide for drainage projects or programs in accordance with Chapter 156 of the General Statutes or in accordance with this Chapter.
- (11) Elections. – To provide for all city elections and referendums.
- (12) Electric Power. – To provide electric power generation, transmission, and distribution services.
- (13) Fire Protection. – To provide fire protection services and fire prevention programs.
- (14) Gas. – To provide natural gas transmission and distribution services.
- (15) Historic Preservation. – To undertake historic preservation programs and projects.
- (15a) Housing. – To undertake housing projects as defined in G.S. 157-3, and urban homesteading programs under G.S. 160A-457.2.
- (16) Human Relations. – To undertake human relations programs.
- (17) Hospitals. – To establish, support and maintain public hospitals and clinics, and other related health programs and facilities, and to aid any private, nonprofit hospital, clinic, related facility, or other health program or facility.
- (17a) Industrial Development. – To provide for industrial development as authorized by G.S. 158-7.1.
- (18) Jails. – To provide for the operation of a jail and other local confinement facilities.
- (19) Joint Undertakings. – To cooperate with any other county, city, or political subdivision of the State in providing any of the functions, services, or activities listed in this subsection.
- (20) Libraries. – To establish and maintain public libraries.
- (21) Mosquito Control.
- (22) Off-Street Parking. – To provide off-street lots and garages for the parking and storage of motor vehicles.
- (23) Open Space. – To acquire open space land and easements in accordance with Article 19, Part 4, of this Chapter.
- (24) Parks and Recreation. – To establish, support and maintain public parks and programs of supervised recreation.
- (25) Planning. – To provide for a program of planning and regulation of development in accordance with Article 19 of this Chapter.
- (26) Police. – To provide for law enforcement.

- (27) Ports and Harbors. – To participate in programs with the North Carolina Ports Authority and to provide for harbor masters.
- (27a) Senior Citizens Programs. – To undertake programs for the assistance and care of its senior citizens.
- (28) Sewage. – To provide sewage collection and treatment services as defined in G.S. 160A-311(3).
- (29) Solid Waste. – To provide solid waste collection and disposal services, and to acquire and operate landfills.
- (30) Streets. – To provide for the public streets, sidewalks, and bridges of the city.
- (31) Traffic Control and On-Street Parking. – To provide for the regulation of vehicular and pedestrian traffic within the city, and for the parking of motor vehicles on the public streets.
- (31a) Urban Redevelopment. – To provide for urban redevelopment.
- (32) Water. – To provide water supply and distribution services.
- (33) Water Resources. – To participate in federal water resources development projects.
- (34) Watershed Improvement. – To undertake watershed improvement projects.
- (35) Railroad Corridor Preservation. – To acquire property for railroad corridor preservation."

Sec. 9. Article 21 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-498. Railroad corridor preservation.

A city or county may acquire property, by purchase or gift, to preserve a railroad corridor established by the Department of Transportation. A city or county that acquires property to preserve a railroad corridor may lease the property or use the property for interim compatible uses until the property is used for a railroad."

Sec. 10. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 11th day of July, 1989.