

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 601  
Committee Substitute Favorable 5/9/91

Short Title: Railroad Corridors-Interim Use.

(Public)

Sponsors:

Referred to:

April 4, 1991

1 A BILL TO BE ENTITLED  
2 AN ACT TO REGULATE THE LEASING OF RAILROAD CORRIDORS BY THE  
3 DEPARTMENT OF TRANSPORTATION FOR PUBLIC RECREATION  
4 PURPOSES.

5 The General Assembly of North Carolina enacts:

6 Section 1. Chapter 136 of the General Statutes is amended by adding a new  
7 section to read:

8 **"§ 136-44.36C. Recreational leasing requirements.**

9 Portions of rail corridors held by the North Carolina Department of Transportation in  
10 fee simple absolute may be leased by the Department for interim public recreation use  
11 provided the following conditions are met:

12 (1) Before requesting trail use, a sponsoring unit of local government has  
13 held a public hearing in accordance with G.S. 143-318.12 and notified  
14 the owners of all parcels of land abutting the corridor as shown on the  
15 county tax listing of the hearing date, place, and time by first-class  
16 mail at the last addresses listed for such owners on the county tax  
17 abstracts. A transcript of all public comments presented at the hearing  
18 has been sent to the North Carolina Department of Transportation at  
19 the time of requesting use of the corridor.

20 (2) A unit of local government has requested use of the rail corridor or a  
21 portion thereof for interim public recreational trail use, and agrees in  
22 writing to assume all development costs as well as management.

- 1                    security, and liability responsibilities as defined by the North Carolina  
2                    Department of Environment, Health, and Natural Resources and the  
3                    North Carolina Department of Transportation.  
4                    (3) Adjacent property owners are offered broad voting representation by  
5                    membership in the organization most immediately having  
6                    responsibility for development and management of the rail-trail.  
7                    (4) The North Carolina Department of Transportation has determined that  
8                    there will not likely be a need to resume active rail service in the  
9                    leased portion of the rail corridor for at least 10 years.  
10                   (5) Any lease or other agreement allowing trail use includes terms for  
11                   resumption of active rail use which will assure unbroken continuation  
12                   of the corridor's perpetual use for railroad purposes.  
13                   (6) Use of the rail corridor or portions thereof as a recreational trail does  
14                   not interfere with the ultimate transportation purposes of the corridor  
15                   as determined by the North Carolina Department of Transportation."  
16                   Sec. 2. This act is effective upon ratification.