

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 131
Second Edition Engrossed 3/7/91

Short Title: Preserve Railroad Easements.

(Public)

Sponsors: Senators Sherron, Allran, Cochrane, Kaplan, and Shaw.

Referred to: Transportation.

February 20, 1991

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW THE FILING OF AN AFFIDAVIT BY THE SECRETARY OF
2 TRANSPORTATION OR BY AN OFFICER OF THE RAILROAD TO STATE AN
3 INTENTION TO PRESERVE A RAILROAD EASEMENT FOR FUTURE
4 TRANSPORTATION PURPOSES AND NEGATE THE PRESUMPTION OF
5 ABANDONMENT. The General Assembly of North Carolina enacts:

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

7 "**§ 1-44.1. Presumption of abandonment of railroad ~~right~~ easement.**

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

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

18 Sec. 2. This act is effective upon ratification.
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