

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 304

Short Title: Rail Corridor Preservation.

(Public)

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Sponsors: Senators Plyler and Conder.

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Referred to: Transportation.

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March 27, 1991

A BILL TO BE ENTITLED

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

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. The procedures in Article 9 of this Chapter apply when the Department condemns property to preserve or acquire a railroad corridor."

Sec. 2. 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 moneys due to the seller."

1           Sec. 3. This act is effective upon ratification.