

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1449*

Short Title: Mecklenburg Rail Banking.

(Local)

Sponsors: Senator Clodfelter.

Referred to: State and Local Government.

May 25, 2000

A BILL TO BE ENTITLED

**AN ACT TO PROVIDE FOR THE RAIL BANKING OF A PORTION OF THE
PIEDMONT AND NORTHERN RAIL CORRIDOR IN MECKLENBURG
COUNTY.**

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding the provisions of G.S. 136-44.36D, portions of the Piedmont and Northern Rail Corridor between mileposts SFC 0.75 and SFC 1.52 held by the North Carolina Department of Transportation in fee simple absolute or in some lesser estate, provided in the case of an estate less than fee simple absolute the terms of the instrument or conveyance by which the State holds title does not expressly prohibit the proposed interim use may be leased by the Department for interim public recreation use provided the following conditions are met:

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

- 1 (2) A unit of local government has requested use of the rail corridor or a
2 portion thereof for interim public recreational trail use, and agrees in
3 writing to assume all development costs as well as management,
4 security, and liability responsibilities as defined by the North Carolina
5 Department of Environment and Natural Resources and the North
6 Carolina Department of Transportation.
- 7 (3) Adjacent property owners are offered broad voting representation by
8 membership in the organization, if any, that is delegated most
9 immediate responsibility for development and management of the rail
10 trail by the sponsoring local government.
- 11 (4) The North Carolina Department of Transportation has determined that
12 there will not likely be a need to resume active rail service in the leased
13 portion of the rail corridor for at least 10 years.
- 14 (5) Any lease or other agreement allowing trail use includes terms for
15 resumption of active rail use which will assure unbroken continuation of
16 the corridor's perpetual use for railroad purposes and interim compatible
17 uses.
- 18 (6) Use of the rail corridor or portions thereof as a recreational trail does not
19 interfere with the ultimate transportation purposes of the corridor as
20 determined by the North Carolina Department of Transportation.
- 21 Section 2. This act applies to Mecklenburg County only.
- 22 Section 3. This act is effective when it becomes law.