

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 131

Short Title: Preserve Railroad Easements.

(Public)

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

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Referred to: Transportation.

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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 the  
15 railroad easement or (ii) the Secretary of the Department of Transportation is recorded  
16 in the county in which the easement is located stating the affiant's intention to preserve  
17 the easement for future transportation use."

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