



1 corporation seeking the cartway agrees to share proportionately with other landowners  
2 authorized to use the crossing the cost of maintaining the private crossing and to protect  
3 and hold harmless the railroad against all liability associated with the crossing, provided  
4 the railroad is being operated in a lawful manner at or in the vicinity of the crossing.  
5 Except as provided in this subsection for the establishment of a cartway over an existing  
6 private railroad crossing, no real estate, right-of-way, easement, leasehold, or other  
7 interest in land which has been condemned by a railroad or has been obtained for a  
8 railroad's use as a right-of-way, depot, or station house shall be used for the  
9 establishment of a cartway or other use under this Article except by agreement with the  
10 railroad. Should a petitioner seeking a cartway request a new railroad crossing, the  
11 railroad shall negotiate in good faith the location of the new crossing at the requested  
12 location or some other mutually agreeable location. The jury of view shall assess the  
13 damages the owner or owners of the land crossed may sustain thereby, and make report  
14 of their findings in writing to the clerk of the superior court. Exceptions to said report  
15 may be filed by any interested party and such exceptions shall be heard and determined  
16 by the clerk of the superior court. The clerk of the superior court may affirm or modify  
17 said report, or set the same aside and order a new jury of view. All damages assessed by  
18 a judgment of the clerk, together with the cost of the proceeding, shall be paid into the  
19 clerk's office before the petitioners shall acquire any rights under said proceeding."

20           **SECTION 2.** This act is effective when it becomes law.