

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 673
HOUSE BILL 1172

AN ACT TO TRANSFER THE RAIL SAFETY SECTION FROM THE UTILITIES COMMISSION TO THE DEPARTMENT OF TRANSPORTATION AND TO DIRECT THE SECRETARY OF TRANSPORTATION TO STUDY THE NEED FOR CONTINUATION OF THE RAIL SAFETY INSPECTION PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. The statutory authority, powers, duties, and functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and purchasing, of the Rail Safety Section of the Transportation Division of the North Carolina Utilities Commission, is transferred to the Department of Transportation.

Sec. 2. G.S. 62-41 reads as rewritten:

"§ 62-41. To investigate accidents involving public utilities; to promote general safety program.

The Commission may conduct a program of accident prevention and public safety covering all public utilities with special emphasis on highway safety and transport safety and may investigate the causes of any accident on a ~~railroad or highway~~ involving a ~~public utility, or any accident in connection with any other~~ public utility. Any information obtained upon such investigation shall be reduced to writing and a report thereof filed in the office of the Commission, which shall be subject to public inspection but such report shall not be admissible in evidence in any civil or criminal proceeding arising from such accident. The Commission may adopt reasonable rules and regulations for the safety of the public as affected by public utilities and the safety of public utility employees. The Commission shall cooperate with and coordinate its activities for public utilities with similar programs of the Division of Motor Vehicles, the Insurance Department, the Industrial Commission and other organizations engaged in the promotion of highway safety and employee safety."

Sec. 3. G.S. 62-235 is repealed.

Sec. 4. G.S. 136-18 is amended by adding two new subdivisions to read:

"(33) The Department of Transportation is empowered and directed, from time to time, to carefully examine into and inspect the condition of each railroad, its equipment and facilities, in regard to the safety and convenience of the public and the railroad employees. If the Department finds any equipment or facilities to be unsafe, it shall at once notify the railroad company and require the company to repair the equipment or facilities.

- (34) The Department of Transportation may conduct, in a manner consistent with federal law, a program of accident prevention and public safety covering all railroads and may investigate the cause of any railroad accident. In order to facilitate this program, any railroad involved in an accident that must be reported to the Federal Railroad Administration shall also notify the Department of Transportation of the occurrence of the accident."

Sec. 5. G.S. 62-236 is recodified as G.S. 136-20.1 and reads as rewritten:

"§ ~~62-236~~. 136-20.1. To require installation and maintenance of block system and safety devices; automatic signals at railroad intersections.

(a) ~~The Commission~~ Department of Transportation is empowered and directed to require any railroad company to install and put in operation and maintain upon the whole or any part of its road a block system of telegraphy or any other reasonable safety device, but no railroad company shall be required to install a block system upon any part of its road unless at least eight trains each way per day are operated on that part.

(b) ~~The Commission~~ Department of Transportation is empowered and directed to require, when public safety demands, where two or more railroads cross each other at a common grade, or any railroad crosses any stream or harbor by means of a bridge, to install and maintain such a system of interlocking or automatic signals as will render it safe for engines and trains to pass over such crossings or bridge without stopping, and to apportion the cost of installation and maintenance between said railroads as may be just and proper."

Sec. 6. The Secretary of Transportation shall study the provision of rail safety inspection services in North Carolina by the State and the Federal Railroad Administration and shall recommend to the General Assembly no later than June 1, 1997, whether the State should continue to perform this service. The recommendation shall be contained in a report filed with the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

Sec. 7. The Department of Transportation shall implement this act within available funds.

Sec. 8. This act becomes effective July 1, 1996.

In the General Assembly read three times and ratified this the 21st day of June, 1996.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives