

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 303

Short Title: Industrial Access Railroad Tracks.

(Public)

Sponsors: Senators Plyler and Conder.

Referred to: Transportation.

March 27, 1991

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO
PROVIDE FUNDING FOR THE CONSTRUCTION OF RAILROAD TRACKS
AND THEIR RELATED FACILITIES TO INDUSTRIES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-348.1. Industrial access railroad tracks.

(a) The General Assembly declares it to be in the public interest that access railroad tracks and facilities be constructed to certain industrial commercial sites where rail freight service is or may be needed by new or substantially expanded industry and that financial assistance be provided to areas seeking to furnish rail freight trackage between the normal limits of existing or proposed common carrier railroad tracks and facilities and the actual site of existing or proposed commercial or industrial buildings and facilities. This section is enacted in furtherance of these purposes and is intended to be comparable to the Department's policy on access road improvements to industrial, manufacturing, research, and recreational projects.

(b) This program shall be recognized as a highway purpose and a minimum of five hundred thousand dollars (\$500,000) annually plus administrative costs will be provided from the Highway Fund in the State Budget Act for the purpose of Industrial Access Railroad Tracks. Program funds not allocated by the conclusion of the fiscal year shall be returned to the Highway Fund.

(c) The Secretary of Transportation shall administer and expend or commit, subject to the approval of the Board of Transportation, such fund for constructing,

1 reconstructing, or improving industrial access railroad tracks and related facilities. The
2 Secretary of Transportation may consult with the Commissioner of Agriculture and the
3 Secretary of Economic and Community Development, or their designated
4 representatives, concerning applications for funds. Funds shall be spent directly by the
5 Secretary or by reimbursement of the local entities, private or public.

6 (d) Funds may be used to construct, reconstruct, or improve part or all of the
7 necessary tracks or related facilities on public or private property currently used or
8 being developed, existent or prospective, for single industries or industrial subdivisions
9 under firm contract or already constructed, including those subdivisions owned or
10 promoted by railroad companies and others. Applications for funds must be approved
11 by the local governing body.

12 (e) In deciding whether to construct any such access track, the Board of
13 Transportation shall consider the cost thereof in relation to prospective volume of rail
14 traffic, capital investments, potential employment, and other economic and public
15 benefits. The Board shall adopt procedures to encourage widespread use of the funds,
16 shall limit allocation of funds so that no county, city, or town receives more than
17 twenty-five percent (25%) of the funds in any one fiscal year unless there are not
18 sufficient applications for use of the available funds, and shall consider the practices of
19 the Department of Transportation in distributing industrial access road funds.

20 (f) Tracks and facilities constructed with such funds shall be the property of the
21 State and shall be made available for use by all common carriers using the railway
22 system to which they connect. The landowners or using businesses shall prior to the
23 commitment of funds by the Secretary be contractually committed to the perpetual
24 maintenance of such tracks and facilities so constructed and to the payment of any costs
25 related to the future relocation or removal of such tracks and facilities."

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