



This Bill Analysis reflects the contents of the bill as it was presented in committee.

HOUSE BILL 1168: Murphy Branch Corridor Reduction.

2019-2020 General Assembly

Committee:	Senate Transportation. If favorable, re-refer to Appropriations/Base Budget. If favorable, re-refer to Rules and Operations of the Senate	Date:	June 17, 2020
Introduced by:	Reps. Corbin, McNeely	Prepared by:	Billy R. Godwin Staff Attorney
Analysis of:	Amendment to Second Edition H1168-ABD-44		

OVERVIEW: The amendment to House Bill 1168 would authorize the Department of Transportation (DOT) to transfer its interests in certain portions of the Murphy Branch rail corridor in Cherokee County to adjacent property owners upon that owner's release of all claims against the State and DOT with respect to the interest conveyed and would eliminate an appropriation and add clarifying language to define Rail Corridor and the transfer process.

CURRENT LAW: The Murphy Branch rail line was constructed in the 1880's as part of the Western North Carolina Railroad whose western terminus was the Town of Murphy. The Andrews to Murphy leg of the branch closed in 1985 and the State purchased the portion of tract between Dillsboro and Murphy.¹ Article 2D of Chapter 136 relates to railroad revitalization and the programs for railway corridor preservation. The Department of Transportation is the State agency responsible for administering all State and federal railroad revitalization programs.

BILL ANALYSIS: The amendment to House Bill 1168 would do all the following:

- Define the term "Rail Corridor" to include specified lands between the Town of Murphy and the Town of Andrews and to exclude any lands owned by the United States, its agencies, and privately owned railroads or privately owned railroad rights-of-way.
- Reduce DOT's right-of-way interests in the Rail Corridor to 25 feet on each side of the center line of the tracks and transfer the remaining portion to adjacent property owners upon the owner's release of all claims against the State and DOT with respect to that right-of-way.
- Require the owner's release of the State and DOT to be executed within two years of the act's effective date and require DOT to provide, at the owner's expense, a quitclaim deed or deed of release to be recorded within two years in the Office of the Cherokee County Register of Deeds.
- Exempt transfers under this act from Council of State or Board of Transportation approval.
- Retain a 15 foot DOT easement on each side of the tracts for tract maintenance and repair which may exist concurrent with a conservation or agricultural easement.
- Repeal a DOT authorization to enter into a lease agreement with Cherokee County and the Towns of Andrews and Murphy for interim public recreation use along part of this corridor.

EFFECTIVE DATE: The act is effective when the bill becomes law.

Staff Attorney Howard Marsilio substantially contributed to this summary.

¹ Andrews to Murphy (A2M) Rail Reactivation Study Project Report, NCDOT Rail Division, February 2015.

<https://www.ncdot.gov/projects/andrews-murphy/Documents/AndrewsMurphyRailReactivationStudy.pdf>

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