



# HOUSE BILL 1168: Murphy Branch Corridor Reduction.

2019-2020 General Assembly

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<b>Committee:</b>		<b>Date:</b>	October 20, 2020
<b>Introduced by:</b>		<b>Prepared by:</b>	Billy R. Godwin Staff Attorney
<b>Analysis of:</b>	S.L. 2020-59		

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**OVERVIEW:** *S.L. 2020-59 reduces the Department of Transportation's (DOT) right-of-way interest in certain portions of the Murphy Branch rail corridor in Cherokee County and transfers certain portions of the Murphy Branch rail corridor in Cherokee County to adjacent real property owners upon the adjacent real property owner's release of all claims against the State and DOT with respect to the interest transferred.*

*This act became effective June 30, 2020.*

**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.<sup>1</sup> Article 2D of Chapter 136 relates to railroad revitalization and the programs for railway corridor preservation. DOT is the State agency responsible for administering all State and federal railroad revitalization programs.

**BILL ANALYSIS:** S.L. 2020-59 does all the following:

- Defines 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.
- Reduces DOT's right-of-way interests in the Rail Corridor to 25 feet on each side of the center line of the tracks and transfers the remaining portion to adjacent real property owners upon the owner's release of all claims against the State and DOT with respect to that right-of-way.
- Requires the owner's release of the State and DOT to be executed within two years of the act's effective date and requires DOT to provide, at no expense to the State or DOT, a quitclaim deed or deed of release to be recorded within two years in the Office of the Cherokee County Register of Deeds.
- Exempts transfers under this act from Council of State or Board of Transportation approval.
- Retains a 15-foot DOT easement on each side of the retained portion of the tracts for tract maintenance and repair which may exist concurrent with a conservation or agricultural easement.
- Repeals 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 became effective June 30, 2020.

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<sup>1</sup> 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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