

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 1703

Short Title: Transfer Ports Railway to State Ports. (Public)

Sponsors: Representatives McComas, Smith, and Preston (Primary Sponsors).

Referred to: Rules, Calendar, and Operations of the House.

June 13, 2002

A BILL TO BE ENTITLED

1 AN ACT TO IMPROVE THE EFFICIENCY OF RAIL OPERATIONS AT THE
2 STATE PORTS BY REPEALING THE STATUTES ESTABLISHING THE
3 NORTH CAROLINA PORTS RAILWAY COMMISSION AND TRANSFERRING
4 ITS ASSETS AND LIABILITIES TO THE STATE PORTS AUTHORITY.
5

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Part 11 of Article 10 of Chapter 143B of the General Statutes,
8 G.S. 143B-469 through G.S. 143B-469.3, is repealed.

9 **SECTION 2.** G.S. 120-123(25) is repealed.

10 **SECTION 3.** G.S. 143B-454(a)(4) reads as rewritten:

11 "(4) Be authorized and empowered to acquire, construct, maintain, equip
12 and operate any wharves, docks, piers, quays, elevators, compresses,
13 refrigeration storage plants, warehouses and other structures, and any
14 and all facilities needful for the convenient use of the same in the aid
15 of commerce, including the dredging of approaches thereto, and the
16 construction of beltline roads and highways and bridges and
17 causeways thereon, and other bridges and causeways necessary or
18 useful in connection therewith, and shipyards, shipping facilities, and
19 transportation facilities incident thereto and useful or convenient for
20 the use thereof, ~~excluding terminal railroads;~~ and to acquire, construct,
21 and maintain, but not operate, such rail facilities as may be necessary
22 or useful in connection with the operation of the State Ports, provided
23 that nothing in this subdivision shall be construed as requiring or
24 allowing the North Carolina State Ports Authority to become a carrier
25 by rail subject to the federal laws regulating those carriers;"

26 **SECTION 4.** Within 30 days of the date this act becomes law, the North
27 Carolina Ports Railway Commission shall provide the North Carolina State Ports
28 Authority with a complete list of its assets and liabilities. All of the assets, real and
29 personal, tangible and intangible, and all of the liabilities, including contractual

1 obligations, of the North Carolina Ports Railway Commission are hereby transferred to
2 the North Carolina State Ports Authority. If and to the extent that such transfers require
3 the execution of any documents or instruments of transfer by the North Carolina Ports
4 Railway Commission, those documents may be executed by the current officers and
5 members of the Commission and shall be executed within 60 days of the date of
6 ratification of this act.

7 **SECTION 5.** As part of a plan to reorganize and consolidate rail operations
8 at the State Ports, the North Carolina State Ports Authority may sell or transfer the
9 Beaufort and Morehead Railway, Inc., or any part thereof or interest therein, to a
10 terminal switching or short line railroad company, or to the North Carolina Railroad
11 Company, on such terms and conditions as the parties may agree to.

12 **SECTION 6.** Section 1 of this act becomes effective 60 days after this act
13 becomes law. The remainder of this act is effective when it becomes law.