

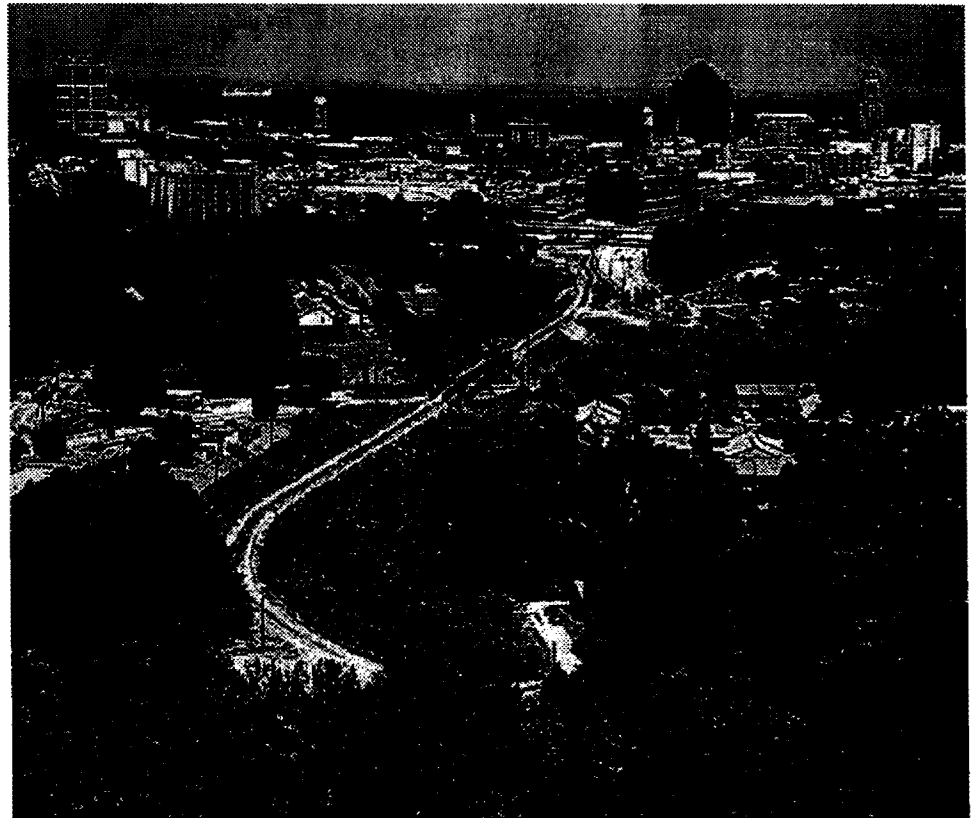
## Property owner opposition blocks Carolina extension

Hopes for extending the Virginia Creeper into North Carolina suffered a major setback when the Ashe County Commission recently informed the state Clean Water Management Trust Fund that organized opposition among property owners made the proposed project nonviable.

The CWMTF had previously earmarked \$636,000 for obtaining 14 miles of conservation easements along the former Virginia-Carolina Railway from White Top, VA, to Lansing, NC. The North Carolina segment of the rail corridor had reverted to adjoining property owners when service between Abingdon, VA, and West Jefferson, NC, terminated in 1979. The entire Virginia segment was converted to the 34-mile Virginia Creeper National Recreation Trail during the early 1980s.

Prior to funding the proposal, the CWMTF had required a feasibility study, which was conducted by the Region D Council of Governments on behalf of Ashe County. The first phase of that study contacted the individual property owners to determine willingness to negotiate conservation easements and to record their concerns and/or objections.

As that process got underway, part-time residents Bill and Alia Miller of Sterling, VA, aggressively mounted an opposition drive that included contacting all of the same corridor property owners. The Millers were joined by political hopefuls Rick Suber, Tim Thompson, Frieda Goodman and Judy Poe, none of whom live on the right-of-way. All but Poe, who lost the primary, are on the November



*Durham Convention & Visitors Bureau*

## *A ribbon runs through it*

The newly-opened three-mile section of the 23-mile American Tobacco Trail winds its way north to the south edge of the Durham business district. A proposed multi-million dollar office, retail and residential restoration of the former American Tobacco Co. warehouse, center background, would make quite a trailhead!

ballot for county commission.

Ironically, the Millers' permanent residence in northern Virginia is two blocks from the long-established and highly-successful Washington & Old Dominion rail-trail which extends from Arlington to the Blue Ridge Mountains at Purcellville. In recent years, the Millers have purchased a half-dozen properties on or near the Creeper railbed in North Carolina.

The Millers and other opponents

contend that extending the Creeper would result in loss of privacy, plus the usual litany of unfounded claims against trails.

In the face of the fluid situation, the COG study said that the feasibility was inconclusive, based on the following results: Opposed 22%; Concerned 16%; Neutral 22%; Positive 3%; Supportive 10%; Unable to Contact 27%.

The opposition group claimed 70% opposed on the basis of a simple "yes" or "no" choice.

## Tourism director sees potential of downeast trails

Crystal Baity is newest recipient the NCRT Golden Spike Award for having initiated the Coastal Carolina Trails Committee of Beaufort, Pitt and Martin counties.

Baity called the first meeting of potential rail-trail interests in Martin County on May 8, 1995. She had heard about rail-trails from an NCRT presentation at a Travel and Tourism Conference in Raleigh in 1994. Her interest was stimulated by the proposed development of the Eastern North Carolina Equine Center in Williamston. She could envision equestrian rail-trails in Eastern North Carolina as a major source for tourism economic development.

The first rail corridor considered by the rail-trail steering committee was the Jamesville & Washington Railroad from Jamesville to Washington, NC, which required getting Beaufort County Commissioners to buy into the rail-trail concept. Baity did that. Plus, she persuaded Beaufort County Commissioner Elsa Desrochers to volunteer for the steering committee.

The on-site visitation of the Jamesville & Washington revealed that it was a major off-highway timber truck road for a Weyerhaeuser timber Plantation and went through the lumber ghost town of Diamond. It was decided that there was too much truck traffic to make it a safe rail-trail, although Weyerhaeuser was willing to study the joint rail-trail and timber truck road possibility.

Also investigated was the lumber railroad on Devil's Gut Island, accessible only by boat from the Roanoke River. About five miles down river from Williamston the rails lean off the river bank where the railroad loaded huge trees onto barges for transport to saw mills in tidewater Virginia. The lumber company left the small gasoline powered locomotives, the timber railroad trucks, and rails on the island. They had cut their own ties and used 3-in. spikes to secure their 30-lb. rails.

The rail corridor extended about three



**Al Capehart presents the Golden Spike Award to Crystal Baity, director of Martin County Travel & Tourism Authority.**

miles into the island of low swamp land and mosquito bogs. The island was created by early settlers who sought to straighten out the Roanoke River as they dug a canal that cut off 12 miles of a huge bend in the river. One wonders how the lumberjacks were able to survive the environmental conditions, especially the mosquitoes and the green flies.

NCRT used one of the 3-in. spikes on Baity's Golden Spike Award. Printed on the spike, "NCRT, Crystal Baity, Coastal Carolina Trail, Martin County and Devils' Gut Railroad".

The next corridor for consideration was the Washington Branch of the Washington and Weldon Railroad. That would require getting the Pitt County Commission involved in the rail-trail development process. Again, Baity persuaded the county commissioners to get on board regional rail-trail development. Pitt County's commitment brought substantial involvement from the county's planning department and the community schools program.

After an in-depth study of the corridor between Washington and Oak City - by then what had become the Coastal Carolina Trails Committee - it was decided to focus upon the section between Stokes and Pictolus in Pitt County. Adjacent property owners were contacted, who gave permission for an on-the-ground reconnaissance and trash pick up.

The Pitt county attorney cleared up the question of the railroad's interest in the

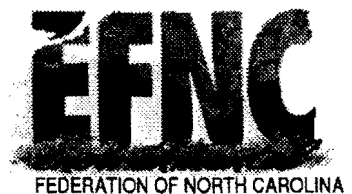
railroad right of way, as CSX had been paying a utility tax to North Carolina based on its supposed ownership of the right-of-way. The adjoining property owners have been assured by the county attorney that they do in fact have clear title to the former railroad right of way.

The Coastal Carolina Trails Committee wrote its own rail-trail master plan with guidance from the NC Department of Commerce Division of Community Assistance, Greenville Tourism Authority, East Carolina University and Pitt County Planning Department. Through her role as the Martin County Travel and Tourism Director, Baity was able to secure a Rural Tourism Development Grant for the printing and publishing of the CCTC Master Plan, Feasibility Study, Executive Summary and Brochure.

Throughout the entire process Baity continued to be the secretary of the CCTC, convening meetings and seeing that folks got their jobs done. Her experience as a newspaper reporter in the Carolina Piedmont held her in good stead as she moved the trails committee forward. Her minutes constitute the proceedings of the evolution of the CCTC and are now being placed in the Greenways and Trails Archives at NCSU Libraries.

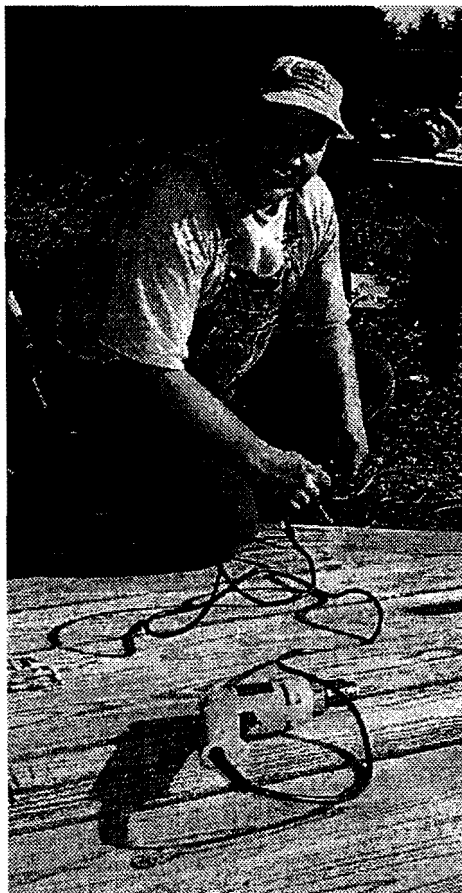
In 1998 Baity also was instrumental in the development of the Skewarkee Trail project in Williamston. As an active member of that local trails committee, she contributed to its obtaining DOT and local funding for the .8-mile rail-trail between downtown Williamston and the Roanoke River.

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## Railbanking complete; development to start on Rutherford rail-trail

With federal railbanking of the Thermal Belt North completed Aug. 25, Jim Black (at right) passes the rail-trail development task to Eric Wells (at left).

Over a three-year period, Black, the former Rutherford County economic development director, successfully negotiated the three-way railbanking and interim trail agreement between the Thermal Belt Railway, the Rutherford Railroad Development Corp. and the nonprofit Bechtler Development Corp.

Black recently moved back to his native Savannah, GA, to pursue new business interests.

Wells and his parents operate a Rutherfordton specialty printing company. Eric and his father, Joe, through-hiked the Appalachian Trail and have been volunteer trail workers.

The rail-trail will be eight miles through Spindale, Rutherfordton, Ruth and on north to Gilkey.



## American Discovery Trail opens coast-to-coast route

The nation's longest non-motorized trail, the 6,356-mile American Discovery Trail, was officially opened in August, linking Cape Henlopen State Park in Delaware to Linmamtour Beach in Point Reyes National Seashore north of San Francisco.

The ADT traverses 15 states and the District of Columbia. The route includes dozens of existing rail-trails, as well as other trails and secondary roads where necessary. There is both north and south routing through the Midwest. All of the

route is walkable. Many long segments can be bicycled.

For details, call 800-663-2387 or visit [www.discoverytrail.org](http://www.discoverytrail.org) on the Internet.

## State group ponders links for East Coast Greenway

North Carolina is among the latest states to form a committee to study spanning the state north to south with links in the proposed East Coast Greenway, a Maine-to-Florida vision. The ECG is promoted as an "urban Appalachian Trail."

Several options are being studied. A route through the Triangle is the ECG's first preference, with alternate routing along or near the seashore.

NCRT Chair Carolyn Townsend is participating in the state study.

More information on the EGA is available at [www.greenway.org](http://www.greenway.org).

For news updates  
stop by the Info Depot:  
<http://www.NCRail-Trails.org>

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THANK YOU FOR JOINING NCRT

## Property owner class actions spread; other tactics discourage rail-trails

Iowa is the latest state to be targeted for legal class action to obtain compensation for federally-railbanked property. The petition for a property owners' class action certification was filed July 19 against the T-Bone Trail in the Iowa Southern U.S. District Court by the DC-based Ackerson Group and the Des Moines firm of Whitfield & Eddy, a member of Ackerson's legal "tag team."

Nels Ackerson, with Farm Bureau backing, has created a practice speciality of attacking rail-trails. After two decades of fighting for property reversion and compensation in state and federal courts and achieving only costly limited success, Ackerson and his colleagues switched to class action tactics in recent years.

Previous class actions have been brought in Indiana, Missouri, Kansas, Nebraska and Idaho. While attempts to press national and state class actions have been unsuccessful, claims against individual trails have been more fruitful for Ackerson and associated "tag team" firms.

Another new Farm Bureau-inspired tactic that has been introduced in Kansas is to petition the Surface Transportation Board to rescind Interim Trail Use Certificates, claiming that trail developers are not meeting property liability requirements. In Kansas, local governments are authorized by state statutes to set insurance, bond and escrow requirements at any level they choose. Trail groups face hundreds of thousands of dollars in unnecessary expense. That tactic has blocked several major rail-trail developments.

### NCRT Board Meeting

Annual Meeting Oct. 14, 10:30 Durham Park and Recreation Administrative Office at the Durham Bull's Complex at 403 Blackwell St. Follow the signs for Durham Bull's Ball Park



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NPS SE Region RTCP	Chris Abbett	404-730-2311

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