



# Little Toot

Vol 4 No 3

Fall 1992

## It's Easy To Get Lost Looking For Bikeway

*This is the third in a series of articles to make trail and optional transportation proponents aware of the provisions of the federal Intermodal Surface Transportation Act (ISTEA), the six-year, \$155 billion, hydra-headed tool for developing integrated transportation systems. -- Ed.*

On a bicycle path built for Who? For Whom? The semantics are important when looking for where the funds for bicycle and pedestrian facilities are stashed in ISTEA.

But first, what does ISTEA mandate? The act requires that states and metropolitan planning organizations (MPOs) develop long-range plans for incorporating pedestrian and bicycle facilities into transportation blueprints.

With that said, where are the funds? (Please pay attention to capitalize acronyms; they are your road map.)

Surface Transportation Program (STP) sets out that bikeways which enhance construction projects are eligible for funds from Transportation Enhancement Activities, which are a minimum of 10 percent of the six-year, \$23.9 billion STP. Eighty percent federal match.

National Highway System (NHS) at \$21 billion provides that bikeways next to highways can be funded using NHS money. Up to 50 percent of NHS funds can be transferred into STP for additional bicycle facility construction on any non-NHS roads. Eighty percent federal match.

Congestion Mitigation and Air Quality Improvement (CMAQ) gets truly murky. Six billion dollars is to be applied to non-attainment (bad air) areas. Bicycle and

*Continued on Page 3*

## What Do The Candidates Say?

NCRT submitted a five-part questionnaire to candidates for Governor, Lt. Governor and Attorney General.

For Governor: Jim Hunt responded, Jim Gardner did not.

For Lt. Governor: Dennis Wicker responded, Art Pope did not.

For Attorney General: Mike Easley responded, Joe Dean did not.

Of those responding, only Mike Easley followed the questionnaire format. Jim Hunt and Dennis Wicker responded with statements. Introductory remarks not directed to the questions have been omitted from the responses. Otherwise, the candidates' responses are unedited.

### *The Questions:*

1. Do you believe abandoned railroad corridors should be preserved for: a. Future railroad options? b. Light rail transit options? c. Public utilities and communication options? d. Commuter and recreation pathways? e. Conservation and greenway corridors?

2. Do you think that North Carolina state agencies (other than NCDOT), local governments and public interest groups can in fact preserve railroad corridors under existing state property laws?

3. Do you think there is any conflict between North Carolina laws and the U.S. Supreme Court opinion in *Preseault v. I.C.C.* 110 S.Ct. 914 (1990), which upheld the railbanking provisions re: Section 8(d) of the National Trails System Act (amended 1983)?

4. What additional state legislation or statutory amendments, if any, do you think need to be enacted to facilitate preservation of North Carolina railroad corridors?

5. If elected, what stance would you take regarding railroad corridor preservation under the present state and federal laws?

### Mike Easley, Candidate For Attorney General:

1. I believe that North Carolina's abandoned railroad corridors are a valuable and irreplaceable resource. First, as trails, these corridors allow the public access to, travel within, and enjoyment of this state's most scenic, most historic areas. Second, preserving these corridors maintains their viability for future reactivation of energy efficient rail service. Specifically, I agree that it is in the best interest of North Carolina to preserve these corridors for future railroad and light rail options, public utilities options, recreation pathways and as greenways.

2. I support state Senator J.K. Sherron's bill (Senate 131) that would facilitate the clearing of property titles so that abandoned corridors can quickly be converted for use by the public. I hope the House will follow the Senate's lead in approving this bill next session.

In addition, I am willing to work with North Carolina Rail-Trails, public transportation advocates, and others to develop other legislative and legal strategies to protect railroad corridors.

*Continued on next page*

**"To Preserve Rail Corridors and Promote Rail - Trails"**

## Candidates Respond On Rail-Trail Issues

**Mike Easley:**

*(Continued from front)*

3. I strongly agree with the U.S. Supreme Court's decision in *Preseault v. I.C.C.*, 110 S.Ct. 914 (1990). Converting unused railroad corridors into public recreation trails is not only a valid exercise of congressional power, it is a smart exercise of those powers. Obviously, the Supremacy Clause of the Constitution requires that state property laws conform with the National Trails System Act, and I would work to promote such conformity.

4. As stated above, I believe the General Assembly should pass Senate Bill 131. This will facilitate the preservation of the state's railroad corridors by shifting the presumption of title in favor of public use.

5. I hope I have made clear my intention as Attorney General to be active in protecting railroad corridors for future railroad use and for interim trail use.

Let me add that I recognize that the growing support for public transportation and railroad corridor preservation means that the Department of Transportation's Public Transportation and Railroad Division needs more legal assistance. I will support assigning to the Public Transportation and Railroad Division an assistant attorney general knowledgeable about rails-to-trails, and other railroad and public access issues.

### Jim Hunt, Candidate For Governor:

As our economy in North Carolina continues to grow, we must make sure that growth does not compromise our state's environmental integrity or damage its natural beauty. Our abandoned rail corridors can be invaluable to maintaining that balance by providing opportunities to develop transportation and commuter corridors, and to create public recreation spaces.

We must develop an overall transportation plan in North Carolina that is more broad-based than the highway plans we currently use. Public transit and the use of

existing rail corridors must be a vital part of that plan.

In the interim, we must make certain that our property laws give priority to public use of abandoned rail corridors. We need legislation like Senator J.K. Sherron's bill (Senate 131) that would make it easier to clear property titles so that abandoned corridors can be converted to public use. We need to consider developing other strategies for rail corridor protection, as well.

We have an obligation to both protect our natural heritage and develop our economic infrastructure in an environmentally sensitive way. Preservation of our rail corridors enables us to do both by providing recreational access to some of our state's most scenic and historic areas and maintaining important corridors for commuter traffic and commerce.

### Dennis Wicker, Candidate For Lt. Governor:

I recognize that the U.S. Supreme Court in *Preseault v. I.C.C.* (1990) ruled that Congress has the authority to convert non-functioning railroad corridors into public recreation trails. Under the Supremacy Clause of the Constitution, our state laws must conform with the National Trails System Act. I also support Senator J.K. Sherron's bill (Senate 131) that would facilitate the clearing of property titles for abandoned corridors.

#### SENATE BILL 131 STALLS

*Senate Bill 131, legislation to make it easier for the state and railroads to railbank unused corridors, died in the 1992 short session when it failed to make it out of the House Transportation Committee.*

*This was an unexpected setback after the bill passed the Senate in 1991, received a favorable report from the House Transportation Committee and was recommended for passage by the Legislative Research Commission's Committee on Railroads and Other Public Transportation.*

*It is hoped that Sen. J.K. Sherron, D-Wake, the bill's sponsor, will reintroduce a similar or stronger proposal next year.*

## NCRT Urges Increasing State Rails Involvement

Railbanking recommendations were presented to the state Legislative Research Committee on Railroads by NCRT's Al Capehart at a Sept. 24 meeting.

Capehart prefaced the recommendations with a comment that the State of North Carolina should recognize that it is in the railroad business and should pass legislation which is based on that premise. The six recommendations put forth were:

1. That the state should be offered the first option to receive an operating railroad's interest in any abandoned corridor.
2. That the state authorize itself as a railroad operator with the right to receive the property interests on abandoned corridors.
3. That Senate Bill 131 be reintroduced to empower the state to declare its intent to preserve abandoned rail corridor easements.
4. That a stable funding source be identified specifically for the state's railroad functions.
5. That the same liability limits of designated state trails be applied to railbanked corridors.
6. That a memo of agreement between NCDEHNR and NCDOT be signed which would designate their mutual roles in preserving and protecting rail corridors.

The future of the North Carolina Railroad is expected to come up in the legislature, before the private operating lease expires in 1993. The state holds a substantial majority interest in the NCRR. There have been suggestions that the state sell its interests in the company.

### Lights! Action! Trails!

NCRT is in the final stages of converting its 10-minute slide presentation to a VHS video. The presentation depicts what has been done to convert abandoned railroads to commuting paths and recreational trails in North Carolina and in other states.

If you would like to reserve a copy, write to NCRT or leave a message at 704-495-4472.

## Whistle Stops: Thanks A Bunch!

Trail and alternate transportation proponents are grateful, don't take this wrong. But the Intermodal Surface Transportation Efficiency Act (ISTEA) is a lot to swallow all at once.

The six-year act was passed in late 1991 while 1992 transportation plans were locked up and 1993 budgets were well underway. Then the federal bureaucracy had to start cranking the administrative guidelines machine, a process that is still gathering speed.

Even a state DOT with pure heart and good intentions would be having a tough time living up to the spirit of ISTEA. For a local government, that has not been in the transportation planning loop, ISTEA can be a tough nut to crack.

And interested citizen, who are encouraged by Congress to get involved, are like the blind man trying to determine the shape of an elephant. The press and mass media have not been of any help, either. In fact, it seems like the media have yet to discover ISTEA.

For those who have peeked under the tent at the elephant it is an awesome sight. Sections upon sections cross referenced to one another and even to other funding programs. The act is two inches thick, packed with small type.

Oh, well. We have until 1997 to get it going. Just in time for a new transportation bill to pop out of Congress. Have fun. --DA

*We get compliments. Thanks. But we'd also like to have your ideas and opinions on how to further the rail-trails in North Carolina. Write to NCRT Little Toot, Box 6193 Bethlehem Station, Hickory, NC 28603-6193.*

*The final dates for submitting materials to appear in this newsletter are: Winter Issue - Feb. 10, Spring Issue - May 10, Summer Issue - Aug. 10, Fall Issue - Nov. 10.*



Have an old XT, AT or MAC computer in your closet or several gathering dust at your office? You can turn old computers into tax deductions by donating them to NCRT. Any PC that can be used as a communications terminal can be put work on the NCRT information network.

NCRT also needs modems, any type printer and small copy machines. Call 704-495-4472.

## And Now, From Railroad Drama Theatre: Ghost Images Of Yore

Last winter you read a bit about one of North Carolina's rail ghosts, the Maco Light. Scattered across the state are more ghoulish apparitions that are a colorful adjunct to railroad history.

The Western North Carolina Railroad continued its line west from Asheville during the last decades of the 19th Century. The railroad was largely built with convict labor. By the early 1880's the line reached the spot now known as Dillsboro. Just west of Dillsboro the railroad decided to bypass a hairpin turn in the Tuckasegee River with the Cowee Tunnel, across the river from a convict camp. The convicts were ferried over every day in an old flatboat while still chained in work gangs.

The river was a mad torrent one winter day in 1883. The boat capsized as a gang of 20 convicts was being ferried across. Imagine the men, chained to each other with heavy ankle irons, struggling and sinking in the rushing river. Only one of the 20 convicts survived.

Cowee Tunnel, today serving the Great Smoky Mountains Railway's excursion trains, is said to be haunted by the ghosts of the drowned convicts. Their eerie cries are said to oftentimes resound through the tunnel.

Well east of Asheville on the old Western North Carolina Railroad is Statesville. On the outskirts of town is Bostian's Bridge, one of the oldest and most beautiful bridges in the state. The bridge was the site of the state's worst railroad disaster. Twenty-two people died when a train plunged off the bridge on August 27, 1891.

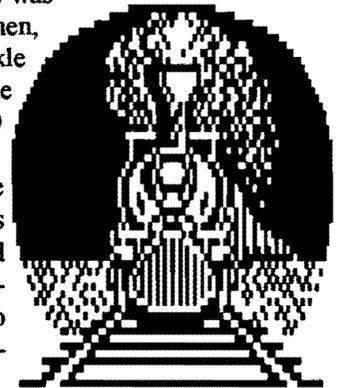
Fifty years later, according to a woman stranded at the spot by a flat tire, the wrecked train reappeared as a ghost. On Aug. 27, 1991, hundreds gathered at the site to see if the ghost train would stay on its 50-year timetable. They were disappointed.

The Maco Light is one of the two ghost trains known to the author that appears along abandonments. The other is the phantom train of Catsburg, which appears near the Catsburg Store in Durham. The ghost train, a far-away headlight and whistle that never arrives, has appeared ever since a man was decapitated by a train near the store.

Local residents also report that a headless horseman rides up the tracks looking for his head.

Finally, and very close to the Maco Light's territory, is the ghost train of Warsaw, which appeared for many years following the November, 1906, wreck on the Atlantic Coast Line. This phantom also is a train headlight and whistle that approaches startled onlookers, then disappears. Warsaw is on the old Wilson-Wilmington Atlantic Coast mainline.

There you have them, North Carolina's ghost trains from the past. A grimy lot, chugging through the mountains, piedmont and coastal plains, redolent of lamp oil, coal smoke and eerie visions of days gone by. — Tony Reevy, NCRT Historian



## North Carolina Bike Program Doubling Up

The North Carolina Bicycle Program is on a roll. Now it needs legs to comply with the ISTEA-mandated Pedestrian and Bicycle Program.

The Bike Program has been in place for 18 years, with its budgets recently doubling every year, up to \$2 million for the present fiscal. It now needs to hire a Pedestrian Coordinator to get both feet in the ISTEA trough.

Staffing is the only speed limit, according to facilities specialist Tom Norman. The number of project requests is exploding. Communities that had not even thought about sidewalks, let alone bike routes, now are beating a path to the bike program door.

But all those requests need NCDOT blessings to get back out that door. The program is responsible for the funds and wants to be certain how they are used, according to Norman. The traffic is now being handled by two project engineers.

Recent budgets have devoted about 20 percent to route mapping and signing, 10

percent for safety education and the remainder available for both on-road and off-road improvements, including "spot projects" which correct unsafe situations.

Route mapping and signing are important, said Norman, because that allows the bike program input when a segment of the route gets repaved. With its turf established, the program can ask for wider roads, shoulders, safe drainage grates and other upgrades.

High-traffic highways get a paved shoulder extension to protect the pavement edge from being cracked off by vehicles. That extra two to three feet of paving beyond the road edge marking also improves bicycle and pedestrian safety. The program's goal is to have that type of widened paving on all of the state-designated bike routes, even low traffic highways.

Bigger budgets mean the program is getting into more and larger projects, according to Norman, including \$295,000 anticipated for improvements on 1.8 miles of the proposed American Tobacco Trail in Durham.

Contrary to existing impressions, the bike and pedestrian program is open to more off-road projects, said Norman.

According to the 1993-1999 state Transportation Improvement Plan (TIP), instead of using all state funding, the bike and walk program will now be funded with 80 percent federal ISTEA money.

To inquire about project criteria and funding, call 919-733-2804.

## Railbanking Petitions In On Two Abandonments

Two petitions have been filed with the Interstate Commerce Commission to railbank sections of abandoned lines under Section 8(d) provisions of the National Trails System Act.

Wilmington has filed for public use of a 2.5-mile section of the CSX New Burn to Wilmington line inside the city. The proposed project would connect the Wilmington central business area with a recreation area in the northeast quadrant.

Apex has filed for public use of approximately six miles of the CSX line going south to Holly Springs.

## Transportation Reformers Say Open The Process

A grassroots movement called North Carolina Alliance for Transportation Reform sprang to life during the summer and drew up a slate of objectives to open up the transportation planning and decision making process.

The organization was publicly launched at a news conference Sept. 10 in Raleigh. NCATR aimed a six-point challenge at state government:

-- *To establish a public participation process that requires meaningful involvement of local governments, community groups and individual citizens at early project stages.*

-- *To reform the structure, operating procedures and composition of the Board of Transportation.*

-- *To adopt realistic cost benefit analysis to assure that projects are based on actual needs, rather than on political favoritism.*

-- *To create state enforcement regulations that meet or exceed federal environmental standards.*

-- *To implement long-term planning which assures adequate system maintenance and development of rail, mass transit, pooling, bicycle and pedestrian facilities.*

-- *To provide legislative oversight, information gathering and public education concerning transportation issues.*

The NCATR mailing address is Box 1002, Chapel Hill, NC 27514-1002. The president is Roy Lane. Call 919-679-8745 after business hours.

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## Bike & Hike Funding, cont.

pedestrian facilities qualify under the 1990 Clean Air Act amendments administered by joint EPA/DOT criteria.

The National Recreation Trails Act, \$30 million, and the Scenic Byways section, \$10 million, both fall into the small change category.

In addition, bicycle and pedestrian safety programs get priority for community grants from the Federal Highway Administration and the National Highway Traffic Safety Administration.

Okay so far?

Both STP and CMAQ funds can be used for bicycle facilities or non-construction safety projects such as bike route maps.

To be funded, all projects must be included in both the urban area and state Transportation Improvement Programs (TIP). The MPOs are supposed to have funding authority over the state. In less populated areas (under 200,000), the state makes the final decisions.

Now then, is everyone ready for the test?

*Next Issue: How to play ISTEA bingo*

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## Talent Search

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Got a few hours, even minutes, to spare for a good cause? NCRT and its affiliated projects across the state need your talents. Especially:

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Leave a message at 919-383-5371 or 919-493-6394.

# North Carolina Green Slate

## North Carolina League Of Conservation Voters

P.O. Box 12462  
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Telephone 919-942-0600

### North Carolina State Offices:

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Lt Governor	Dennis Wicker
Atty General	Mike Easley
Auditor	Ralph Campbell
Labor Comm	Harry Payne
Ct of Appeals	Robert Orr

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District 2	Frank Ballance
District 4	Lena Ritter
District 10	Roy Cooper
District 11	James Speed
District 12	Sandy Sands
District 13	Wib Gulley
	Ralph Hunt
District 15	Elaine Marshall
District 16	Howard Lee
District 21	George Daniel
District 22	Fletcher Hartsell
District 24	Lura Tally
District 27	Dan Simpson
District 29	Clark Plexico
District 31	William Martin
District 32	Mary Saymore
District 33	James Richardson
District 34	Fountain Odom
District 36	Linda Gunter
District 39	James Forrester
District 40	Leslie Winner

### N.C. Senate - Unopposed:

District 1	Marc Basnight
District 6	Bob Martin
District 7	Luther Jordan
District 28	Herbert Hyde
	Dennis Winner
District 38	Betsy Cochran
District 42	Robert Carpenter

### North Carolina House:

District 4	Bruce Ethridge
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District 13	Karen Gottovi
District 17	Nick Gerald
	Mary McAllister
District 18	Billy Richardson
District 19	C.P. Steward
District 20	Larry Tetterton
District 23	Micky Michaux
	Paul Luebke
District 24	Anne Barnes
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District 25	Fred Bowman
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District 37	Paul McCrary
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District 48	Jack Hunt
	William Withrow

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District 61	Brad Miller
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District 79	William Wainwright
District 85	Ronnie Sutton
District 87	Frances Cummings
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	Maggie Jeffus
District 92	Erin Kucsmarski

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District 21	Dan Blue
District 26	Herman Gist
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District 69	Shawn Lemmond
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**NOVEMBER 3**

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Reason for interest in rail-trails \_\_\_\_\_

ANNUAL MEETING REGISTRATION AND INDIVIDUAL MEMBERSHIP OPTION : \$25 ( ) Check Space

NCRT annual memberships: Individual - \$15, Family - \$20, Corporate - \$100

Mail to North Carolina Rail Trails, Suite 124, 703 9th St., Durham, NC 27705

THANK YOU FOR JOINING NCRT

## NEXT MEETING DEC. 12

NCRT's next quarterly meeting will be held at 10:00 am Saturday, Dec. 12, in Jacksonville. The meeting site is to be determined. Contact Al Capehart at 919-493-6394.

The March 13 meeting is being planned for Greensboro.

All quarterly meetings are open to the public.

### NORTH CAROLINA RAIL TRAILS INC. BOARD

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### NOTEWORTHY RESOURCE PEOPLE

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NC Govt. Trail Spec.	Tom Potter	919-778-9488
Rails-to-Trails Cons.	Mariane Fowler	202-797-5400
National Park Service	Beth Dillion	202-343-3766

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## Golden Spikes Awarded To Triangle Leaders For American Tobacco Trail

NCRT Golden Spike Awards have been bestowed upon two leaders of the Triangle Rails-to-Trails Conservancy for their outstanding efforts in organizing, coordinating and promoting the Durham to Bonsal American Tobacco Trail project.

The awards to John Goebel, president, and Robert Payne, vice president of the Triangle organization, were announced at NCRT's annual meeting in Raleigh. The presentations were made Oct. 3 in Durham during the Rail-to-Trail Day Celebration. The event marked completion of the country's 500th rail-trail and the finalization of the American Tobacco Trail Master Development Plan.

NCRT also recognized the services of its retiring secretary, Dan Wolf, with a Silver Spike Award. Grace Hale of Raleigh comes of the board as Wolf's replacement. Terri Kroll Musser also joins the board, replacing Chuck Flink.

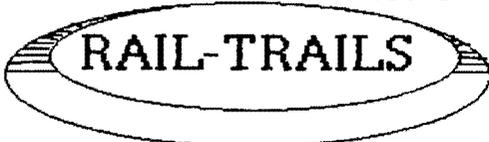


Note: White on Navy shirt is reverse of this black on white graphic.

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