

Little Toot

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Projects Going For Corridor Retrievals

While conventional railbanking efforts can get bogged down in conflicting North Carolina laws, corridor retrieval is showing promise as a new method of establishing rail-trails.

Retrieval entails asking each and every neighboring property owner to donate a public trail right-of-way on an old railbed. The effort is well underway on the first four miles of the Creeper extension in Ashe County and a similar proposal is being readied for 12.5 miles in Anson County.

Both projects are what Dan Arrasmith, the NCRT coordinator, calls "the best

Oh-Oh!

The U.S. House Subcommittee on Surface Transportation, among other things, wants to eliminate the Interstate Commerce Commission. The ICC administers National Trails System Act Section 8(d), which is the most favorable law for interim trail railbanking now available to North Carolina advocates.

According to the *Federal Parks & Recreation* newsletter, bills are being drafted in the transportation subcommittee that would require compensation to adjoining landowners before interim trails would be allowed.

That issue was supposedly settled in a 1990 U.S. Supreme Court test and a 1992 U.S. Claims Court ruling that interim trails are not an additional private property taking.

worst case": The corridors uniformly reverted to the adjacent properties under state law.

All Ashe County titles were fee simple



Property owner Ron Joyner (left) expresses his support for extending the Creeper National Recreation Trail into Ashe County to Rick Grindstaff, NC Public TV producer, during taping of segment for *North Carolina NOW*. Ron and wife Suzanne have assigned a public trail lease to Ashe County on the first stage of the Creeper extension.

with a determinable clause that returned the rail right-of-way to adjoining properties. The Anson County right-of-way was established by state charter grant easement.

The Ashe County Creeper was abandoned in 1977 and the Anson County Seaboard branch went out of service in 1980. NCRT researched the titles and determined that both had reverted.

Corridor property owner reactions have been promising, according to Arrasmith. "We make it clear that the pieces of the corridors belong to the neighboring

properties. That calms the issue of public takings of private properties. Instead, we ask for individual private giving for the public benefit. That puts the project in an entirely different light."

The key is to assure trail neighbors about who uses rail-trails and how. It also is essential that property owners know they will have a say in how the trail is developed and managed.

Rail-trails have an established history of being good neighbors. It just has to be proven again in North Carolina, according to the projects coordinator.

NCRT Readies Yet Another Interim Solution: Virtual Rail-Trail

Tired of waiting for "they" (like as in: Hey, man, why don't they get busy and build me some rail-trails)? Well, NCRT's crack research and development group has come up with the North Carolina high-tech equivalent: Virtual Rail-Trail.

That's right, for less than it would cost to buy up the North Carolina Railroad Co. stock you can have your own personal Virtual Rail-Trail, right at home. The program will ship with a sleek 7,683.28-gram racing helmet that plugs into your computer's game port. A stationary bike, treadmill or rockinghorse is optional virtuality.

The Virtual Rail-Trail is the handiwork of Dr. Hans Furkle and two dozen volunteer code-writing fanatics from Research Triangle Park. By clicking icons you can bike, hike or ride any of several imagined North Carolina rail-trails.

Our personal favorite is the Peak to Beach State Rail-Trail. The Peak to Beach is an easy downhill that can be completed in a week. The only apparent glitch is that Dr. Furkle forgot to include virtual restrooms on this 550-mile trail. Aside from that inconvenience, the Peak to Beach is a totally delightful experience that shows off the state's virtual scenery, even sites behind unfettered strip malls that Dr. Furkle included for virtual reality.

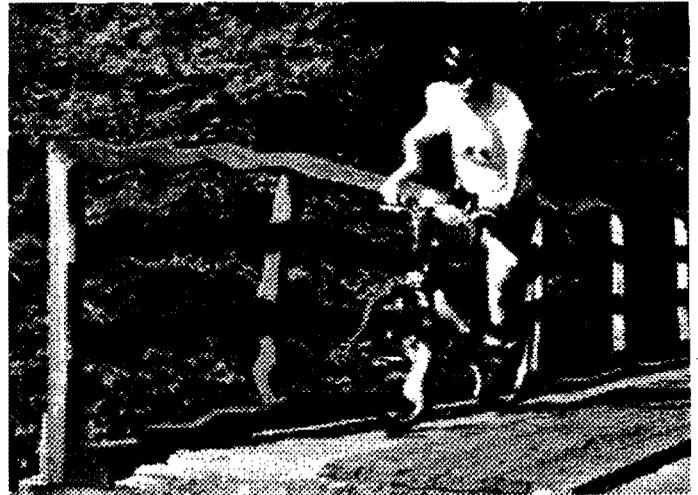
If very short rides are more to your taste, then you have a choice of either the Wilmington Duck-Out or Jacksonville Cave-In virtual rail-trails. Both start at the respective city halls and end abruptly at the county courthouses.

For those who bike or hike to eat, there's the Tar Heel BBQ Rail-Trail. This gastronomic trail tour takes you to more than 300 barbecue places, each touting the only virtual North Carolina barbecue.

And for people on diets, there's the Faircloth Memorial Wetlands Rail-Trail. Dr. Furkle has electronically duplicated the exact aroma that is virtual essence of hog confinement lagoon. You won't even think about eating barbecue.

To round out the Virtual Rail-Trail suite, Dr. Furkle has included the Virtual DOT Rail-Trail. Although this mode is made up of over nine million lines of code, it has no start and no end. Modeled after Federal Highway Administration regulations, it runs in a continuous real-time loop.

We had hoped to have Virtual Rail-Trail ready for general distribution to commemorate National Trails Day on June 3.



Dr. Furkle navigates beta test virtual bridge.

However, Dr. Furkle was seriously injured last month in a beta test crash when he was blindsided by a bulldozer at a private property rights crossing.

The new release date for North Carolina Virtual Rail-Trail v1.0 will be announced when the program is cleared for public access by Atty. Gen. Mike Easley. The attorney general is expected to grant public access as soon as the pigs stop smelling and start flying.

Two 2-color Designs

Tee-Up for Summer

One X-Large Size



XL White Pocket T-shirts. Both for just \$10. Send it to: NCRT, 703 Ninth St., Drawer 124, Durham NC 27705

Rails Vision: Organize Long Haul

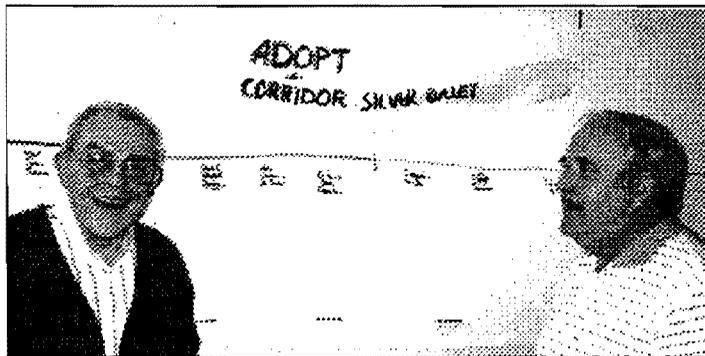
NCRT's Future Search brought fresh interests to the state's rail corridor preservation struggle with new, diverse stakeholders coming up to speed and adding their energy the movement.

The March 19-21 conclave at Brown Summit attracted community planners, conservationists, mayors, rail lobbyists, state preservation interests, trail specialists, transportation administrators and grass roots activists.

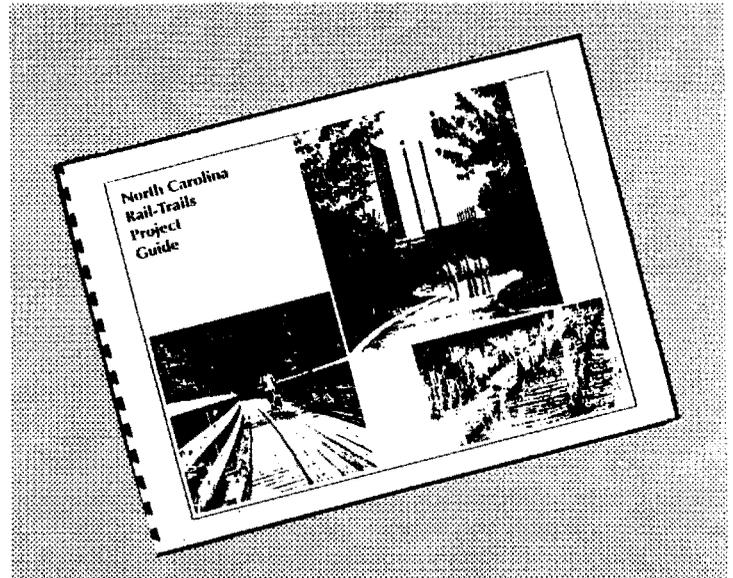
The Strategic Development Inc. team led the assembly from an examination of the past to a thoughtful look into the future.

In the end, the conference recognized that a long-term effort will be needed to turn attitudes and legislation around to valuing rail corridors. The group landed on these recommendations:

1. Launch a massive public education program to introduce concept.
2. Aggressively seek alliances with potential stakeholders.
3. Expand the economic development focus on rail-trail conversions.
4. Establish organizational capacity for a specialized land trust.
5. Aggressively seek funding to sustain organization.



NCRT's Dan Arrasmith (right), a.k.a. the Silver Bullet, throws yet another idea at the Future Search wall: Adopt-a-Corridor. What's good for highways should be good for state-railbanked corridors, right? Mark Sullivan, NCDOT rail planner, reacts. Now, will it play in Raleigh?



Stop, Look & Listen. That old rail crossing admonishment also applies to starting a local rail-to-trail initiative. NC Rail-Trails has just completed the *North Carolina Rail-Trail Project Guide*, a document that will help you plan the task. Now available for \$6 per copy. Call or fax NCRT at 704-495-4472.

Rail Study Ends, New Trail Forum Starts

After working more than a year on identifying obstacles to rail-trail development and probable solutions, the North Carolina Rail-Trails Plenary Committee dissolved, with plans to establish an on-going forum.

At the final meeting on April 12, the committee voted to form the NC Rail Corridor Round Table and to recruit additional participants. The original plenary group was composed of public and private attorneys, railroad executives, state administrators, policy advisors and NCRT board members.

David Coats of Bailey & Dixon, the Raleigh law firm which represents NCRT, will chair an executive committee for the new forum. The round table's first organizational meeting has been set for 12:30 p.m. Wednesday, July 12, at the Bailey & Dixon office. Call Al Capehart at 919-493-6394 for information.

JOIN THE NORTH CAROLINA RAIL-TRAILS INITIATIVE. NOW!

Name _____ Address _____

City _____ State _____ ZIP _____

Telephone: Home _____ Work _____ Best Time _____

Reason for interest in rail-trails _____

Member of other conservation/recreation/historical organization? _____

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

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

THANK YOU FOR JOINING NCRT

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Trailbuilder Notebook

The last issue explained the four types of corridor property rights that railroads hold: Charter grant, recorded easement, fee simple determinate and fee simple absolute.

The first three are treated by state law as reversionary rights-of-way. Only fee simple absolute property is owned and can be sold by a railroad.

The question of who owns a corridor can be complex when title research uncovers a mix of reversionary right-of-way and fee simple absolute railroad property. Who created the mess?

There are any number of explanations. Most railroads were bought out by other railroads and the operating lines were merged. This commonly happened several times to most original rail corridors. One end of a present day rail line can be charter grant, another section owned in fee and a third section made up of recorded easements.

Another explanation could be that at some point a railroad company wanted to realign an existing charter grant right-of-way. This happened frequently when new industries sprung up and new tracks were needed. No longer able to take property under old charter grants, the railroads frequently purchased fee property to service new shippers.

The point is, a title researcher can't look at a few titles and assume all right-of-way property is held the same way. Often, the present railroad company is not certain what it owns and what is reversionary right-of-way.

All of which makes it more difficult to open trail discussions with adjoining property owners. Look up titles before leaping into a rail-to-trail conversion. False assumptions can take you down the wrong track.

NEXT MEETING JUNE 3

The NCRT quarterly meeting will be held at 10:30 a.m. Saturday, June 3 at the Lansing Town Hall in Ashe County. NCRT board meetings are open to the public.

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