

# NORTH CAROLINA RAIL-TRAILS

## Little Toot

Vol 5 No 4

Winter 1994

### Corridor Protection Gets Joint Review

If two heads are better than one, then two dozen heads should be able to solve or cut the Gordian Knot of rail corridor preservation. That was the task put before 20 lawyers, state government policy advisors, program administrators and railroad executives that met with NCRT to identify and analyze obstacles to converting rails to trails in North Carolina.

The plenary meeting took place Feb. 17 at the Raleigh offices of Bailey & Dixon, the law firm now representing NCRT.

**Attorney David Coats challenged the state, the public and the railroads to come up with a win-win-win solution.**

Complex property law issues, stalled legislation, public attitudes, misinformation, past experiences, funding constraints and lack of a clear state policy were all put on the table for discussion.

Several dozen ideas for addressing these issues were put forth, with most of them falling into three categories: 1. Public and government education, 2. Corridor acquisition methods, and 3. State corridor assessment and preservation policy.

**One promising suggestion was to include inactive corridors in the state's economic development plan.**

Other progressive ideas included full state participation and funding of showcase rail-to-trail conversions for proof of concept and public education; applying conservation easements and tax credits, and a state corridors preservation trust.

Committees on education and legislation were formed and the task force agreed to reconvene on April 21.

### Rail-Trails Mean Business

NCRT Joins Rural Center In Tourism Development

The North Carolina Rural Economic Development Center has awarded NCRT \$45,000 to assist in boosting rural tourism by converting unused rail corridors into recreational trails.

**Two corridors will be selected for the rural tourism development projects. In addition, NCRT will produce a rail-to-trail conversion handbook and conduct a statewide conference on the subject next year.**

The Rural Center was created in 1987 to improve economic conditions in rural areas. Among its activities, the center funds projects that spur local growth and show promise as model projects for other communities throughout the state.

Although tourism is the state's second largest industry, it is concentrated around federal lands in the mountains and along the ocean beaches. The program's goals are to diversify tourism and to spread it throughout the state, especially into the

depressed rural counties.

All that is lacking is off-road corridors, a need which unused railroads can meet.

**With varied terrain and favorable climate, North Carolina has the potential to develop off-road bicycle, hiking and saddle touring as a year-round industry.**

In other areas of the country, rural rail-trails have proven to be generators of small business opportunities, such as food, lodging, campsites, equipment rental, repair services, shuttles, entertainment and off-trail recreation.

NCRT and the Rural Center will select two corridor projects with the best potentials for successful rail-to-trail conversion. NCRT will assist with organizing community support, citizen-government partnerships, project planning, corridor acquisition, funding sources, and trail development, management and promotion.

### Adopt-A-Trail Fund Makes Three Awards To NCRT

The state Adopt-A-Trail program has made three awards to NCRT for 1994. The new grants bring to seven the total number of awards that NCRT has received to advance rail-trail programs throughout the state.

The largest this year is a \$2,500 challenge grant for first-stage development of the Lincolnton Railroad Greenway. Lincolnton citizens and businesses must also apply \$7,500 in local funds to trail development. The project is a north-south, 1.8-mile corridor.

A second development award, for

\$1,000, will be applied to first-stage development of the Kinston greenway rail-trail. The city owns a corridor segment inside the city which connects three schools.

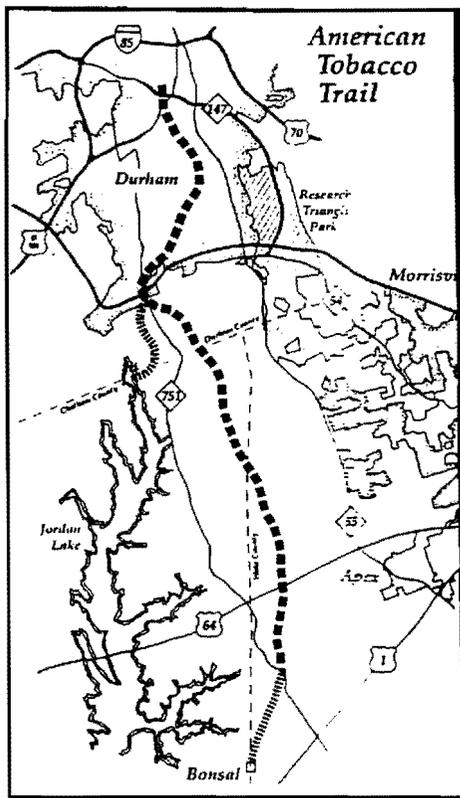
The third award, also for \$1,000, renews Adopt-A-Trail support for publishing this newsletter, which has been published quarterly since 1989.

The Adopt-A-Trail program is administered by the Division of Parks and Recreation. The program had \$35,000 to distribute this year. Forty-five applications totaling \$125,873 were received.

## Triangle Project Near Resolution

Acquisition of the Durham-to-Bonsal American Tobacco Trail is back on track after delays brought on by others bidding for portions of the corridor. Title transfers could be completed this summer, according to Paul Worley, NCDOT rails division negotiator.

That projection was made during the management team's Jan. 21 review meeting in Durham. As things now stand, Duke Power Co. will acquire the corridor from Chatham County north to where it intersects I-40 in Durham County. NCDOT will then seek an easement from the power company. The remainder of the 23-mile corridor will be acquired by NCDOT. An additional 3.6 miles north of Bonsal are owned and operated as the New Hope Valley Railway for public



excursions by the Eastern North Carolina Chapter of the National Railroad Historical Association.

Delays were encountered when developers sought to purchase the Chatham County section to join large tracts being acquired for new community-scale developments. Duke Power entered the

picture to protect the corridor for future electric power transmission lines.

When Norfolk Southern does transfer property titles, it will set off an additional flurry of paper shuffling. NCDOT has an agreement to lease the corridor to NCDENR Parks and Recreation. NCDENR will then sub-lease to local governments, which will be responsible for trail management.

NCDOT's Bicycle Program is set to launch Phase I development in Durham and has \$295,000 slotted for that purpose, according to Tom Norman, facilities specialist. The department aims to make the project a showcase for off-road transportation facilities, he said.

NCDOT was waiting for the railroad's appraisal at the time of the meeting.

## Norfolk Southern Says Yes And No To Petitions

Norfolk Southern notified the ICC on Dec. 21 that the railroad is willing to negotiate a National Trails System Act Section 8(d) railbanking with the City of Jacksonville and Onslow County!

This is the first instance in this state that Norfolk Southern has agreed to participate in the railbanking procedure.

The local governments had petitioned for interim trail use on the subsidiary Camp Lejeune Railroad Company line to Kellum. NCRT initially opened the subject with Norfolk Southern last summer. The five-mile rail segment is part of Jacksonville's greenway plan.

At nearly the same time, Norfolk Southern declined to participate in the Section 8(d) railbanking of 1.5 miles at Shelby in Cleveland County. In rejecting the interim trail request, the ICC cited the railroad's previous agreement with NCDOT for removal of a highway bridge and filling the grade over the corridor.

Cleveland County has been told that the NCDOT is willing to provide passage via a concrete culvert under the highway. At NCRT's urging, Cleveland County is petitioning the ICC to reopen the abandonment decision and to apply a 180-day public use condition for working out the situation with NCDOT and the railroad.

## OVT Ambition To Remake History

Rail-to-trail conversions are indeed ambitious projects. But imagine the task of creating more than 200 miles of trail corridor through 20 counties in four states.

That is the vision of a steering committee formed to recreate the Overmountain Victory Trail from Southwestern Virginia, into Tennessee, and down through North Carolina to Kings Mountain National Military Park in South Carolina.

**It is the historic route that frontier mountain men took the summer of 1780 to chase down and defeat a British-commanded Tory force. The feat foiled the Crown's attempt to isolate the southern colonies and was the turning point in the Revolutionary War.**

It is the oldest designated National Historic Trail east of the Mississippi, but only exists now as an approximate motor touring route. A year ago, Will Neville of Asheville rekindled the vision of recreating the original off-road route and landed National Park Service support for the project.

The 30-mile segment between Cowpens and Kings Mountain national parks in Cherokee County, SC, has been targeted for the initial stage. The Cherokee Chamber of Commerce pledged support for the project during an organizational dinner meeting Feb. 19 in Gaffney.

**The original path followed terrain and, quite naturally, became routes of railroads and highways. This holds interesting possibilities for integrating rail-trails, most notably the long-abandoned Tweetsie railroad route through the scenic Doe River Gorge on the Tennessee-North Carolina state line.**

The mountain men also marched along the route of the still-in-service Clinchfield (CSX) railroad, through what is now the Pisgah National Forest, from Spruce Pine to North Cove, NC.

The goal is to recreate a non-motorized historic path for bicyclists and hikers.

For more information, contact Neville at 704-252-2180 or Rich Sussman, NPS planner, at 404-331-5465.

Closing for Spring Issue: May 1

## Whistle Stops:

### You, Too, Can Be Wide Spot On Road

There is good news and bad news for North Carolina bicyclists. The good news is that a recent NCDOT paving policy mandates putting down widened, paved shoulders on state highways.

The bad news that the policy does not apply to highways serving fewer than 4,000 motor vehicles per day, the very kind of roads that attract cyclists.

The policy was adopted to protect crumbled paving edges, not to preserve bicyclists.

#### NORTH CAROLINA RAIL-TRAILS INC. BALANCE SHEET - AUDITED Year Ending Dec. 31, 1992

	Unrestricted Funds:General	Restricted Funds:Grants
<b>ASSETS:</b>		
Cash	\$7,414	\$4,273
<b>TOTAL ASSETS</b>	<b>\$7,414</b>	<b>\$4,273</b>
<b>LIABILITIES &amp; FUND BALANCE.:</b>		
Accts. Payable	\$ 804	\$ 229
Deferred Support	5,000	- 0 -
Total Liabilities	\$5,804	\$ 229
Fund Balance	\$1,610	\$4,044
<b>TOTAL LIAB. &amp; FUND BAL.</b>	<b>\$7,414</b>	<b>\$4,273</b>

Blackman & Sloop, CPAs. PA  
Chapel Hill, NC

### Tennessee Sets Rail-Trail Conference

Tennessee will have a chance to prove that it is populated with Volunteers at a state rail-trail conference March 25 - 26 at the Scarritt-Bennett Center in Nashville. The goal is to start a state rail-trail movement.

The event is being sponsored by the national and state park services; state park, bike and trails associations, and the national Rails-to-Trails Conservancy. Dan Arrasmith, NCRT vice chair, will relate NCRT's formation and progress. Call Chris Abbett, NPS, 800-524-6878, for registration information.

### NEXT MEETING MARCH 12

NCRT will hold its winter board meeting at 10:30 a.m., Saturday, March 12, at the Lincoln Chamber of Commerce Building, East Main and Court Street in Lincolnton. The public is invited to attend.

### NCRT Pitches Off-Road Biking

NCRT made the case for rail-trail development to the North Carolina Bicycle Committee in Raleigh on Jan. 21 and came away encouraged that the state's Bicycle Program is indeed looking for good off-road transportation projects.

The Bicycle Committee is an advisory panel made up of citizens appointed by the Board of Transportation. NCRT board members Dan Arrasmith and Al Capehart were invited to present rail-trail issues.

They reported that the growing popularity of mountain bikes has created a pressing need for off-road cycling options and that even unimproved rail-trails are excellent facilities. The problem, they said, is gaining access to abandoned rights-of-way.

NCRT outlined a needed course of action, which included an interdepartmental state assessment of rail corridor utilization that would be put before the legislature.

NCRT also urged proactive DOT administrative policies to help stem the loss of usable corridors. In response, Curtis Yates, Bicycle and Pedestrian Program director, disclosed that a new DOT policy is being circulated to highway planners. The policy directs designers to take into consider future plans for local greenway and trail projects, so as not to block access or cut off passage with bridge removals, grade fills, hazardous crossings and other road building actions.

**NCRT's expanding communications mission is in dire need of a computer laser printer. Your old laser can become a tax deduction by donating it to NCRT. We also need small copy and fax machines. Please call 704-495-4472 .**

## ENLIST TODAY IN THE NORTH CAROLINA RAIL-TRAILS MOVEMENT!

Name \_\_\_\_\_ Address \_\_\_\_\_

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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, Suite 124, 703 9th St., Durham, NC 27705

THANK YOU FOR JOINING NCRT

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

## Trailbuilder Notebook

*Editor's Note: This is the second in a series of articles on railroad abandonment procedures. The first article defined five types of rail service abandonment that are administered by the federal Interstate Commerce Commission (ICC). This article will discuss the public notification requirements.*

In order to railbank under Section 8(d) of the National Trails System Act, interested parties must be alert to possible abandonments and act quickly when the first steps toward rail service abandonment are taken.

**Regulated abandonment** -- Each railroad is required to maintain a system map which shows which lines it intends to abandon at least *four months* before the fact. In reality, these maps are ignored because they are outdated before they are in print.

The state DOT must be notified of intended abandonment no less than *15 days* before the railroad petitions the ICC.

Notification must be published in local newspapers *once a week for three consecutive weeks* prior to petitioning the ICC.

Postings must be placed at effected depots *30 days* prior to ICC filing.

**Two-year-out-of-service exemption** -- This is the most common type of abandonment procedure and the fuse gets shorter.

The state DOT must be notified at least *10 days* prior to petitioning the ICC.

The ICC must publish the exemption abandonment notification in the Federal Register within *20 days* of the railroad's filing.

**Petition for exemption** -- Applies to a small number of abandonments where railroad can conclusively prove that rail service users are not adversely effected. There is no fuse.

No public notification is required other than publication in the Federal Register.

As you can see, abandonment procedures are a hodge-podge that can become hit-and-miss public notification. Most of us don't hang out at dusty depots, scan the newspaper legal notices or avidly read the Federal Register.

Only the governor's designated agent must be directly notified of impending abandonments. In North Carolina this is the DOT railroad division. By agreement, the rails division notifies the state parks and recreation division trails office of new abandonments. The trails office then alerts NCRT and local governments to new rail-trail opportunities.

If you have your eye on a railroad with rusty steel, contact NCRT or Tom Potter, parks and recreation trails specialist, at 919-778-9488. It could be headed toward abandonment.

### NORTH CAROLINA RAIL TRAILS INC. BOARD

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### PROJECT CONTACTS

Ashe County	Priscilla Brown	919-384-3506
Caswell County	Forrest Altman	919-234-8556
Chatham County	Margaret Jordan-Ellis	919-898-4814
Cleveland County	Fred Blackley	704-484-1731
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Guilford County	Joe Best	919-282-1880
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### RESOURCE CONTACTS

NCDOT Rail Planner	Paul Worley	919-733-4713
NC Govt. Trail Spec.	Tom Potter	919-778-9488
Rails-to-Trails Cons.	Marianne Fowler	202-797-5400
National Park Service	Tom Iuriono	202-343-3709

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