

Wake opens ATT segment Aug. 23

Wake County has put the finishing touches on Phase I at the south end of the American Tobacco Trail. An official opening of the 3.75-mile first phase is scheduled for 10:00 am Saturday, Aug. 23, according to Wake ATT Park Manager Tony D'Amica.

Wake's Phase I has involved rebuilding three bridges, applying surface screenings, landscaping, fencing, gates and signs.

Wake is anticipating completing Phase II by next year, which will leave only one more mile to develop on Wake County's 6.5-mile segment of the 23-mile project. Phase II and III plans are complete and progress depends on availability of federal transportation grants, according to D'Amica.

Wake County and the City of Cary agreed last August to jointly purchase 143 acres that straddle the ATT. The purchase will preserve open space on the Jordan



A young hiker checks out the safety features of the Reedy Branch Creek bridge, one of three bridges rebuilt on the Wake County Phase I American Tobacco Trail development.

Lake watershed on White Oak Church Road. Part of the land may be used for a future park and ATT greenway connector.

Durham has already developed the ATT urban sections from downtown to the I-40 crossover at the south edge of the city, a total of 7.7 miles. A new bridge is being planned to span the Interstate. Preliminary preparation for development is continuing south of I-40 to the Chatham County line under an agreement with Triangle Rails-to-Trails Conservancy.

Chatham County recently negotiated a lease from the NCDOT for the trail's 4.6-mile middle section. A similar agreement is needed for U.S Corps of Engineers managed property on the corridor.

TRTC is working with Chatham County to expedite the project. Development of the Chatham section will involve rebuilding two bridges, for which engineering specifications were readied under Wake County direction at the same time the three Wake ATT bridges were planned.



The recent application of a gravel screenings surface is enough to get the public checking out the American Tobacco Trail in Wake County.

Bill can make more state rail corridors available for trails

H1230, a bill to make all state held rail corridors eligible for interim trail use, has passed its first test in the House Transportation Committee and has been sent to the House Appropriations Committee, where it will be taken up by the Subcommittee on Transportation. It was filed in the House by Rep. Paul Luebke of Durham.

H1230 amends GS 136-44.36D, the section of the state railbanking authority which deals with interim leasing for recreational trails. As originally passed in 1989, the statute limits interim use to rail corridors held by the state in fee simple absolute. Over 95 percent of the state's railroads were built on some form of easement. The state currently holds 93 miles of railbanked easements that cannot be leased to local governments for interim use because of the existing statute. The lone exception is the 23-mile American Tobacco Trail in the Triangle.

The bill proposes that rail corridors held by the NCDOT in fee simple or in any lesser interest, including easements and leaseholds, may be leased or subleased by the department to other state departments, agencies or local governments for interim use, or joint use with rail, for public recreation, such as linear park trail or recreational corridor, and for nonmotorized transportation use.

H1230 also adds GS 136-44.36E, which states that any portion of a rail corridor held by NCDOT and leased for interim use, or joint use with rail, for public recreation and nonmotorized transportation shall be deemed to be held and preserved for railroad use and in continuation of any railroad easement and shall not

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Bill can make more state rail corridors available

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revert by operation of law to any other ownership, provided such interim use is subject to restoration or reconstruction for railroad purposes.

Another section of the bill extends the latitude to lease for interim use without risking reversion under GS 160A-498, the statute which authorizes cities and counties to acquire property for rail corridor preservation.

The bill's protection from corridor reversion to adjoining properties is based on the "Public Highway Doctrine," which holds a public way is not subject to reversion due to shifting use, such as from cartway to road or railroad to trail. The doctrine holds that shifting public use is not an additional or greater burden on a easement.

If you have a representative on the Appropriations subcommittee, please call or write to express your support for H1230. If you do NOT have a representative on the subcommittee, please express your support to the subcommittee chairmen.

NC House Appropriations Subcommittee on Transportation -- 2003-2004 Session

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More greenway plans go to regional visions

CATAWBA REGION -- Greenway planning in the Charlotte region has rapidly progressed from local trails to multicounty and even interstate trail networks. The broadest vision is for a 150-mile Catawba Regional Trail System spearheaded by Voice & Choices of the Central Carolinas. The network would connect Mecklenburg and Gaston counties NC, with York and Lancaster counties, SC. Additional interest is said to be expressed by even more communities and counties in the region.

The regional proposal comes on the heels of Gastonia completing its first 2.7-mile greenway and Charlotte launching the 15-mile Little Sugar Creek Greenway from uptown to the state line. Fort Mill, SC, already has the Anne Springs Close Greenway in place.

The proposed network would provide bike/ped community connections and Catawba River crossings.

CENTRAL PIEDMONT REGION -- Rowan, Cabarrus and Davidson counties have entered into agreement to establishing greenways.

In May, the Rowan County Commission unanimously approved the agreement, which will also includes several towns. The county recently appointed a greenway committee and is working with Spencer, Salisbury, China Grove, Landis and Kannapolis to establish a greenway along Grants Creek.

Chairman Steve Blount said Stanly and Davie counties may join to form a five-county effort.

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State court rules railbanking proper

Claiming jurisdiction in a challenge to a federal railbanking, a state Superior Court in Rutherford County has concluded that the Thermal Belt-Rail-Trail was properly railbanked and that no unconstitutional taking took place. Furthermore, the court stated: "There has been no abandonment within the meaning of North Carolina law" and that "the rail corridor did not revert back to the adjacent land owners."

The judgement came two years after the original plaintiff, the owner of a milling company bordering the right-of-way, filed suit against Bell South and Bechtler Development Corp., the nonprofit organization which holds the federal interim trail rights. The original complaint by King Associates, the mill owner, contended that it and other adjacent landowners were due compensation for an alleged fiber optic cable under the right-of-way. Bell South was dropped from the suit when it was established that the telecommunications company did not have or contemplate installing a cable.

In a new motion last year, the plaintiffs challenged the federal Surface Transportation Board's jurisdiction over the corridor, contending that it lost jurisdiction in 1988 when Norfolk Southern completed abandonment of the line in Cleveland and Rutherford counties.

Subsequently in 1989, the abandonment was modified when Rutherford Railroad Development Corp. purchased 12.84 miles of tracks and right-of-way from Forest City to Gilkey, then leased it to the

Trail Sides



"Long before this rail-trail was a railroad, it was a public highway doctrine pathway."

Thermal Belt Railway for a shortline operation. Freight traffic declined during the 1990s and the parties agreed to railbank the line from Spindale to Gilkey, with Bechtler concurrently applying for interim trail use. The eight-mile trail has been in public use since late 2001.

The court granted class action status to the action last year, thus making all adjacent property owners parties to the suit. In his recent findings, Judge E. Penn Dameron, Jr. concluded that the underlying property interests were undeterminable from the evidence and that the court retained jurisdiction over the case while additional documents are submitted on that issue.

NCRT is assisting the Bechtler defense attorney with legal and property research.

Enhancement funds cut by House committee; public action needed

The U.S. House of Representatives Appropriations Subcommittee on Transportation and Treasury voted July 11 to eliminate the Transportation Enhancements program for the fiscal year beginning October 1. The program is the largest federal source of funding in support of trails, walking and bicycling.

Enhancement funds have been used to acquire rail corridors, develop trails, restore depots and build bike/ped facilities. The Triangle Region's American Tobacco Trail has been developed primarily with Enhancement funds. Elimination of the federal funds could stall development of the ATT and other projects for years.

Public interest groups, including NCRT, are asking House members to reinstate Transportation Enhancement funds to the appropriations bill. Members and supporters are urged to add their voices by calling their representatives.

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(Sum03)

THANK YOU FOR JOINING NCRT

"To Preserve Rail Corridors and Promote Rail - Trails"

Brevard getting there, piece by piece

When you hit a brick wall, go around it. That is what Brevard is doing: a winding bike/ped trail routed through public and private property. When completed, it will connect downtown Brevard with Pisgah National Forest in a round-about way.

It all began several years ago when the city tried to buy a Norfolk Southern abandonment on a more direct route. Adjacent property owners filed a title challenge against the railroad and a federal district court settlement allowed the right-of-way to revert to the plaintiffs. However, interest was created to look for a substitute bike/ped facility.

And it is beginning in the middle. The present Phase I is 1.4-miles, beginning with a half mile along U.S. 64, then skirting a church and senior housing center, looping about the hospital and ending up at the city-county recreation center . . . the same place as the original rail corridor route.

The downtown and Pisgah Forest connections are still in the planning.



Brevard hopes for dryer weather to pave the first 1.4-miles of its new bike/ped path by Labor Day. Phase I routing offers woods and mountain views .

NCRT Annual Meeting

10:30 am Saturday, Oct. 11, Apex, NC
Apex Chamber of Commerce, 220 N. Salem Street

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