

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

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November 5, 2012

Marc L. Hamel, Rail Environmental Manager
NC DOT Rail Division
Environmental and Planning Branch
1553 Mail Service Center
Raleigh, NC 27699-1553

Subject: Request for scoping comments related to the proposed private crossing closures with the North Carolina Railroad (NCR)/Norfolk Southern (NS) Railway at Gordon Thomas Drive (TIP No. P-44051), Greenbriar Drive (TIP No. P-4405J), and Byrdsville Road (TIP No. P-4405K) in Orange County

Dear Mr. Hamel:

The Orange County Planning & Inspections Department has performed a preliminary review of the three proposed private crossing closures with the NCR/NS Railway referenced above, and offers the following scoping comments.

IN GENERAL:

1. Orange County Planning Department has had insufficient time to ascertain potential impacts of proposed road layouts. We hope that the process will allow future opportunities for a more thorough and in-depth review prior to any final rerouting decisions. Planning staff also requires additional time to coordinate its review with other County departments and the Town of Hillsborough.
2. Orange County officials are interested in commenting on all proposed rail crossing closures within the County, whether they be private or public, within a municipal jurisdiction, or within an unincorporated area.
3. Orange County requests details regarding the public outreach efforts that are planned by NCDOT for these proposed closings. The County desires a robust and interactive public information and comment process, with clear

communication with the public. The County is able to assist NCDOT with those public outreach efforts in any possible.

4. County regulations establish thresholds for specific classification of roadways to serve parcels. Any replacement right-of-way for said existing lots will have to comply with the provisions of Section 7.8 of the Unified Development Ordinance (UDO).
5. All proposed new roads would have to be built to the 'public' NCDOT roadway standards.
6. Any new road will have to comply with established flood damage prevention, stream buffer, stormwater management and erosion control standards enforced by the State and the County. There will also have to be demonstrated compliance with applicable impervious surface limits based on the adjoining properties presence in watershed overlay districts. Further, new right-of-ways will need to be properly denoted on appropriate plats and recorded in the Orange County Registrar of Deeds office at the appropriate time.

CROSSING #735 199Y/MP H 48.49/Gordon Thomas Drive (P-4405I)

NCDOT DESCRIBED IMPROVEMENTS

This crossing provides access to Old NC 10 (SR 1710) for six properties located south of the NCRR. The crossing occurs in an area where NS operates one mainline track and a passing siding. While the track section is straight at this location, it quickly enters a curved section both east and west of the crossing. The sight distance for train crews on either approach to the crossing is limited by heavy foliage on both sides of the track. The crossing is vertically humped and is protected by crossbucks. Much of the property surrounding the six parcels is owned by Duke University and is part of its School of Forestry. Alternative access to these properties will be considered using Paschall Drive west of Gordon Thomas Drive. From there, drivers will be able to access Old NC 10 via Dove Creek Road (SR 115) or Murphy School Road (SR 1714).

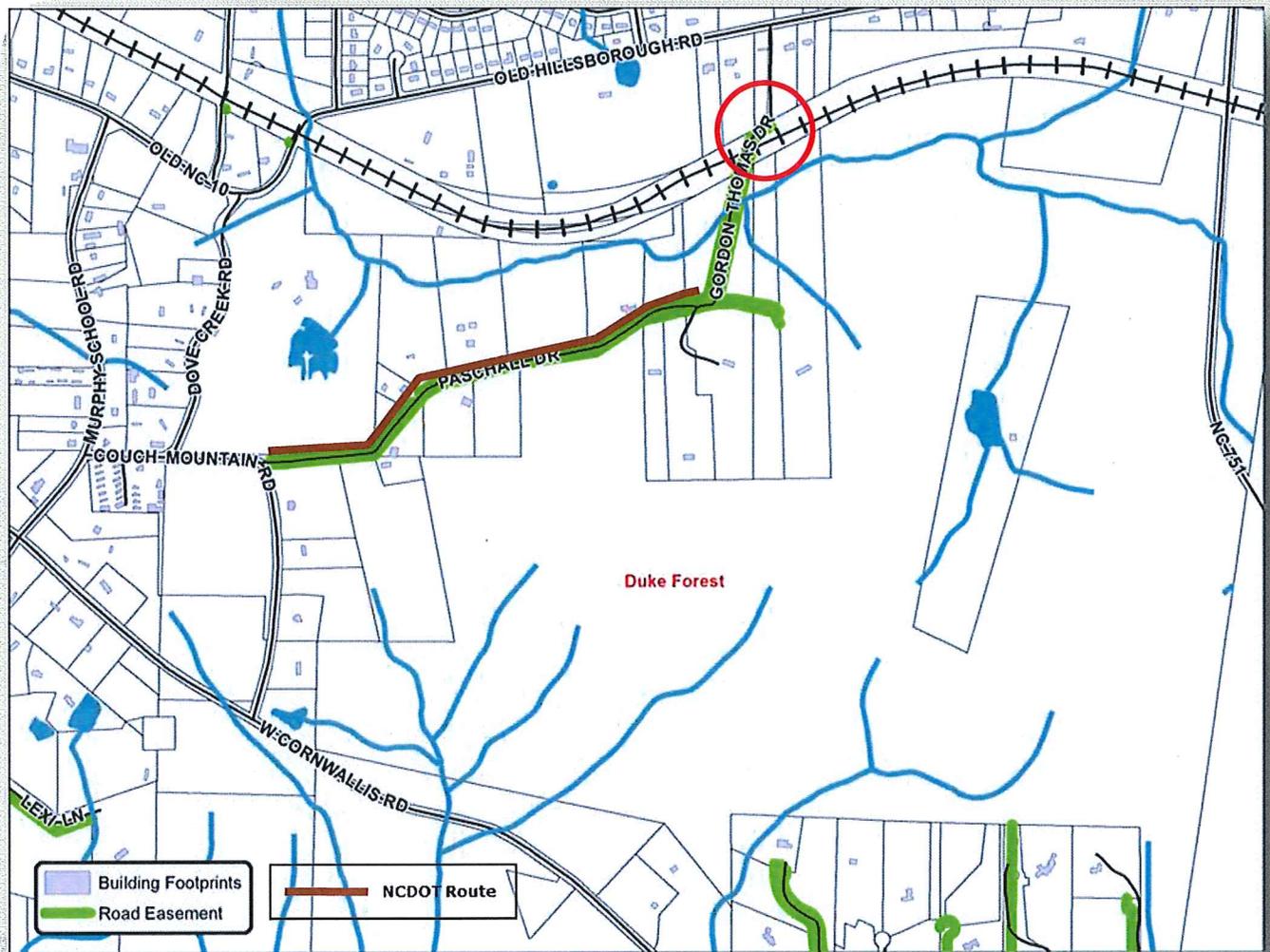


COMMENTS

1. Based on the plat and deed information we have reviewed, Paschall Drive is a private access easement only 30 feet in width. Additional property will have to be secured by fee simple transactions or condemnation to secure the necessary right-of-way.



2. Side drainage ditches will need to be constructed.
3. The development of a new road down the existing Paschall Drive access easement would have to be built to NCDOT standards, which may render some lots non-conforming with respect to local land use regulations.
4. Staff encourages a re-evaluation of the cost-benefit analysis and other alternatives for this closure as there are so few properties receiving access from the crossing vs. the significant impact to this private community.

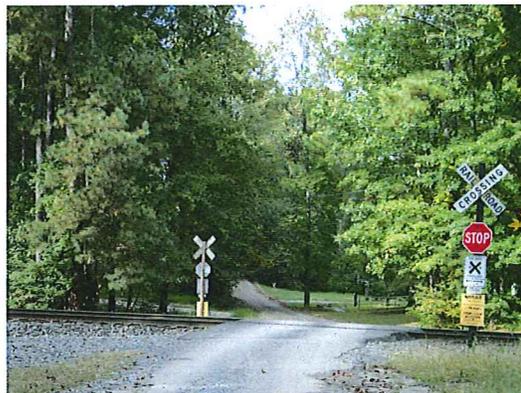


Source: Orange County GIS

CROSSING #726 305F/MP H 47.62/Greenbriar Drive (P-4405J)

NCDOT DESCRIBED IMPROVEMENTS

This crossing serves eight residential parcels located north of the railroad and provides access to Old NC 10 (SR 1710). It is located along a straight section of track. There is heavy foliage on all four approaches to the crossing. The roadway approaches are gravel, and the southbound approach is slightly humped. The crossing is protected by crossbucks. The railroad overpasses Old NC 10 approximately 550 feet east of the crossing. The Greenbrier subdivision abuts the Whispering Pines subdivision immediately to the east which has direct access to Old NC 10 without crossing the railroad. Alternative access is being considered parallel to the track to connect Greenbriar Drive to Spruce Pine Trail in the Whispering Pines subdivision. A new roadway will be studied in two locations: One will be from Greenbriar Drive approximately 400 feet north of the railroad crossing to Spruce Pine Trail approximately 450 feet north of Old NC 10. The other will be from the northern end of Greenbriar Drive to Spruce Pine Trail where Spruce Pine Trail turns to the east.

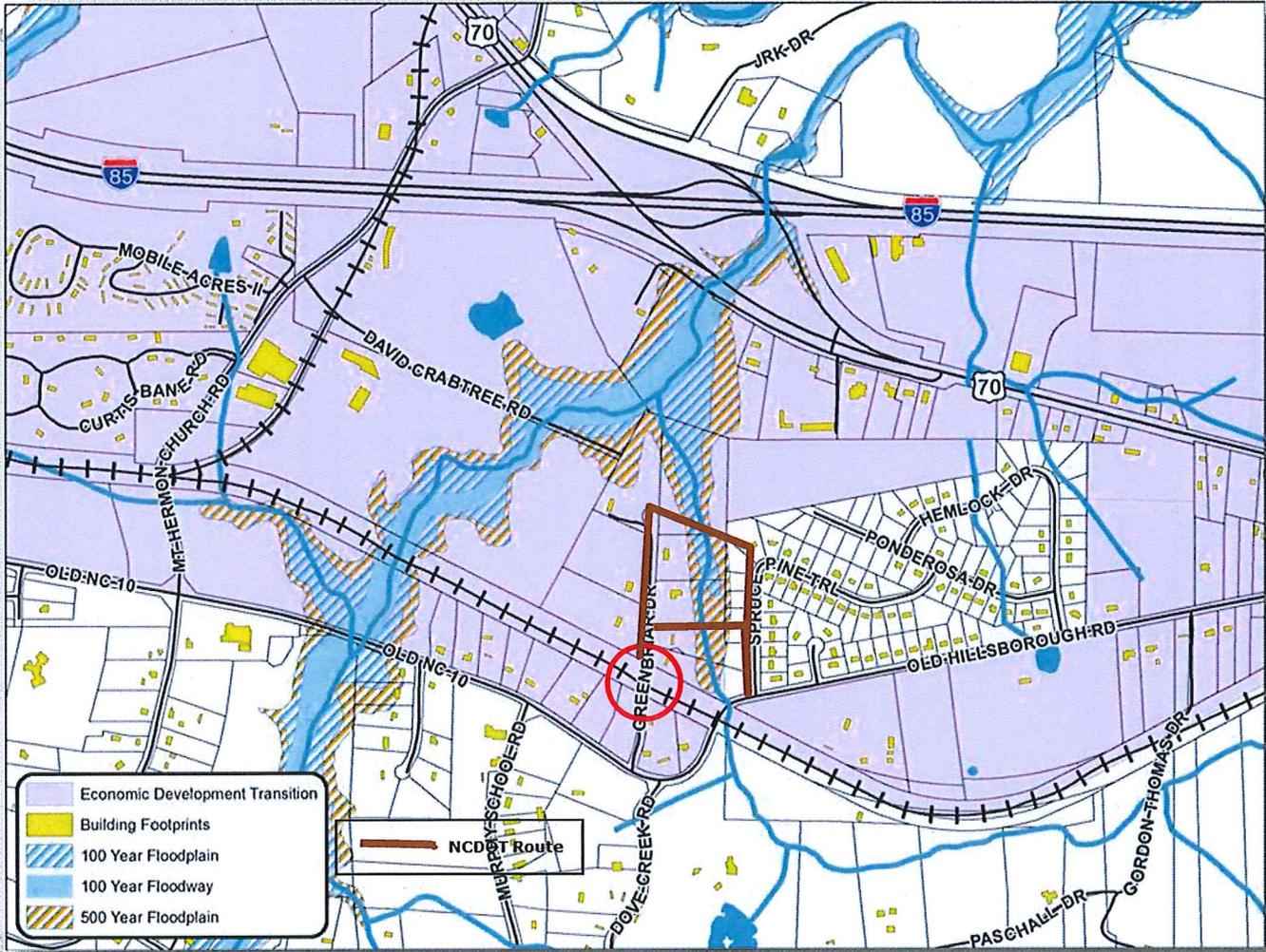


COMMENTS

1. The proposed NCDOT road layout includes a cross access/road mid-way on Greenbriar Drive that does not align with existing lot patterns and appears to serve no practical purpose. This cross access/road would also involve an unnecessary perennial stream crossing.
2. Existing Greenbriar Drive is not built to acceptable standards. It has substandard width and no side drainage ditches.
3. This proposed option could potentially involve traffic associated with adjoining non-residentially zoned property, to have ingress/egress through an established single-family residential neighborhood.
4. Either the southern or the northern end of Greenbriar Drive will need to be renamed after the closure to avoid duplicated street names.
5. Planning staff requests that more viable alternatives other than the current proposal be explored. This location is part of the County designated and zoned Eno Economic Development District (EDD), and is also immediately south of an interchange with I-85 which is planned for improvements. The adopted Eno EDD Small Area Plan supports an enhanced service road and access system in the area, and includes an approved Transportation Access Management Concept Plan (copy enclosed for reference). Staff would prefer an alternative that

considers the larger context of the area's access issues and needs. Pursuing the proposed alternative could exasperate upcoming development efforts for the interchange and the EDD.

- 6. The proposed NCDOT road layout involves potential crossing(s) of Rhodes Creek. If there is to be a crossing of this perennial stream, with the associated environmental impacts, there should be multiple purposes for the larger EDD area.
- 7. If feasible, perhaps a cross access road could be constructed within or parallel to the railway right-of-way between Greenbriar Drive and Old NC 10, rather than the proposed network of roads that involve substantial road work, new stream crossings, the breaching of subdivisions, and the possible introduction of non-residential traffic through residential subdivisions.



Source: Orange County GIS

CROSSING #735 189T/MP H 43.89/Byrdsville Road (P-4405K)

NCDOT DESCRIBED IMPROVEMENTS

This crossing serves a large subdivision of permanent and mobile homes. The crossing is protected by automatic warning devices. The approach roadway is paved and is approximately 16 feet wide. The westbound approach is curved. The crossing is slightly humped and there is heavy foliage on three of the four approaches. Approximately 70 homes are served by this crossing. Residential areas south of Byrdsville Road are surrounded on three sides by Duke University property (Duke Forest) which will most likely remain undeveloped.



Alternatives will be considered for Byrdsville Road to have access to NC 86 to the west. A new roadway is proposed to connect Byrdsville Road to Walter Clark Drive. From there, drivers can follow 'Walter Clark Drive' north to NC 86. Driveway improvements will also be considered in two locations to maintain connectivity to residential areas north of Byrdsville Road.

COMMENTS

1. The proposed new road layout cuts across Duke Forrest Property (PIN 9873-73-3084), behind existing single-family residential lots within the Joppa Oaks subdivision, to access an existing private driveway located on Piedmont Electric property (PIN 9873-65-7546), eventually accessing a stubbed out, unnamed, reserved 60-foot wide roadway easement. This easement, part of the Joppa Oaks development (PB 23 PG 10) accesses NC 86 near the Hillsborough Church of God property (PIN 9873-66-3261). The aforementioned easement runs behind the Church and currently affords access to a few single-family residential properties.
2. In general, all of the existing roads and easements in the study area are not to acceptable standards. Most have substandard widths, many are graveled, storm drainage pipes are rare and typically crumbling in the ground, and there are few if any side drainage ditches. Storm drainage will be important throughout the study area due to a number of perennial and intermittent streams, many which do not appear on the study area map.
3. In general, there are many utility poles throughout the study area that are situated immediately next to the graveled or paved roads. Road widening and improvements would require utility pole relocation.
4. The road which is identified as Walter Clark Drive on NCDOT's Project Study Map is a graveled 60-foot wide roadway easement. Although there is a road sign at the location identifying this as Walter Clark Drive, the County's plat shows this road as being an unnamed roadway easement.

5. The unnamed roadway easement (i.e. the road identified by NCDOT as Walter Clark Road) intersects NC 86 at an angle. The proposed road layout would create a road accessing the highway across from the primary access to the Wildwood single-family residential subdivision. Also, a short distance to the south on NC 86 is an entrance to the Becketts Ridge single-family residential subdivision. Staff has concerns regarding both the increase in the amount of traffic that would be utilizing this intersection and the increased danger associated with the angled, slightly off-set intersection that would be created. Staff believes that a traffic study would be necessary, to evaluate if this intersection should be signalized and realigned to address traffic access and congestion management issues. Additionally, some evaluation should be made as to whether north and/or south bound turn lanes would be required on NC 86.

6. Staff is aware that the Town of Hillsborough has been contacted for its comments regarding this proposed private crossing closure. The County's and Town's comments should be coordinated with regard to traffic impacts along NC 86.

7. The unnamed roadway easement (i.e. the road identified by NCDOT as Walter Clark Road) does not have an open intersection with Jaspers Lane, i.e., there is not currently any connectivity with the Joppa Oaks development. There is an earthen barricade at the terminus of Jaspers Lane. This road actually ends at the Piedmont Electric property line, where it accesses a private easement on its property.



8. The private drive access on the Piedmont Electric property is an access easement granted with the recordation of an easement agreement in the Orange County Registrar of Deeds office within Book 433 Page 641 between Piedmont and Wildwood Corporation of Hillsborough. This allows access to a property south of Piedmont Electric's, with an Orange County Parcel Identification Number (PIN) of 9873-64-6782 and a street address of 2370 NC Highway 86 South.

9. Because this access easement on Piedmont Electric's property is not a 'dedicated right-of-way', NC DOT will have to condemn the necessary property to create the required right-of-way.

10. Condemning right-of-way through Piedmont Electric's property could create ramifications on its ability to comply with established development requirements associated with an existing Special Use Permit issued by Orange County. Potential expansion and modification of existing infrastructure on the property

could be compromised as the easement is located in an area of the property slated for preservation as part of a required land use buffer.

11. The proposed new roadway layout would create reverse/double frontage lots for approximately 17 lots within the Joppa Oaks single-family residential neighborhood and the Piedmont Electric property. Section 7.7.3 (C) of the Orange County Unified Development Ordinance discourages the development of 'reverse/double frontage lots' unless considered 'desirable' by the County Staff does not consider this situation 'desirable'.

A 'Lot, Double Frontage' is defined within Article 10 of the UDO as:

- a. *'A continuous (through) lot which is accessible from both of the streets upon which it fronts on opposite sides'*

12. The 17 lots within the Joppa Oaks single-family residential subdivision (referenced in Comment #11 above) have chain link fencing along their rear property boundaries. This fencing might be impacted with the development of a new roadway in the proposed location.
13. Easements/right-of-way will need to be secured on Duke Forrest property (PIN 9873-73-3084) because the access easement ends at Piedmont Electric's eastern property boundary.
14. The proposed access network to the west of the twin lakes and the rail crossing does not seem to recognize that there is an existing private road off of Lonnie Drive within the Joppa Oaks development. This existing private road has a sign for the 'C & J Mobile Home Park' and it currently provides access to most if not all of the properties on the western side of the 'red square' (refer to NCDOT Figure 2 Project Study Area Map). Therefore, staff is not certain that this western side of the 'red square' would be necessary.



5. The Orange Rural Fire Department has commented that there could be an increase in response time for some of the residents of that neighborhood given

how the proposed road might be built. This response time would also be true for an ambulance responding to the area.

6. Approximately 95 properties would be directly impacted by the proposed new access improvements, and the entire Joppa Oaks Subdivision, Wildwood Subdivision, Becketts Ridge Subdivision, C & J Mobile Home Park, and the Byrdsville Mobile Home Park would be impacted by revisions to traffic patterns either in these developments or along NC 86.
7. The proposed new access improvements could potentially have significant impacts to a large number of County residents within the lower income Byrdsville community. The staff recommends consideration of alternative routes as well as measures to enhance compatibility and improve the positive aspects of the community's character.



Source: Orange County GIS

I invite you to meet with me, and/or Tom Altieri and Abigale Pittman of my staff regarding any comments in this letter.

Sincerely,

Craig Benedict, AICP
Director of Planning and Inspections