



Trail Time

Kentucky Rails To Trails
Council, Inc.
Summer, 2001

www.KyRailTrail.org
KyRailTrail@hotmail.com

KRTC Seeks Land Trust Status By Bob Strosnider & the KRTC Board

The mission statement in the Kentucky Rails to Trails Council's Articles of Association states that KRTC will "foster and facilitate the conservation of greenways and railroads rights of ways in Kentucky by the conversion of such holdings to rail use for the general public (and) to endeavor to protect and to promote and improve those greenways and rails-to-trails already existent with the state."

Members of KRTC strongly supported the successful passage of HB 221 in Kentucky last year. The bill among its other provisions established the Office of Rail Trail Development Programs (ORTPD) in the Department of Local Government and allows it to railbank rail lines proposed for abandonment for a period of 6 months. It doesn't however provide for the ORTPD to hold the property for a longer length of time pending the identification of a suitable developer and manager. A land trust could fill this gap.

A land trust is a non profit organization which holds land in trust for public purposes

As a land trust KRTC could fill that void by being the recipient of abandoned railroad property. The Board does not see KRTC becoming the final owner but rather a "pass through" owner. Land would be held in trust for rail trail or greenway purposes. Once a suitable developer and manager is found the land would be transferred to that entity.

At the March, 2001 meeting of the Kentucky Rails to Trails Council Attorney Bill Gorton from the law firm of Stites & Harbison answered questions about the legal process and the legal issues regarding land trust status. This firm is particularly suited for this task since it has experience in this area and represents two land trusts in Kentucky, the Bluegrass Conservancy and the Nature .

The process for establishing the authority for KRTC to function as a land trust requires amendments to the articles of association and bylaws, a vote by the membership endorsing the change, and filing the amendments with the Kentucky Secretary of State and the Fayette County Clerk. Bill Gorton has drafted amendments which the Board of Directors has reviewed.

The annual membership meeting is **planned for July 23, 2001, Monday, at Eagle Creek Library in Lexington** to allow the members the opportunity to learn more about the reasons for this proposed move and to vote on the amendments to the articles of association and bylaws. (Please note that this is not our usual meeting day of the third Tuesday of the month.) If approved, the amended articles would be filed and the process of setting up KRTC as a land trust would be completed some time this fall. The proposed revision of the Articles of Association also establishes a position of President with the

working title of Executive Director that can become a paid position and the position of Legal Advisor.

The next step would be to establish a set of guidelines or criteria which the board would use to decide if rail line abandonment would be placed in the KRTC land trust. Guidelines should also be set for how long KRTC would hold property in trust. Ideally abandonments that had reasonably good management and development potential would be selected. Private and public grants and donations would be sought to cover the expenses that would go with being a passive landowner. Again, the property will be held only until a suitable developer, manager is found.

Functioning as a land trust will allow KRTC to preserve rail trail opportunities which otherwise would be lost. It will increase the opportunities for rail trail and greenway development in Kentucky.

The following are the major additions to the bylaws that would create the land trust.

"Section 2-Acquisition of Interest in Real Property

Fee Interests. The corporation may purchase any real property of strategic value in developing trails for use by the public to preserve its availability for public benefit or for the purpose of buffering and protecting railroad corridors or converted rail trails.

Conservation Easements. The Board of Directors may accept conservation easements (as such term is defined in Kentucky Revised Statute 382.800) to accomplish the corporation's purposes and in order to promote, protect and buffer railbanked railroad corridors and converted railtrails [if an endowment exists or is given with the assessment to cover transactions costs, stewardship costs and potential legal costs that the corporation incurs or may incur in defending the easement. Such costs shall be determined by the Board of Directors on a case-by-case basis.]

Transfer of Real Property Interests. Nothing in this Article VII, Section 2 shall prevent the corporation from transferring or conveying any real property interest obtained in accomplishing the corporation's purposes, provided such transfer or conveyance shall continue to foster and facilitate the protection and conversion of greenways and railroad rights of way into trails for usage by the general public, and shall be to a public agency or a non-profit, non stock corporation qualified to accept such interests in land for purposes substantially similar to those set forth in Article II, Section 1 of these Bylaws or, in the case of conservation easements, qualified to accept such interests in real property as provided in Kentucky Revised Statute 382.800j through 382.860 and/or under the section 170(h) of the Internal Revenue Code of 1986, as amended, and the regulations there under."

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Many thanks to the following members who have renewed or joined in 2001. Here's hoping that the rest of you renew or join. We need your support both financially and in numbers to continue moving. If you do not see your name and think there is an error please contact KRTC.

Individual Memberships

Lisa Aultman-Hall	Fayette	Alan Bell	Grant
Jane Bramham, MD	Warren	Joan Brown	Shelby
Marti Buckner, Quest Engineers	Fayette	Al Capehart	N. Carolina
Randy & Lynn Coffman	Madison	Bob Cotter	Madison
David Cooper	Fayette	Charles R Coy	Madison
Charles J. Crail	Rowan	Patrick A. Dwyer	Jefferson
James B. Evans	Fayette	Robert J. Flynn	Fayette
Cora Henricks	Jefferson	William E Herron	Jefferson
Carolyn Gay Hodges	Pulaski	Gregory Jones	Bath
Rodney Kirtley	Muhlenberg	Carl Lee	Fayette
Adam S. Lobert	Hardin	Elinor Markle	Barren
Jerald M Messer	Boone	Allan B Morris	Jefferson
Thomas Nance	Jefferson	Madeline Powell	Carter
O'Dail Lawson	Fayette	Arthur D. Rouborn	Carter
Ann Richard	Jefferson	Lee D. Richardson	Jefferson
Shawn E Richardson	Ohio-state	Kelly Rogers	Calloway
Gerald Stribling	Jefferson	Holly Switzer	Franklin
Richard C. Taft	Jefferson		

Family Memberships (\$25)

Mary and Ray Barry	Fayette	Francis Collins-Camargo & family	Fayette
Jackie Diachun	Fayette	Don Greth	Clark
Dr. & Mrs. T. Greenlee	Fayette	Jack and Carol Eicher	Laurel
Cindy Brown & Dave Kinloch	Jefferson	Elizabeth M Kull	Jefferson
Kathy & Mike McGrath	Jefferson	Connie & Adrian Riley	Madison
Brian & Anne Schlifke	Fayette	Hager 'Sonny' Whitt	Jessamine
Cheryl & Steve Wyatt	Fayette	Greg Brock & Jeanette Coufal	Fayette
Randy & Mary Clark	Campbell	Gary & Pamela Conn	Fayette
Alan & Rose DeJarnette	Kenton		

Patron Memberships (\$50)

Phyllis R. Hasbrouck	Fayette	Jan & Charles Holbrook	Boyd
Charles McElroy	Union	Morgan McIlwain	Fayette
James I. Magee	Fayette		

Trail Blazers (\$100)

* Life Members

Bennett Cycle Sports*	Pulaski	Gloria and Charles Martin	Fayette
Richard Silver*	Woodford	Willard Vaughan (Team Enviro.)	Warren



News from around the State

In 1998 there were only 4 miles of rail trails in the state. Today there are almost 16 miles with over 160 miles in some stage of progress. We are moving.

Bluegrass Rails to Trails Foundation: The annual 5 K road race (runners) held in Winchester on Memorial Day weekend, was named this year the **Winchester Rails to Trails 5-K**. Volunteers from Bluegrass Rails to Trails Foundation helped with the race. The t-shirt for the race sported the logo of the Bluegrass RT Foundation on the front. This is the first t-shirt put out by a KY organization with a R>T theme. The foundations has also submitted two grants asking for funding. BRTF had a booth at the May 28th **Walk with Pets fun run** on the grounds of Keeneland put on by Sheabel Kennels and the Humane Society.

Railway Development Office in the Department of Local Government There is 3 miles approx of RR near Benheim which may be abandoned. The newly created Railway Development Office is in negotiations with the RR. There is approx 6-8 miles of RR from Fort Campbell to Hopkinsville that the base may abandon. There are 4 trestles on the line.

THANKS. Many thanks to those of you who sent in supporting letters for TEA-21 grants when the call went out over the list serve.

July 4th. Visit the KRTC booth downtown in Lexington in the July 4th celebration. BRTF will be represented as well as a local group advocating al Town Branch Trail in downtown Lexington. Groups in Morehead, Carter County and central/eastern KY are encouraged to send brochures and literature to be distributed by KRTC at the booth.

Upcoming KRTC Conference 2002. Tentative dates are 2-23,24 or 2-16,17, 2002. Lexington.

All members of KRTC are encouraged to attend the annual meeting to vote on KRTC becoming a land trust . The meeting will be held **July 23rd, Monday, at 6:30 pm at the Eagle Creek Public Library, off Richmond Rd., Lexington, KY.** . If you have questions about KRTC becoming a land trust please contact one of the Officers or Board Members.

Grant Information

Frequently KRTC is contacted to find out how and where to apply for grants. A reference book in the public libraries that is very helpful is The Foundation Directory put out by the Foundation Center, New York, New York. It is updated yearly. The Foundation Center's Database is also on CD-ROM. They list US Foundations, their trustees, officers, donors, criteria, deadlines, addresses, etc. The Fayette County Library, and presumably other public libraries, have an "LPL database" on their website. It contains a national database of firms, number of employees, officers, amount of sales and contact information. This information is very valuable in making a list of possible local corporate donors.

The following is a short list, by no means exhaustive, which might give local groups some ideas on where to begin. (Thanks to Lee Creech for his assistance in compiling this list.) In addition to TEA-21 grants there are two federal programs that have grant money that are administered by the Dept. of Local Gov't from Frankfort. They are the Land and Water Conservation Fund and the Recreational Trails Program.

The Transportation Enhancement Program (TEA-21) funds projects that clearly have "a clearly defined relationship to surface transportation." Twelve specific activities are eligible, some of which are recreation-related, e.g. provision of facilities for pedestrians and bicycles; landscaping and other scenic beautification; preservation of abandoned railway corridors; etc. A 20 percent match is required and the project must have a government sponsor. The program is operated by the Transportation Cabinet's Division of Multimodal Programs. Contact Jan Clements or Michael Hill at (502)564-7686.

The Land and Water Conservation Fund is a long-established federal grant program that funds many types of outdoor recreation projects, including land acquisition, facility construction

and/or renovation. The program requires a 100 percent match of other non-federal funds or in-kind match. The project sponsor must be a unit of government. There is an annual funding cycle, with applications to be solicited again early next year. Appropriations vary significantly from year to year, but are expected to be up next year. If so, the maximum grant may also increase from the current \$75,000. Contact: Buddy Renaker at the Department for Local Government, (502)573-2382.

The Recreational Trails Program is a smaller competitive grant program which funds trails only. The project sponsor can be either a government or private non-profit entity. A 100 percent match is required. The maximum grant is \$50,000. Applications will be due in October for the next funding cycle. Contact: Buddy Renaker at the Department for Local Government, (502)573-2382.

Another grant opportunity that has just past but might be used for next year is the American Greenways Grant. The Eastman Kodak American Greenways Awards, a partnership project of Kodak, The Conservation Fund and the National Geographic Society provides small grants to stimulate eat planning and design of greenways in communities throughout America. The maximum grant is \$2,500. Most grants range from \$500 to \$1000. Applications can be submitted from March 1 to June 1 each year. Announcements made in the fall. American Greenways, the Conservation Fund, 1800 North Kent Street, Suite 1120 Arlington, Virginia 22209, 703.525.6300. www.conservationfund.org.

Power Bar D.I.R.T. programs range from \$2,000 to \$3000 and are available to organizations across the country. Their first criterion for projects is to "increase or maintain access to the outdoors." Check website <http://www.powerbar.com> or write, Powerfood Inc., Attn: Dirt Program, 2150 Shattuck Avenue, Berkeley, CA 94710.



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Kentucky Rail-Trail LISTSERV
The Kentucky Rails to Trails Council has a LISTSERV for keeping in touch with meetings and events related to rail-trail happenings around the state. Access is granted through membership. For more information or to participate, contact Dixie Moore, KRTC secretary, at Dixie-Moore@aol.com

**Kentucky Rails to Trails Council
MEMBERSHIP APPLICATION & RENEWAL**

\$ 10 Individual \$ 25 Family \$ 50 Patron \$ 100 Trail Blazer
 \$ 250 Engineer \$500 Locomotive \$1000 Golden Spike \$5000 Corporate/Partner

NEW MEMBER Donation \$_____ RENEWAL Address Correction

The Kentucky Rails to Trails Council is always in need of volunteers who wish to contribute a bit of their time to help whether it be in writing newsletter articles, being an officer, fundraising, web site design or other activities such as these. If you think you might be interested, let us know. I would like to volunteer with KRTC. Please call me at: (____) _____ day evening

Name: _____

Address: _____

City: _____ County: _____ /State/Zip: _____

Phone: _____ Email: _____

**Please make check payable and mail to: Kentucky Rails to Trails Council, Inc,
Post Office Box 597, Lexington, KY 40588-0597**

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