

Trail & Recreational Use in VPRA-owned Rail Corridors

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The Virginia Passenger Rail Authority (VPRA) owns railroad corridors throughout Virginia and in portions of Washington, D.C., and North Carolina. VPRA recognizes that citizens and communities have an ongoing interest in building and utilizing both active and abandoned railroad right of way for trail and recreational purposes. In 2009, the General Assembly passed HB2088, resulting in the [Rails with Trails Report](#), which directs that all proposed trail projects on railway property must be processed through the Department of Conservation and Recreation ([DCR](#)). DCR will lead the process defined by HB2088 in coordination with the Department of Rail and Public Transportation ([DRPT](#)), railroads, VPRA, and other project stakeholders.

This document is intended to outline VPRA's legal restrictions and obligations related to trail and recreational use in VPRA-owned Rail Corridors.

Recreational Restrictions

VPRA acquired rights to several rail right-of-way segments (see page 2) to facilitate passenger rail travel. The legal instruments providing VPRA those rights containing stringent restrictions against certain uses, including recreational uses.

For example, under the "Restrictive Covenants" section in each respective deed, recreational use of any kind, i.e. biking, hiking, walking, etc. are explicitly prohibited. The applicable language is as follows: VPRA "acknowledges that the Passenger Rail Corridor has been historically used for railroad industrial operations and is being conveyed for use only for Passenger Rail Operations. Grantee, by acceptance of this Deed, hereby covenants that it, its successors, heirs, legal representatives or assigns shall not use the Passenger Rail Corridor for any purpose other than Passenger Rail Operations and that the Passenger Rail Corridor will not be used for the following (collectively, the "Use Restrictions"):... (c) any recreational purpose (recreational use shall be defined broadly to include, without limitation, use as a public park, hiking or biking trail, athletic fields or courts, or public gathering place)."

Accordingly, VPRA does not have the legal rights to unilaterally authorize the use of portions of Segments 1, 2, or 3 for recreational trails. Rather, proponents of trails over those Segments must obtain the approval of CSX (the "grantee" under the deeds) and work through other legal processes and stakeholders such as DCR, VDOT, and other railroad stakeholders.

V-Line: The V-Line deeds contain similar restrictive covenants. However, they are different because they allow new recreational trails, provided that they have "been designed to provide protection from exposures to existing soils". Still, no such recreational trail can interfere with passenger or freight operations and must be implemented to ensure the safety of trail users, and the safe and efficient operation of trains. Like Segments 1, 2, and 3, VPRA is not able to unilaterally authorize recreational uses over the V-Line because NSR has retained certain rights to conduct freight rail operations over the V-Line. Accordingly, proponents of trails over the V-Line must work with VPRA, NSR, DCR, VDOT, and other railroad stakeholders to advance any desired trails over the V-Line.

Segment 1:

This segment (also known as the RF&P corridor) consists of land running in parallel to CSX Transportation, Inc.'s (CSX) tracks. This property spans 144.6 miles from Washington, DC to Dinwiddie County, VA. New tracks will be constructed on much of this land to facilitate increased passenger rail operations between Richmond, VA and Washington, DC.

Segment 2:

Also known as the S-Line, this corridor was abandoned for active rail service roughly 50 years ago – the corridor itself remain but without railroad tracks in most locations. It spans 75.1 miles from Dinwiddie County, VA to Ridgeway, NC. VPRa is working with North Carolina and the federal government to define the improvements required to establish a new, operational rail line in this corridor.

Segment 3:

This segment spans 164.22 miles from Dowell, VA to Clifton Forge, VA. This is an existing freight rail line operated by the Buckingham Branch Railroad Company, with some intercity passenger service over a western portion of the corridor.

V-Line:

This is 29 miles of freight rail line, spanning from the City of Salem, VA to Christiansburg, VA. This line was recently purchased by VPRa from Norfolk Southern Railway Company (NSR), which continues to operate the line. Over the next several years, VPRa is improving this corridor to extend passenger rail service beyond Roanoke (where it ends today) to Christiansburg.

