

State Highway Help Asked

# Pisgah Forest Drainage Dilemma Is Traffic And Health Hazard

## Drain Blocked On Private Property

By - Cal Carpenter

"Pisgah Forest has a drainage problem caused by the blockage, with concrete, of the storm sewer leading from the Barnette Machine Shop, Post Office and McCall Grocery Store area. The concrete blockage is located on private property back of Redmond Machine Shop and the storm sewer up to the blockage stands full of water at all times. During heavy rains the road and surrounding area is subject to flooding.

"Unless this condition is corrected, the standing water will become stagnant resulting in mosquito breeding, possible flooding of private water supplies and septic tank systems, and a possible health hazard.

"Any assistance you can give us in correcting this condition will be greatly appreciated."

Thus a letter to T. M. Austell, District Engineer, N. C. State Highway Division from Jack S. McGinnis, R. S. Sanitarian, Transylvania County Health Department. The letter was written June 29, 1970.

### TRAFFIC HAZARD

Although not mentioned in the above quoted letter, the deep water that stands on the road in times of heavy rains is also a traffic hazard. A recent traffic accident in Transylvania county, in which two men were killed when their vehicle unexpectedly hit high water on the road, underlines this immediate hazard.

### DRAIN BLOCKED

The problem at Pisgah Forest began, according to Mr. McGinnis, some two years ago when a complaint was lodged with him about raw sewage emptying into a drainage ditch in the area. Mr. McGinnis' investigated disclosed a septic tank leaking into the surface drain. He ordered it corrected.

"This was corrected," says Mr. McGinnis. "But shortly after that, a property owner blocked the drain with ready-mix concrete where it begins crossing of his property."

Discussion with the property owner has shown an unwillingness to remove the block, according to Mr. McGinnis.

### MORE LETTERS

Another letter, substantially the same as the first, was written to Mr. Austell on October 21, 1970, three months later. It was signed by Dr. John Folger, Jr., Health Director of Transylvania County and Mr. McGinnis.

In a telephone answer to this letter, Mr. Austell pointed out a dilemma. The blockage of the drain is off the highway right-of-way and therefore does not fall under the Highway Department's authority.

Mr. Austell did, however, agree to refer the matter to highway officials in Raleigh.

On Sept. 2, 1971, eleven months later, a

third letter was written. This time it was addressed to Jack Murdock, Secondary Roads Officer, N. C. State Highway Commission in Raleigh. It cited the continuing problem and added:

"... over the past several months, the road in the immediate area has at times been covered completely and backing water onto business and private property. This Department, (Health) and the Transylvania County Commissioners have had complaints of private septic tank systems not working properly, and too, the possible danger of contaminating private water supplies. Too, during the summer months the standing water becomes stagnant, resulting in mosquito breeding..."

The letter was signed by Dr. Folger and Mr. McGinnis.

Mr. Murdock answered on Sept. 10, 1971:

"... I do not know exactly what the Highway Commission can do in this situation to help you since you state that the blockage is on private property. It would appear that from a health standpoint that someone would have grounds for court action by the blocking of a natural drain."

### LEGAL ACTION

Mr. Murdock's letter continued:

"By copy of this correspondence, I am requesting that Transylvania County District Engineer T. M. Austell inform this Department of the situation and of any solution that can be attempted by the Highway Commission to assist you. As you are probably aware, the Highway Commission receives many, many drainage complaints throughout the State. The drainage along our State Maintained roads is accomplished in such a way as to follow the natural topography. Legally, The Highway Commission could not place Highway Commission equipment upon private property but if the surface water is covering the State Maintained road in the area at times, it would appear that the Highway Commission may have grounds for legal action."

### MATTER STANDS

Here the matter stands. It is a dilemma, for where the traffic hazard is concerned, it is the responsibility of the Highway Department; yet, where the potential health hazard is concerned, it is a responsibility of the health authorities.

"We are not trying to persecute anyone. We just want to eliminate a potential health hazard," says Mr. McGinnis.

"I will contact you again as quickly as I have received Mr. Austell's report," writes Mr. Murdock.

### WANT SOMETHING DONE

But the people who use the road through Pisgah Forest and those who live in the area want something done. They are understanding people — even sympathetic to the agencies' problems. But they want to see something done to correct this public hazard. And they want it done soon.



**DRAINAGE PROBLEM IN PISGAH FOREST** — The picture above shows the road through Pisgah Forest during the period of moderate rains in September. A storm drain, blocked by a property owner where it crosses his property, causes the water to back up across

the road. Transylvania County health authorities fear potential health hazards. The state highway authorities have been asked for help with the problem because of the traffic hazard obvious from this photo. (Times Staff Photo)

## Clarion Editor Attends ACP Convention In Dallas

During fall break, Mike Jones, editor of The Clarion, attended an Associated Collegiate Press convention in Dallas, Texas. This was a national convention of advisers and editors of college publications. The convention was held at the Statler - Hilton Hotel in downtown Dallas, where Mike stayed.

Television newscaster Harry Reasoner was present at the convention. Another eminent visitor was Donald Rumsfeld, the director of President Nixon's Phase II Economic Program, who was sent to Dallas by the White House to address the convention. This was his only speaking engagement in October, and his first since the program was announced.

Learning sessions were held

for two days. Ten different sessions were held every hour, and each student could attend whichever session he wished. Most of the people who led the sessions were top journalists of the country. Some were led by student editors.

One of the nation's top libel lawyers was there. His main topic concerned letters to the editor. He said that the paper

is responsible for all letters printed in it. If a letter is libelous, the writer of the letter, the paper, and the school can be sued, as well as any other involved parties.

An entertainment highlight was a premiere showing of a

Stanley Kramer movie, "Eless the Beats and Children." The most unusual feature of the convention was a "beer fest" sponsored by Delmar Publishing Company. When Mike was asked if he participated, he replied, "No comment!"

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