Pumpkinvine Trail Talk
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Middlebury Town Council accepts grant

By a 3-1 vote, the Middlebury Town Council agreed to accept the $150,000 grant from the Recreational Trails Program of the Indiana Department of Natural Resources on Oct. 21. The grant will fund development of .65 miles of the Pumpkinvine corridor between Wayne Street and York Drive in Middlebury, including the 158 ft. bridge over the Little Elkhart River.

The council postponed the vote on accepting the money twice while they investigated the safety of the bridge and whether anyone had legal claims on the corridor. The final hurdle, an alleged legal claim on the corridor by an adjacent landowner presented at the Oct. 7 council meeting, was overcome when the legal claim was withdrawn.

Voting to accept the grant were Greg Fore, Gary O'Dell and James Miller. Voting against was Ruth Esch. Jim Riegsecker was not present. The deadline for completion of the project is July 2005.

The Indiana Department of Natural Resources funded four projects in the state this year through the Recreational Trails Program this year. The grant is a 80/20 grant, meaning 80 percent of the money comes from the state and 20 percent from the community receiving the grant. Since donations of land qualify as the 20 percent local match, the Friends of the Pumpkinvine Nature Trail, Inc. met that requirement by donating the Pumpkinvine corridor to the park department, meaning the cost to the town of Middlebury was nothing.

The bridge over the Little Elkhart River will be renovated as part of the $150,00 Recreational Trails Program grant to the Middlebury Park Board.

Trail work continues

A little cold weather didn't stop the Friends from clearing 20 years of vegetation from sections of the Pumpkinvine this fall between Middlebury and Shipshewana. The Friends' goal is to have the entire six miles cleared by spring 2003.

If you are interested in being part of a work crew, call Bob Carrico at (574) 266-1362. Equipment needed includes chain saws, hand saws, axes, loppers, brush trimmers, shovels and gloves. On some projects we will need post hole diggers, steel post drivers, hammers and drivers.

At the Nov. 16 workday were (left to right) Jim Smith, Dale Patton, Gordon Dyck, Dana Snider, Quinn Holdeman, and Bob Carrico. *Photo by John McKee.*

Board of Directors

Friends of the Pumpkinvine Nature Trail, Inc.

John Yoder, President
533-4943
jdyoder@compuserve.com

Larry Neff, Vice President
534-8223
clneff@bnin.net

Merritt Lehman, Secretary–Treasurer
264-1444
mdleh@juno.com

Mike Bontreger
262-4873
logisticsbb@aol.com

Robert Carrico
266-1362
rjcarrico@cs.com

Bob Hatch
262-1739
RHatch4723@aol.com

Larry Hahn
862-2588
HahnsMule3@aol.com

Quinn Holdeman Jr.
825-7258
Kathieh1@juno.com

Galen Kauffmann
534-0101
gkauffmann@aol.com

Jim Smith
533-7862
Kneesrus@aol.com

Myron Yoder
533-2305
yodermd@juno.com

Mark Salee, Liaison to Middlebury Park Board
825-2723
mark.salee@coelkhartindiana.org

Friends of the Pumpkinvine Nature Trail, Inc. are cyclists, hikers, equestrians and naturalists who are working with area park departments to create a linear park and greenway on the former Pumpkinvine corridor between Goshen, Middlebury and Shipshewana, Ind.

Learn more about the Pumpkinvine and Rails to Trails issues, or see back issues of our newsletter at: **www.pumpkinvine.org**

Newsletter design: Dee Birkey
dee@bydesigndirections.com
www.bydesigndirections.com

From the president

Making more lemonade

Many events in the history of the Pumpkinvine Nature Trail recall the old saying, "If someone gives you a lemon, make lemonade."

We've seen it happen time and again. When events look like they have dealt our efforts to create the Pumpkinvine Nature Trail a setback, miraculously the bad event yields something positive.

The recent action of the Middlebury Town Council is the latest example of that turnaround. When the Middlebury Park Board received the $150,000 grant from the Indiana Department of Natural Resources' Recreational Trails Program, the Town Council wasn't sure they wanted to accept it, even though they had authorized the application last spring. At the Sept. 3 town council meeting and in comments to the newspaper, several council members said they had reservations about accepting the money until all legal and liability issues were cleared up. Although the Friends and the park board thought they had addressed those issues in its initial approach to the council, it looked like the three months of hard work preparing the grant and the $150,000 could be lost.

But when the Middlebury trail supporters saw what was happening, several of them decided to get involved. Kent Miller and John McKee circulated petitions asking the council to accept the money and appeared at the Oct. 7 town council meeting with 143 names in favor of accepting the grant. In the process, they discovered overwhelming support for this development in the town.

As a result of the council's decision to delay accepting the grant, Middlebury supporters of the Pumpkinvine Nature Trail have become energized in a way they never had in the past. They let the council know that significant numbers of their constituents wanted this trail development. On Oct. 21, the council voted 3-1 to accept the $150,000.

Another example is the recent decision of the courts in the class-action lawsuit against Penn Central. We were very disappointed to have our quiet title action on the Middlebury-to-Shipshewana section pulled into that suit in 1995.

Then good things started to happen. First, blunders by the Farm Bureau's legal team permitted Penn Central to get a change of venue to a different court and judge. Then the Friends won a resounding legal victory in that new court in 2000. Now, we find that the class-action settlement has produced favorable results on the portion of the Pumpkinvine between Goshen and Middlebury that are more positive for the Friends than we could ever have dreamed of. We're still working out the implications of that settlement, but I can tell you that all signs point toward a legal victory of stunning proportions.

Look for more details on the class-action settlement in our next newsletter. Meanwhile, enjoy the lemonade with a twist.

Do we have your e-mail?

During the coming session of the Indiana legislature, we'd like to be able to contact you concerning trail and greenway issues. If you did not receive an announcement Dec. 18, 2002 entitled "TELL THE US DEPARTMENT OF TRANSPORTATION TO SUPPORT BICYCLING!" then we don't have your e-mail address. To be on our legislative alert network, sent your e-mail to Bob Hatch at RHatch4723@aol.com.

– John D. Yoder

Pumpkinvine Bike Ride … Saturday, June 14, 2003

Mark your calendars!

Join other trail supporters for the 4th annual Pumpkinvine Bike Ride. All levels of riders will find a route that matches their ability. Choose from routes of 22, 45, 65, and 100 miles. The routes will all start at Abshire Park in Goshen, go up the Pumpkinvine Nature Trail and follow county roads to Middlebury, Shipshewana, LaGrange, and Emma. And, there is a 16-mile barn-tour loop, back by popular demand. This loop will start in Middlebury. Watch for details.

There will be plenty of SAG (rest, food, and encouragement) stops on each route to keep each rider in tiptop shape.

Bring a friend for an enjoyable day, riding through scenic Amish farmland in Elkhart and LaGrange counties. Enjoy homemade pie and ice cream after the ride.

Look for registration information in the mail this spring or visit www.pumpkinvine.org. Maps of the bike routes will be added to the Web site about mid-January.

An added feature this year is geocaching. For those interested in this high-tech scavenger hunt, we will give you a chance to test your skills this year. If you don't know what geocaching is, call John at 533-4943 or visit the geocaching Web site at www.geocaching.com.

City of Goshen wins Pumpkinvine fencing case

The Pumpkinvine Nature Trail has won another legal victory. But the favorable ruling is being appealed.

In his Oct. 3, 2002 ruling, Judge Steven Platt of the Elkhart Count Superior Court No. 2 denied plaintiff Doug Beasy's petition to require the City of Goshen to install fencing along a portion of the Pumpkinvine that is part of the Maple City Greenway. The section in question is part of the 1.75 miles that the Friends of the Pumpkinvine Nature Trail, Inc., donated to the city in December 1998.

Judge Platt found that the fencing statute (Indiana Code Section 8-4.5-6-6) did not apply in this case. That code applied only to a railroad "right of way," that is, land in which the railroad had only an easement. But Penn Central, the Friends of the Pumpkinvine Nature Trail, Inc. and the City of Goshen all owned the land in fee – not as an easement. Although the law was amended in 1999 to require fencing along trail "corridors," requiring fencing for this portion of the trail now would be a retroactive ex post facto application of the 1999 law, because before 1999, the city of Goshen had already begun to work on the trail, invested substantial effort and money in the project, such as requesting, on behalf of the Friends and themselves, the 1997 Board of Zoning Appeals hearing for a special use permit.

The court also ruled that because the plaintiff had previously contested the applicability of this statute at the board of zoning appeals hearings and lost, he is bound by prior rulings and therefore barred from relitigating these claims.

The court also found that the plaintiff, Mr. Beasy, had failed to present any evidence that he owned any property interest in land adjacent to the Pumpkinvine.

City of Goshen attorney Jacob S. Frost of Thorne Grodnik, LLP (Elkhart), commented, "It's a good victory, after a lot of hard litigation. Score another win for the Pumpkinvine."

Lawyers for the City of Goshen also argued that the fencing provisions of the 1995 law did not apply to trail projects that do not use monies from the recreational trails trust fund that law set up – a decision that would have implications for trails statewide – but the judge found sufficient reasons for his decision without wadding into those deeper legal waters.

A decision on Mr. Beasy's appeal isn't likely before next summer.

National campaign begins for trail- and bicycle-friendly TEA3

"Fill school bike racks, expand trail networks and build safer roads" are the rallying cries of America Bikes, the bike community's campaign for the next federal transportation-funding bill. America Bikes is encouraging supporters to register at http://americabikes.org to receive updates and action alerts.

America Bikes' agenda includes the creation of a national Safe Routes to School program, strengthening Enhancements, CMAQ and other TEA-21 programs and creating a bicycle friendly transportation system that expands trails networks and insures that roads are safe for bicyclists and pedestrians.

In 1990, the federal government spent $7 million to support walking and bicycling. The passage of ISTEA legislation in 1991 and its renewal as TEA-21 in 1998 saw funding for transportation enhancements like walking and bicycling increase dramatically to a total of $1.8 billion. These federal funds have been the largest single source of funds for trail development. They are the funds the Friends hope to use to develop the remaining 14 miles of the Pumpkinvine Nature Trail.

When TEA-21 expires next year, the debate over transportation spending priorities will be a major issue in the next Congress. Success in passing a transportation bill that will continue to fund trail development will depend on trail supporters letting their representative know how important trails are to the health and welfare of our communities.

Fortunately, the trail and cycling community is organizing. "We will work the halls of Congress when the transportation statue is rewritten so that Congress understands how important the enhancement program is in their communities back home," said Keith Laughlin, president of Rails-to-Trails Conservancy. "We will invest time and effort to ensure that we don't go backwards to the time when federal transportation policy focused solely on building roads while neglecting investment in walking, bicycling and trails."

To join the RTC Action Alert Network, go to www.railtrails.org. The network will alert you to critical legislative activity and put you in touch with Congress.

America Bikes includes eight major national bicycle and trail organizations: Adventure Cycling, the Association of Bicycle and Pedestrian Professionals, Bikes Belong, International Mountain Bicycling Association, League of America Bicyclists, National Center for Bicycling and Walking, Rails-to-Trails Conservancy and the Thunderhead Alliance. The campaign is working closely with local groups across the country and is coordinating with the Surface Transportation Policy Project. Major funding for the effort has been provided by Bikes Belong, a bicycle industry coalition.

For more information, contact Martha Roskowski at (202) 833-8080 or martha@americabikes.org

(Adapted from the Surface Transportation Policy Project *newsletter, Aug. 2002.)*

An attractive, new, full-color brochure on the Pumpkinvine Nature Trail is now available. Text, map, and photographs describe the trail and invite readers to join the Friends and support further development of the linear park. For copies for your place of business or other use, contact Bob Hatch (e-mail RHatch4723@aol.com, or phone 574-262-1739).

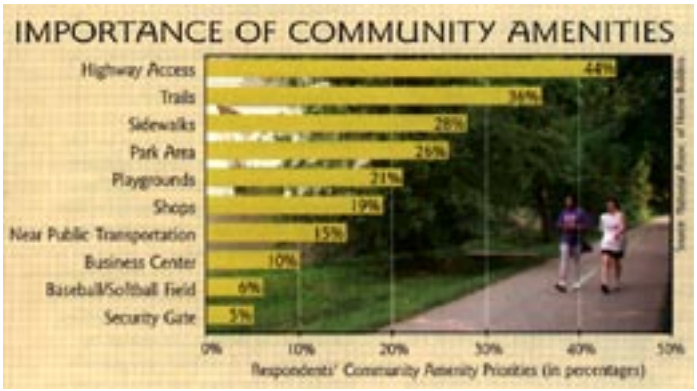
Home buyers sold on trails

Trails help sell houses, according to a survey by the National Association of Realtors (NAR) and the National Association of Home Builders (NAHB).

The survey report, Consumers' Survey on Smart Choices for Home Buyers, released in April, shows that 36 percent of 2,000 recent home buyers designated walking, jogging or biking trails as either an "important" or "very important" community amenity. Trail availability outranked 16 other options including security, ball fields, golf courses, parks and access to shopping or business centers. Only highway access, at 44 percent, was specified as a top amenity by more of the homebuyers surveyed.

Gopal Ahluwalia, NAHB director of research, is not surprised by the survey results. "People want walking and jogging trails," he says. "When we do surveys, trails rank up pretty high – in the top five – all the time ... [The number two ranking of trails in this survey] was consistent across all regions and demographics of the population."

For more information on the survey, see www.realtor.org or www.nahb.org.



From Rails to Trails *magazine, Fall 2002. For a look at the complete survey conducted by the NAH B, please go to http://www.nahb.com/news/smartsurvey2002.htm.*

Nominations wanted for Indiana Trails Advisory Board

Want to have a role to play in all types of Hoosier trails? Are you a part of a trail-oriented group and would you like to represent them? Now may be your chance.

John Goss, director of Department of Natural Resources, is seeking five people to fill positions on the Indiana Trail Advisory Board. The board has 16 volunteer members who are active trail users and who are involved with trail-oriented organizations. Each member represents a group interest and serves a three-year term. Members are responsible for relaying information to and from trail groups and the DNR. The board meets at least four times a year in Indianapolis.

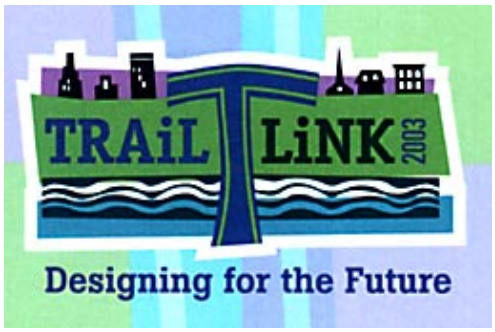
DNR is seeking nominations for representative from each of the following trail users groups:

- Parks and recreation agencies
- Off-road motorcyclists
- Water trail users
- Soil and water conservation districts
- Bicyclists (other than mountain bike users - they are already represented)

The Indiana Trails Advisory Board advises the DNR about trail-related issues and fulfills a requirement for the state to receive funding from the Recreational Trails Program of the U.S. Department of Transportation's Federal Highway Administration. The fund source is a yearly portion of federal taxes on gasoline purchased by off-highway vehicles.

Nominations for the board and letters of support indicating why a nominee best represents a particular trail interest group, will be accepted by Nila Armstrong in DNR's Division of Outdoor Recreation until Jan. 17, 2003.

To receive a nomination form call (317) 232-4070 or e-mail narmstrong@dnr.state.in.us or pick up a form in person or by mail at DNR-Outdoor Recreation, 402 W. Washington St., Room W271, Indianapolis IN 46204-2782.



TrailLink 2003: Designing for the Future

Be part of the most dynamic exchange on the status of trails and greenways today! The premier international trails and greenways conference will be June 26-29 in Providence, Rhode Island.

Come to TrailLink 2003: Designing for the Future and forge new relationships while learning proven methods for creating outstanding trails and greenways.

This three-day conference will address contemporary trail and greenway themes through concurrent workshops, plenary sessions, round table discussions and mobile workshops.

For more information, see:

Web site: www.trailtrails.org
E-mail: rtcconf@transact.org
Call: (202) 974-5152

All funds go toward paying the day-to-day expenses of the Friends of the Pumpkinvine Nature Trail, Inc. No officers receive remuneration.

Don't forget your membership dues!

If the date on the label of this newsletter has passed, it's time to renew your membership in the **Friends**. Membership levels are:

____ Individual $20 ____ Family $30 ____ Sustaining $50

____ Contributing $100 ____ Patron $250 ____ Benefactor $500

Send your membership payment to:

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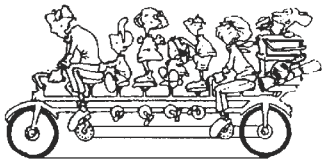

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