



Volume 19 Issue 2

Rails to Trails of Central PA Inc.

March/April 2014

RECENT SUPREME COURT RULING:

Marvin M. Brandt Revocable Trust et al. versus the United States



We have received numerous emails and phone calls concerning the future of the Lower Trail, the Bell's Gap Trail, the potential extension of the Lower Trail west ward to the 6 thru10 trail as well as all other rail trails.

These inquiries all resulted from the recent ruling by the Supreme Court concerning the case of Marvin M. Brandt Revocable Trust et al. versus United States. The property that this case involves lies along the corridor of the Medicine Bow Rail Trail in Wyoming, which was converted into a public trail by the U.S. Forest Service and local supporters.

On March 10th the U.S. Supreme Court handed down its decision. The issue in this case was whether the federal government retains an interest in railroad rights-of-way that were created by the federal General Railroad Right-of-Way Act of 1875, after the cessation of railroad activity on the corridor.

A little history on this case: In 1908 the United States granted land, known as a right-of-way (ROW) to the Hahn's Peak and Pacific Railway company to build a 66 mile railway from Laramie, Wyoming to Colorado. In 1976, the United States granted Fox Park, Wyoming land that surrounds the ROW to Melvin and Lula Brandt. In 1986, a new company, the Wyoming and Colorado Railway Company, acquired the ROW. That company operated the ROW until it officially abandoned the land in 2003. Following the abandonment, the United States sued the Brandt Revocable Trust and other potential property owners under 42 USC 912, a statute governing the disposition of abandoned or forfeited railroad grants. The government argued that this statute reverts abandoned ROWs back to the federal government's exclusive possession. The United States sought a judicial order of abandonment and exclusive possession of the ROW. The Brandt Revocable Trust and property owners filed a countersuit seeking full possession of the ROW, insofar as it cut through their land. They argued that the statute only granted an easement to the United States, not full possession. The district court granted the interest in the ROW to the United States, and the US Court of Appeals for the Tenth Circuit affirmed. The main question was: Did the United States retain an implied

ownership interest in the ROW property after the underlying lands were granted into private ownership? The US Supreme Court said no.

So how does this affect the trails around Central PA? The National Rails to Trails Conservancy issued a statement on Monday March 17th stating that, "While they are disappointed by the decision, after examining the details of its potential impact, we, (RTC), believe that the vast majority of rail-trails and rail-trail projects will not be directly affected. Existing rail-trails or trail projects are not affected by this decision if any of the following conditions are met:

The rail corridor is "rail banked."

The rail corridor was originally acquired by the railroad by a federally granted right-of-way through federal lands before 1875 The railroad originally acquired the corridor from a private land owner.

The trail manager owns the land adjacent to the rail corridor
The trail manager owns the full title (fee simple) to the corridor
The railroad corridor falls within the original 13 colonies.

The ruling only affects non-railbanked corridors that were created from federally granted rights-of-way through the 1875 Act. And we know that most railroad corridors created under this federal law are located west of the Mississippi River."

In conclusion: We are east of the Mississippi, we are one of the original 13 colonies, and we own our corridor. Therefore while this ruling most likely opens the door for increased litigation for the development of rail trails in the future, it will not affect our local trails.

THE MOUNTAIN KEEPS GETTING HIGHER

By Jennifer Barefoot

I don't think a week goes by without getting asked, "So when are you going to get the trail into Hollidaysburg?" Good question.

As each day, week, month and year pass by we here at Rails to Trails of Central PA Inc., continue to inch our way forward with meeting our organization's mission statement, which is:

The purpose of this organization is:

1. The continued maintenance and development of the property and facilities of the Lower Trail as extended from Alfarata to Canoe Creek State park in Pennsylvania.

2. The continued pursuit, within the limits of its resources and capabilities, of the conversion of abandoned railroad corridors into trails for public recreation.
3. To preserve the heritage and historical significance within the boundaries of all its property holdings.

I do believe we have continued to grow and improve the trail for all to use. What was once just the eleven mile Lower Trail is now a 16.5 mile trail, some of it paved, with beautiful trailheads, with pavilions and picnic tables for everyone's use and not just porta-potties but nice vault toilets. There are benches to rest on to enjoy the peaceful river as it flows by, a wonderful canoe/kayak launch area at Flowing Spring and many other improvements added by boy scouts, high school students or other volunteers. The trail is used by a multitude of people for hiking, biking, walking, bird watching, and history lessons, just to name a few. It is also used by many different organizations for 5k, 10k or Fun Walk fund raisers that benefit many worthwhile causes like Big Brothers Big Sisters, Relay for Life, and Church Youth Groups, just to name a few. The trail is not a "stand alone trail" either; it is part of the Mid-State Trail System and the Trans Allegheny Trails system. We are known as one of the nicest trails in all of Pennsylvania and even in the Eastern United States. (One of the big reasons for this is our volunteers...our organization is ALL VOLUNTEER and they take pride in our trail and maintain it phenomenally).

So why is it getting harder and harder to make progress???? **MONEY**, is one of the biggest reasons. Isn't it always? Yes, we agree money is always tight and everyone has to live within their means, or you end up in trouble. I think we at RTTCPA have always been very conscientious about our budget. We have always looked for available grants throughout the years which have helped us build and repair the trail.

Through the help of a wonderful man by the name of T. Dean Lower, we were able to purchase the land for the trail and through his continued help and that of Grannas Brothers we were able to repair the trail following the devastating flooding of the past.

Our membership dues mainly go towards our operation and maintenance of the trail. Through our memorial fund and some donations from a few generous members, we have some funds for special projects and to put towards matching funds for grants. We have relied on grants to build and extend the trail. But what many do not realize is the rules keep changing for us. The grants we have received in the past from DCNR and the Federal Transportation Enhancement Funds are still available, but are smaller and more competitive to get.

In 2012, 501(c)(3) organizations such as ours could no longer apply directly for TE funds. The applicant had to be a municipality. Remember the Lower Trail is in two counties and runs through 5 townships and one borough. So wherever we want to use TE funds for repairs or up-grades, we must ask a municipality if they will be the applicant. If we are fortunate enough to get one of these grants, we do all the paper work, take it to the municipality for their signatures and send in the paperwork to get reimbursed for the work done. The check is then sent to the municipality and the contractor gets paid. Sounds confusing and a lot of work....yes it is. The rules have

changed again this year. There is less money available and instead of competing regionally for a portion of the federal funds, the applications will be rated on a state-wide basis. DCNR funding has also been reduced this year and is focused on "ready-to-go" activities.

Another thing to consider is the application process is very extensive, time consuming and really needs a person educated in grant writing. We are very fortunate in that Karl King is very knowledgeable and spends much of his retired time finding possible grants, writing the applications, doing the leg work to fulfill the requirements of the grants and then following up with the grant administration. We were fortunate for a number of years to have two qualified individuals, but sadly Terry Wentz passed away in June of 2010.

That is our other major problem with moving forward. There seem to be fewer and fewer individuals willing to volunteer their time towards the administrative work of the organization. Over the past several years, we have lost very key individuals who did a great amount of work for the organization and we have not found people to fill the voids that were left. It is our hope that individuals who love our trail and want to see it continue to grow and flourish will step forward to help us out.

Just know we will continue to push forward and do our best to fulfill our mission statement, but know "the mountain keeps getting higher" each time we think we may be nearing the top we find we are nowhere near it. If you want to help, please come and offer your time to a great organization and/or talk or send a letter to your elected representatives and ask them to make it easier for 501(c)(3) organizations to apply for grants.

RAFFLE/FUNDRAISER:

The raffle tickets have been sent out. Thank you to all who have returned them already. We are certainly grateful for every individual's support, either by renewing your membership as it expires, or by participating in this fund raiser. If you have not sent your tickets back yet, you have until the Spring Gathering on May 4th. Ticket stubs & money should be sent to Rails-to-Trails, PO Box 592, Hollidaysburg, PA 16648. If you have sent your tickets in and notice that your expiration date has not been updated, this is due to the labels being printed before your tickets were received. It should be corrected in the next *Trail Trekker*. If you have any questions, please feel free to contact Jennifer Barefoot at 814-695-8521 or e-mail her at rjsunbrook@verizon.net or Vickie Brua at vicbrua@atlanticbb.net Thank you!

We would also like to again thank the following businesses who have supported Rails to Trails through this raffle: **Spokes N Skis, Fox Trot Runners, Hoss's, Moosewood Laser Creations, Spruce Creek Bakery and Rothrock Outfitters**. Please remember these businesses when you are out shopping.

TREE OF THE MONTH: WILLOW

By Dave Despot

In searching for some inspiration for a 'tree-of-the-month', I couldn't help but notice the increasing color of the willow's yellow-green branches in response to lengthening days and

warmer temperatures. The willow (*Salix*) genus contains more than 300 species of trees and shrubs. Sites range from high altitude locations where tiny creeping willows endure extreme cold and wind to moist spots in the temperate climate zone where the giant willows that we know grace the landscape. There are as many as 90 willow species in North America.



In general, willow leaves tend to be simple, alternate, deciduous, short stalked, narrow with a pointed tip, and yellow-green on the top with a whitish underside. Other characteristics include fruit borne as a tiny seed enclosed in a cottony tassel, winter buds which hold close to the twig, and a single bud scale which covers winter buds. Willow twigs have no terminal buds. Willow trees also share the distinction of having a dioecious flowering habit (male and female flowers are found on different trees) and a shallow root system. Honey bees find willow flowers as one of the first sources of nectar and pollen available after a long winter. Stream banks are protected by the root systems of willow trees which bind soil and prevent erosion.

Black willow (*Salix nigra*) is one willow species native to Pennsylvania, as well as most areas east of the Mississippi river and features bright reddish brown twigs that darken with age. Black willow bark is dark brown to nearly black and often has a stringy appearance when mature.

Salicylic acid, the anti-inflammatory and pain relieving ingredient in aspirin was first isolated from willow bark in a component called salicin. The tree essence of white willow promotes an awareness of our deeper selves and encourages spiritual cleansing. Willow trees have been associated with the moon and the feminine since early times. In Jewish tradition, willow trees are one of the 4 tree species used in the feast of Tabernacles to give thanks for the harvest.

THANK YOU:

In last month's newsletter, we asked for donations to cover the landscaping around the new handicapped access ramp to the Grannas Station. We are very happy to announce that we had a member contribute the funds to complete this project. We are very grateful. The Grannas Station is really beginning to come together. We also had member Helen Yoder, donate over a week of her time painting several of the rooms of the station. This summer we hope to have the station open on weekends for trail visitors to stop in and enjoy. More information in the May/June *Trekker*.

CALENDAR OF EVENTS:

Sunday April 13th: Annual Trillium Hike on the Lower Trail. Come Join Deb Tencer (naturehikergal@gmail.com) on an easy, two-mile walk to view the annual showing of thousands of purple trilliums and Dutchman's breeches along with many other early spring wildflowers. Meet at 1:00 at the Water Street entrance of the Lower Trail.

Sunday May 4th, 1 PM: Spring Gathering at the Mt. Etna Trailhead. Once again we will be grilling hamburgers, hotdogs and kielbasa, you just bring your favorite salad/covered dish or desert. Following the lunch, we will draw the winners of this year's raffle. Hope to see you there.

Saturday May 10th: The Annual Terry Wentz Memorial Hike. Juniata Valley Audubon Society Secretary Dr. Alice Kotala will lead an easy, five-mile hike from Mount Etna to Alfarata on the Lower Trail. Meet in the Alfarata Station Trail Head parking lot at 1:00 PM. Contact Alice at 946-8840 or ccwiba@keyconn.net for more information.

Wednesday June 18th, 6 PM: 5K Annual John Healy Memorial 5K Race. The race benefits the Lower Trail while remembering one of the trails very dedicated volunteer who lost the battle with cancer.

Saturday July 12th: Possum Ride 7PM at the Williamsburg Trailhead. There is to be a full moon on this date. Plan to come out and enjoy the trail from a different perspective. This was always the late Bill Taffe's ride. Mike Murtugh, good friend of Bills and longtime Rail Trail member will be leading the ride. Rain Date is July 19th. For more information or questions, contact Mike at mrtgh_mchl@yahoo.com

MEMBERSHIP FORM

Name: _____

Address: _____

City: _____ State _____ Zip _____

Phone: (____)-_____

E-mail _____

_____ New Membership _____ Renewal

_____ Individual	\$15.00
_____ Family	\$20.00
_____ Supporting	\$50.00
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I am interested in:

_____ Horses	_____ Hiking
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_____ Nature Study	_____ Jogging
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Make checks payable to:

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CALENDAR OF EVENTS

Tuesday April 8th	Monthly Board Meeting 7 PM Grannas Station.
Sunday April 13th	Annual Trillium Hike 1 PM at Waterstreet
Sunday May 4th	Spring Gathering and Raffle Drawing , 1 PM Mt. Etna Trailhead Pavilion.
Saturday May 10th	Terry Wentz Memorial Hike 1 PM at the Alfarata Trailhead.
Tuesday May 13th	Monthly Board Meeting , 7 PM Grannas Station
Tuesday June 10th	Monthly Board Meeting , 7 PM Grannas Station
Wednesday June 18th	John Healy Memorial 5K Race , 6 PM Williamsburg Trailhead.

More details on all events on page 3 of the *Trekker* and on our Web site at www.RTTCPA.org
All are invited to the monthly meetings.

KEEP YOUR ADDRESS CURRENT

This newsletter is mailed 3rd Class Bulk Mail. The Post Office will not forward 3rd Class Bulk Mail. If anything about your address changes, Route Number, Street Numbers, or Zip code, the Trail Trekker will not be forwarded to you. Please keep Rails-to-Trails informed of any address changes by using a post office change of address card or dropping us a note at the following address. Remember, if your mailing address is Highlighted, your membership is about to expire. Please renew quickly and continue to support Rails-to-Trails. Thank You!

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