

Heart to Heart



Court ruling in land dispute could threaten bike trails

Richard Wolf, USA TODAY 7:22 p.m. EDT March 10, 2014



(Photo: Michael Madrid, USA TODAY)

WASHINGTON — The Supreme Court's ruling in an obscure Wyoming land dispute Monday could result in the loss of thousands of miles of bicycle trails or cost the government millions of dollars in compensation.

The justices ruled 8-1 that government easements used for railroad beds over public and private land in the West expired once the railroads went out of business, and the land must revert to its owners.

Chief Justice John Roberts, writing for the majority, said the case was decided based on an 1875 act of Congress and a 1942 Supreme Court decision involving Great Northern Railway.
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Notes From the Board

HeartCycle Thanks John Steele! And Welcomes New Board Member Jim Bethell

HeartCycle Board member John Steele announced his early retirement last month because of his heavy work schedule at The Colorado School of Mines. John is an associate professor and he has been working on the design and development of a robot in addition to teaching three classes, conducting ongoing research and preparing two major project proposals. His increasing work load necessitated a reduction in the time he spent on other pursuits including his volunteer work with HeartCycle. On behalf of the HeartCycle Board and all of the club's members, I want to thank John for his contributions to the club. We hope John can find time to enjoy a bicycle ride once in a while and maybe continue to ride on HeartCycle Tours.

The opening on the HeartCycle Board created by John's departure has been filled by long time member and tour leader, Jim Bethell. Jim has been a strong contributor to our East Coast bicycle tours and has led trips in many of the New England States and his home state of New York. His boundless energy and experienced leadership will be immediately beneficial to HeartCycle as he joins the Board. Jim is currently in charge of the driver training program and is also managing the CPR/First Aid program. He will continue to lead tours in the East and recruit additional tour leaders to strengthen our connection with the Northeast Region. Please join me in welcoming Jim to the HeartCycle Board of Directors.

Chris Matthews
President

Aspen Highlights May 22 - 26, 2014

Is Aspen really as awe-inspiring as people say?? Can the experience of cycling there get even better each time you are there??



Come find out for yourself on this extended Memorial Day ride May 23 - 26, 2014.

We will start Friday in Carbondale and cycle the rustic roads up McClure Pass. Then we will head on for three nights of lodging in downtown Aspen. Rides will include Maroon Bells and Ashcroft; Independence Pass and/or

Ruedi Reservoir and Snowmass Village or old Snowmass. At this time of year, there is often snow still on the mountains, but not on the roads, which makes for some of the most magnificent scenery you will ever experience. We will have options depending on the best road conditions. For the out of state riders, you may want to stay into the next week. There are a number of locals who plan to stay longer to do rides on Wednesday and Thursday, if you would like to join us. We can discuss extending lodging arrangements.

The deadline for registration is April 1 (no fooling!), so come join In-Joy one of the most amazing rides in Colorado

Leader Diane Short
dianbike@eazy.net



Court ruling in land dispute could threaten bike trails (continued from page 1)

That ruling confirmed that the government merely had received easements without any long-term land rights, he said. The establishment in 1983 of the federal "rails to trails" program didn't change the court's interpretation for easements that expired earlier.

"We're going to stick with that today," Roberts said from the bench.

The decision could jeopardize the "rails to trails" program, responsible for creating more than 1,400 bike and nature trails, many of them built along railroad rights-of-way.

The ruling prompted a lone dissent from Justice Sonia Sotomayor.

"The court undermines the legality of thousands of miles of former rights of way that the public now enjoys as means of transportation and recreation," Sotomayor said. "Lawsuits challenging the conversion of former rails to recreational trails alone may well cost American taxpayers hundreds of millions of dollars."

The ruling came in a case brought by Wyoming landowner Marvin Brandt, whose 83-acre property is crossed by an old railroad line. Brandt's victory has implications for about 80 other cases involving about 8,000 claimants.

"Thousands of claims pertaining to 1875 Act rights-of-way have been filed," the Justice Department said in its brief to the court. "The United States will be obligated to pay just compensation on many claims in which ownership of the right-of-way is often a determining factor."

The Rails to Trails Conservancy had warned that a loss would block completion of the Medicine Bow Rail Trail that cuts through Brandt's property and would "threaten existing rail trails across America that utilize federally granted rights-of-way." Included are the George S. Mickelson Trail in South Dakota, the Foothills Trail and John Wayne Pioneer trails in Washington, the Weiser River Trail in Idaho and the Rio Grande Trail in Colorado.

The federal government or its state and local counterparts could exercise eminent domain proceedings to keep trails in operation and pay adjacent landowners, said Kevin Mills, senior vice president of policy and trail development for the conservancy. In other cases, trails could be shut down if landowners go to court.

"There probably will be an increase in litigation," Mills said. "At a minimum, it creates uncertainty and/or expense."

During oral arguments in the case in January, justices had a hard time getting information on the overall acreage or miles of trails involved. It "strikes me as pretty unusual that the government doesn't know what it owns," Roberts said at the time. Justice Antonin Scalia, who cast his lot with the landowners early on, called that "incredible."

Justice Stephen Breyer, who has had three bicycling accidents since 1993 — the last of which in April resulted in a shoulder replacement — envisioned a future in which landowners could be besieged by bikers.

"I certainly think bicycle paths are a good idea," he said, but "for all I know, there is some right-of-way that goes through people's houses, you know, and all of a sudden they are going to be living in their house, and suddenly a bicycle will run through it."

Colorado HeartCycle 2014 Tours

Great Rivers - Year 1

March 15 - 27 Status: Complete
 12 days, Intermediate/Advanced \$1,920.00
 Steve Parker, parker3097@yahoo.com
 (970) 382-9551
 Chris Matthews, chriswmattthews@msn.com
 (303) 618-4789

Mallorca, Spain

May 3 - 17 Status: Full
 14 days, Intermediate/Advanced \$2,450.00
 Rich Crocker, richcrocker@hotmail.com
 (304) (719) 237-3350
 Bob Rowe, browe49@comcast.net
 (303) 910-7230

Springtime in Texas with Love, Sweat and Gears

March 16 - 22 Status: Closed
 6 days, Intermediate \$995.00
 Ann Lantz, jaralantz@comcast.net 720-272-0691
 Julie Lyons, j.julie.lyons@gmail.com 720-771-5219
 Jay Wuchner, jaywuchner@comcast.net
 (720) 840-6467

Solvang Spring Break

April 5 - 12 Status: Full
 7 days, Intermediate/Advanced \$1,150.00
 Ralph & Carol Nussbaum,
rnussbau@earthlink.net (206) 783-6450

Central California Coast

April 12 - 19 Status: Full
 7 days, Advanced \$1,165.00
 Tom Groves, u4eahnrg@aol.com 720.560.1527
 Bob Rowe, browe49@comcast.net
 (303) 910-7230

Omak Hill Country Weekend

May 1 - 5 Status: Full
 4 days, Advanced \$475.00
 Ralph & Carol Nussbaum,
rnussbau@earthlink.net (206) 783-6450

Belgium and Holland Bike and Barge

May 12 - 22 Status: Full
 10 days, Easy/Intermediate \$1,940.00
 Ralph Nussbaum, rnussbau@earthlink.net
 (206) 783-6450

Aspen Highlights

May 22 - 26 Status: Open
 4 days, Intermediate/Advanced \$445.00
 Diane Short, dianbike@eazy.net 303-763-9874

Eastern Washington

June 5 - 9 Status: Full
 4 days, Advanced \$440.00
 Pam Austin, freeandflying@live.com
 206-525-1020
 Mike Nelson, mikenelson@seanet.com
 206-325-9068

Holland Bike and Barge Tour

June 21 - July 1 Status: Full
 7 days, Intermediate \$1,940.00
 Ralph Nussbaum, rnussbau@earthlink.net
 (206) 783-6450

South-Central Alaska

June 25 - July 2 Status: Open
 7 days, Intermediate/Advanced \$1,725.00
 Rod Nibbe, aktour@rk nibbe.com

Colorado HeartCycle 2014 Tours

Washington British Columbia Loop

July 11 - 20 Status: Full
 9 days, Intermediate/Advanced \$1,320.00
 Ralph Nussbaum, rnussbau@earthlink.net
 (206) 783-6450
 Rod Lee, kennedy6017d@yahoo.com
 206-604-7145

Oregon Coast

July 26 - August 2 Status: Open
 7 days, Intermediate \$1,160.00
 Ralph & Carol Nussbaum
rnussbau@earthlink.net (206) 783-6450

Mother and Daughters - Keystone, CO

August 8 - 10 Status: Open
 2 days, Easy \$350.00
 Ann Lantz, jaralantz@comcast.net
 Julie Lyons, j.julie.lyons@gmail.com

Northern Rockies - Jasper to Glacier

August 9 - 23 Status: Full
 14 days, Advanced \$2,790.00
 Sue Matthews, scmatti@comcast.net
 Becky Bottino, bbottino7@comcast.net

Colorado Central Mountain Beauty

August 23 - 29 Status: Full
 6 days, Intermediate/Advanced \$985.00
 Harvey Hoogstrate, harvhoog@gmail.com
 (303) 755-9362

Mississippi Headwaters

August 31 - September 6 Status: Open
 6 days, Easy \$1,120.00
 Paul & Lynda Marks, paulhmarks@gmail.com
lyndamarks@q.com

New England Seacoast

Sept. 6 - 13 Status: Open
 7 days, Intermediate \$1,325.00
 Jim Bethell, jim@bikes5.com (518) 446-1766
 Janet Reilly janet@bikes5.com

Explore the Door

September 7 - 13 Status: Open
 6 days, Easy \$1,120.00
 Jay Wuchner, jaywuchner@comcast.net
 (720) 840-6467
 Deb Wuchner, debwuchner@comcast.net
 (303) 792-2111

Southern Utah National Parks

September 12 - 22 Status: Full
 10 days, Intermediate/Advanced \$1,425.00
 Ralph Nussbaum, rnussbau@earthlink.net
 (206) 783-6450
 Ken Condray, condray3@gmail.com
 (425) 334-1444

Estes Park Weekend

September 19 - 22 Status: Open
 3 days, TBD \$425.00
 Rosemarie Lueke ree22@msn.com
 (970) 286-3989
 Nate Dick npdick@gmail.com (970) 231-1068

Best of the Bay Area

September 26 - October 4 Status: Open
 8 days, Advanced/Expert \$1,635.00
 Bob McIntyre, dcx12@aol.com
 Ken Condray, condray3@gmail.com
 (425) 334-1444