



BETSIE VALLEY TRAILBLAZER

MAY, 2011

COURT RULING THREATENS TRAIL SAFETY

If the Crystal Lake Property Rights Association (CLPRA) has its way, 30 inch high steel posts (bollards) will be placed in the middle of the Trail where it crosses the road fishermen will use to access the waterfront in the Crystal Lake Boating Access Site (boat launch) now being built between Mollineaux Rd. and Beulah.

Bollards are used on some trails to try to discourage auto traffic on the trail. But they are dangerous to trail users, which is why the Betsie Valley Trail has none. They usually are 4-6 inch wide steel posts, placed in the center of trails at major road crossings. Bikers are most unstable and wobbly when slowing down for a crossing or speeding up to get across. Too often they catch some part of the bike, or the trailer carrying children, on the bollard, or just run into them, occasionally with serious injury or worse. A friend of one of our current FBVT Directors hit a bollard, suffered a closed head injury, and died.

So why the bollards? Because they became an issue during the negotiations of a lawsuit CLPRA filed against the State to try to prevent the State from constructing the boat launch. CLPRA didn't succeed in stopping the boat launch but, right up to the end of the negotiated settlement, insisted that bollards be placed on each side of the access road on the waterfront. According to Robert Bigelow, founding president, spokesman and one of the negotiators for CLPRA, the bollards are intended to make the trail "safer" for Trail

users because they will prevent fishermen from driving on the Trail.

We don't agree. Bollards at major road crossings jeopardize bikers safety. These would be especially dangerous because of the other distractions at this particular location. The Trail along the lakefront is relatively straight, but in the boat launch area makes turns and crosses a bridge. At the same time, there will be the visual distractions of boat launching activities and traffic on the access road. All of a sudden, there will be a steel post in the middle of the Trail; hard to avoid in the upright position but harder still in the "down" position (see page 3).

Experts don't like bollards either. The ultimate authority for highway and bicycle trail construction and safety is the American Association of State Highway Transportation Officials (AASHTO). In its 223 page AASHTO Guide for the Planning, Design, and Operation of Bicycle Facilities, February, 2010, it stated: "Bollards on pathways are often struck by cyclists and other path users and can cause serious injury. Approaching riders may shield even a conspicuous bollard from a following rider's view until a point where he lacks sufficient time to react. Furthermore, physical bollards are often ineffective at the job they were

(cont. on page 2)

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(bollards cont.)

intended for. Determined violators will find a way around, damaging path structures and adjacent vegetation. Barrier features can also slow access for emergency responders.”

The Betsie Valley Trailway Management Council (BVTMC) has communicated with the State regarding the boat launch since 1998, when it became evident that the Trail thru this area would have to be modified. BVTMC and FBVT have no objection to the boat launch and have made only one request; that the Trail thru this area would be a safe one.

We object to the bollards because they are dangerous to Trail users who may hit them, because they can slow access for ambulances, fire trucks and law enforcement vehicles, and because they breach the terms of the *Bigelow et al. v MDOT et al.* Settlement Agreement which we negotiated with CLPRA 15 years ago. That agreement specifically precludes any obstructions of the trail for these very reasons. Benzie County's Betsie Valley Trailway Ordinance states that nothing may be placed on the Trailway without written permission of the Betsie Valley Trailway Management Council. Robert Bishop and Robert Bigelow, the primary negotiators for CLPRA in its fight against the boat launch, are also CLPRA's representatives on the BVTMC. Neither they nor anyone else ever brought the bollards to the attention of the BVTMC.

We were, therefore, very surprised to learn recently that the Consent Judgment of the lawsuit (*Crystal Lake Property Rights Association v Benzie County and Michigan Department of Natural Resources*), including the requirement for bollards, was entered in Benzie County Circuit Court in March, 2010.

This isn't the first time CLPRA has jeopardized the Trail. Twenty years ago they sued the State (*Bigelow et al. v Michigan Department of Transportation et al.*) to obtain ownership of the former railroad corridor between Beulah and Mollineaux Rd. with terms designed to eliminate the possibility of a bike trail along Crystal Lake. If they had succeeded, the DNR would have purchased none of the corridor west

of Beulah and there would be no Betsie Valley Trail. We intervened in that lawsuit, secured a permanent easement for the Trail from Beulah to Mollineaux Rd. and the DNR bought the corridor between Frankfort and Thompsonville. The Trail was saved.

But, at CLPRA's insistence, the Trail in that area can be no more than 8 ft. wide and cannot be paved. And, because of the several year delay caused by the lawsuit, the DNR lost the opportunity for the funding it had planned to use to pave the entire trail from Frankfort to Thompsonville. The DNR had hoped to complete this project in the late 1990s. This delay required piecemeal construction over several years, funded by many grants and over \$500,000 of local donations for matching funds. The loss of local business is impossible to calculate, but is in the millions.

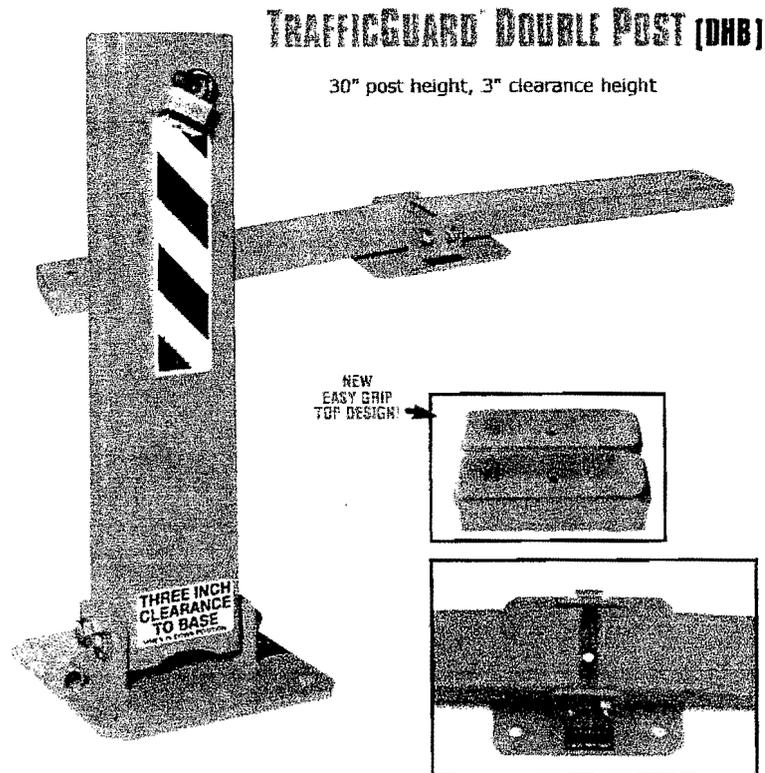
In 1999 CLPRA raised concerns about contaminants in the rail bed from its railroad past. The DEQ found the risk to be low and suggested that "capping" (covering with asphalt or crushed limestone) would suffice. Instead, CLPRA insisted that the compacted base soil be removed, which will make possible future paving more difficult and more expensive. This process also delayed the opening of this segment of the Trail.

We have tried to get CLPRA to join us, the DNR and the County in a request to the Court to remove the bollards from the boat launch plan. But Paul Bare, now President of CLPRA has informed us that CLPRA will not do so. It appears that other issues take precedence over CLPRA's concern for Trail safety.

We will continue to try to correct this situation without undue expense or litigation. But we are determined to protect the safety of Trail users and those living nearby. We ask for your support and we will keep you informed.

Contact:
Friends of the Betsie Valley Trail
P.O. Box 474
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Bollards proposed for the Crystal Lake Boating Access Site



The two arms of the bollard are held together in the upright position by a padlock. Emergency responders would need to use a key or bolt cutters to remove the padlock, allowing the two arms to fold down for vehicle passage. Until the padlock is replaced, they would be harder to see and would present an even greater hazard.



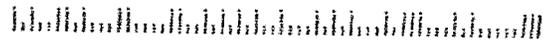
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Greetings Friends,

As your board, our responsibility is to advocate for the Trail on your behalf. You have been generous in your support, and we work hard to see that your dollars are invested wisely and your interests are represented when decisions affecting the Trail are made.

Our organization has no opposition to the Crystal Lake Boat Launch. We do, however, have a serious concern about the bollards proposed for installation in the Trail at the launch site. As you will read in this newsletter, neither the DNR, the County, nor our organization is advocating for bollards. They are in the Boat Launch plan solely because of a court settlement agreement with the Crystal Lake Property Rights Association.

We are working with all parties concerned to see that the bollards are removed from the plan and the Trail/Boat Launch interface is safe, for the benefit of all. If you have a question or concern, please feel free to contact a committee/board member. Our contact information is below.

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Bill Olsen, Trail Care Coordinator, 352-4815

Nancy Mullen Call
President