

# River Lane Shared Driveway

## STATEMENT

Volunteers first blazed a low-impact hiking trail on a wooded access road adjacent to Cook Forest in 1950 and hikers have been using it ever since. The woods were subsequently subdivided and sold for residences, and the access road became a shared gravel road known as River Lane. For sixty years the landowners and hikers coexisted almost without incident.

The PA Game Commission, a landowner along River Lane, transferred its parcel along River Lane to the DCNR on or about June 24, 2010. The PA Game Commission had granted permission for the trail for as long as they owned the parcel. Soon after the transfer, tensions started to increase. The Rachel Carson Trails Conservancy tried accommodating two landowners by moving organized trail events to an alternate route and using signage to urge all hikers to respect the privacy of residents, leaving the trail intact at that time. Despite these efforts, the two landowners became more confrontational with hikers.

During conversations and meetings in 2013, DCNR staff informed the Rachel Carson Trails Conservancy that the agency was not going to identify the Baker Trail route along River Lane until the dispute between trail users and the property owners was resolved. DCNR stated they were not going to get involved but determined that, for the safety of the hikers, they were going to direct hikers to use an alternate route.

As a result, the Conservancy had to turn to the Clarion County Court of Common Pleas to confirm that the public has a prescriptive easement and the right to continue using River Lane for the long recognized scenic hiking trail. Beginning in 1950, the use of River Lane for hiking by the public has been printed in trail guides, marked by blazes, and not at the invitation of the property owners. Hence the hiking use was open, notorious, hostile and continuous.

According to title research completed on behalf of the Conservancy, the deeds for one of the property owners, includes “a nonexclusive pedestrian and vehicular easement in common with others, over an existing unpaved roadway which extends in a general easterly direction from SR 1001 across properties now owned by ....”

After 10 months the Court of Common Pleas ruled that the Commonwealth of Pennsylvania, a landowner along River Lane, is an indispensable party to the suit and that they do not have jurisdiction because the Commonwealth was a landowner in the suit. According to the Judge, the proper jurisdiction for a suit against the Commonwealth is in the Commonwealth Court.

In October 2014 DCNR sent a letter to the property owner defendants that seemed to imply that DCNR rescinded its permission for the hikers to cross its property. The letter was sent more than five months after the Rachel Carson Trails Conservancy filed its complaint and was not seen by the Conservancy until produced at the initial meeting with the assigned Judge in March, 2015. When we attempted to clarify the letter by adding “until the dispute was settled” Ellen Ferretti was no longer the Secretary and the new Wolf Administration was not prepared to comment yet.

This procedural maneuver furthered delayed the Conservancy’s effort to protect the easement rights of the trail users. RCTC is prepared to bring suit in the Commonwealth Court to protect the trail user’s prescriptive easement along River Lane and *the public trust interest of the public to have access to the Clarion River.*

***The Rachel Carson Trails Conservancy is hoping that the Keystone Trails Association will help us develop a plan for working with the DCNR on this dispute and also to support and help bring the Conservancy's concerns, regarding public access along River Lane, to the DCNR's leadership and clarify their position.***

## BACKGROUND

The Rachel Carson Trails Conservancy petitioned the Clarion Court of Common Pleas to resolve recent tensions arising from the use of a portion of the historic Baker Trail on the gravel lane known as River Lane along the Clarion River between Gravel Lick Road (County Route 1001) and Cook Forest State Park.

The Conservancy is a public charity dedicated to the stewardship and promotion of long distance hiking trails in Western Pennsylvania. In partnership with counties, municipalities and other agencies it develops and maintains hiking trails with funds raised through special events and memberships. The Baker Trail is the longest of the trails at 132 miles.

This legal action was the first undertaken by the Conservancy and it was considered an option of least preference. After much deliberation the Board felt that our volunteers, who have dedicated hours on behalf of the Baker Trail and the Conservancy's mission, and our members, who have annually contributed to the stewardship of this long distance hiking trail, deserved to have the public's interest protected at this most beautiful and unique trail segments.

The following are the reasons the Board has taken this action:

- Since 1950 hikers from the general public have used the Baker Trail to enjoy the peace and beauty of the woods around Cook Forest, the Gravel Lick community, and the Clarion River.
- For all of that time the road along the Clarion River between Gravel Lick Road (County Route 1001) and Cook Forest State Park has been blazed for hikers using the Baker Trail.
- Prior to 1950 a dirt road existed to access oil wells and, even earlier than that, for lumbermen to access the Clarion River and float their fallen trees to market. (Gravel Lick's River Lane is clearly visible in the attached aerial photo from 1939.) There is a well-established public or commercial interest in the use of the road that predates the subdivision of the land into individual parcels.
- The current owners purchased the property subject to the preexisting easement for the shared-use road.
- The Western Pennsylvania Chapter of the American Youth Hostels blazed the Baker Trail from the suburbs of Pittsburgh to Cook Forest and it and its successors have continued to steward the trail with help from volunteers, public agencies, municipalities, and landowners for the benefit of the public.
- The trail has been recognized on maps and hiking guides since at least 1952.
- There has been no change in the use of the hiking easement for over sixty years and the blazes have been continuously maintained for those years.
- The Rachel Carson Trails Conservancy accepted the responsibilities of trail stewardship from the Western Pennsylvania Chapter of the American Youth Hostels when the latter organization disbanded in 2003. There was no change in the nature and use of the trail and many volunteers, members, and hikers joined the Rachel Carson Trails Conservancy at that time.

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