

Trail Easements and Trails in the Road Right of Way

Portola Valley has a strong commitment to preserving ways for people to travel without the automobile. Our system of trails, paths, and bike paths is used for essential transportation to schools and work, as well as for recreation and pleasure. Portola Valley Ordinance 1986-219 establishes penalties for obstruction of Town trails. An explanation of ways property owners can observe this ordinance follows.

How the Trails are Planned, Acquired, Built and Maintained

The basic trail system is an approved part of the Town General Plan. Most of the trail system is in place. When a new subdivision is proposed, the Town acquires trails corresponding to the routes outlined on the General Plan trail map. In this process, two types of trail routes are acquired, easements through private property and on public road right of ways.

Trails on easements through private or common areas in the subdivision: These easements are granted to the Town as part of the subdivision process. The Town is the holder of these easements and interference with them can only be as the result of Town Council approval after a public hearing.

Trails on the public road right of way: These trails have been developed on the shoulders of streets and roads in the Town. Since this is public right of way the Town reserves the right to ensure their availability for public use. Interference with them is legal only after securing an encroachment permit. The Town reserves the right to remove an interference with public use of road shoulders, including any plants that grow over the trails.

The Town Trails Committee has responsibility for designing and maintaining trails. Because many homes were landscaped before the basic trail system of roadside trails was developed, the most sensitive trail maintenance job is pruning of residential plants. Homeowners are notified when pruning is required on their property so that they may do it themselves, if they so desire. The Town also sprays poison oak along the trails, clears fallen trees, and takes steps to correct erosion problems.

How to Locate and Live With an Easement or Road Right of Way

Problems arise when residents put landscaping or obstructions on an undeveloped trail or path easement or on the road right of way. This is usually because they do not know, or forget, the easement exists. We urge you to check your Title Deed and Subdivision Map for trail easements. Within a trail easement special consideration should be given to planting and improvements. When a property owner desires to place planting, etc. on a public easement or road right of way where a trail exists or a path is indicated on the General Plan, and before such use is made by the property owner, an encroachment permit is required from the town.

For your use in preparing such plans we offer these suggestions:

- 1) Shrubs should be planted so their branches, when fully grown, will not intrude on the trail.
- 2) Pines, redwoods, and trees which grow a massive trunk, or have branches low to the ground, should be planted well back from the easement or road right of way line so that their mature

growth does not intrude on the trail. Branches growing toward the trail should be trimmed to the trunk to a height of 10 feet above the ground.

3) Structures such as fences, walls, sprinkler heads or valves, pools, or outbuildings should not be built within the easement or road right of way.

4) If the General Plan Trail Map shows a trail in the road right of way by your property, any plantings should be planned to occupy the area nearest the pavement, allowing the trail or path maximum separation from road traffic plus the protection the vegetation provides. Mailboxes should be placed near the street to allow the trail to pass behind them.

The standard for a Riding and Hiking Trail is dirt, 4 feet wide. Branches are cleared to provide a 10-foot vertical passage, and the trail may meander within the easement or road right of way to suit terrain and vegetation. It is important that the property owner realize that the road right of way extends well beyond the road paving. The width of your easements and the road right of way can be found on your subdivision map.

If the driveway is resurfaced, the area where the trail crosses it should not be resurfaced, as this produces a slippery finish that causes horses to fall. If resurfacing produces an unacceptable surface, the Town may require the homeowner to provide treatment of the surface that will ensure trail safety.

TYPICAL TRAIL IN STREET RIGHT OF WAY

