

Longmont, Colorado  
Wednesday, September  
12, 2007



DAILY TIMES-CALL

Publish Date: 9/10/2007

## **Judge puts foot down on trail/road controversy**

*By Douglas Crawl  
The Daily Times-Call*

Mark Boslough bristles at the mention of Barking Dog Road.

"It's Barking Dog Trail," he said, correcting the name of the route that begins on his land and has been the subject of debate and legal wrangling for years.

Now he has a final court ruling to prove that the road is a trail.

Last week, a Boulder County District Court judge ended a five-year legal battle by ruling that Barking Dog is a private trail, not a public road.

Barking Dog Trail, above Lyons on Colo. Highway 7, around mile marker 24, first became a point of contention in the 1990s when increased off-road vehicle activity on the route lead Boslough to block it off.

"All the time my family has owned property up there, since the 1960s, it was a single-track hiking trail," Boslough said, adding that it only became a road when people started driving on it.

Though the trail is private, Boslough said, hikers were always allowed on it and still are.

Local four-wheelers cried foul at the private closure, claiming the road was public per Revised Statute 2477, an 1866 law that makes some private routes public roads if they were originally built across public land.

Longmont resident John Ramey, who owns a little more than half interest of an old gold mine off Barking Dog, sued Boslough, claiming the route was a road across public land before Boslough's family took ownership of the property.

In 2005, a federal court judge ruled on a portion of the lawsuit involving the federal government in favor of Boslough's claim.

It then was bumped down to district court and extended to include Boulder County and a handful of other landowners connected to Barking Dog.

"It took five years and over \$200,000 to find out that you cannot be heard," Ramey said about the judgment.

He said he wanted Barking Dog to be declared a public road so he could better access his mine site, which hasn't been in operation since the late 1930s.

But everyone in a vehicle also has the right to drive on the road, Ramey said.

“That road has been there for over 100 years,” he said.

Ramey, 85, said he could prove the road was there before the land was private through a local historian, but a Boulder County district court decided he had no real proof, according to court documents.

“This lawsuit was dismissed by summary judgment,” Boslough said. “It meant there was no dispute of fact. Ramey did not provide any proof. I didn’t expect any other outcome. It was a matter of waiting for the very slow gears of justice to turn.”

Ramey said he can’t afford to appeal the case.

Douglas Crowl can be reached at 303-684-5253, or by e-mail at [dcrowl@times-call.com](mailto:dcrowl@times-call.com).

