

Trail Protection and the Landowner

A trail network is a great asset to any community. It provides recreation, transportation, wildlife habitat, and opportunities for community involvement. Volunteers and school groups often assist in designing, constructing, and maintaining the trails, and landowners who provide a right-of-way for a trail earn the appreciation and the respect of their community.

If you are thinking about cooperating with a trail group and allowing a public trail to cross your property, you probably have a number of questions: What will I get out of the trail? Who will be responsible for trail maintenance? Will I have to sign anything? Will I be liable for personal injuries and property damage that occur on my property? These questions are very important and should be answered to your satisfaction before you agree to allow a trail on your property.

This fact sheet will introduce landowners to the concept of trail corridors and some of the methods for protecting them.

Purposes of Trail Corridors

Trail corridors serve one primary function: they provide a route for a certain kind of recreational activity, whether it be hiking, horseback riding, or snow-mobiling. A trail corridor is the specific area in which trail construction, use, maintenance, and protection take place. Trail corridors vary in width. They may be only wide enough for the trail itself or may include a buffer zone, providing protection for the trail's natural characteristics.

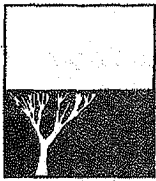
There are two major players in any trail project the trail group and the landowner. These projects require a great deal of coordination, and cooperation between the parties is essential. For a trail to be successful, the landowners must be supportive of the project and local citizens must get involved. Citizens often get involved by joining a local trail group. This group takes responsibility for designing, building, and maintaining the trail. Building a cooperative relationship between the landowners and the trail group is critical.

Liability

New Hampshire State Laws limit the liability of landowners who

allow the public access to their property free of charge for recreational purposes. RSA (Revised Statute Annotated) 508:14 called Landowner Liability Limited, limits the liability of landowners, who allow the public to use their property free of charge, to conscious and reckless acts by the owner. RSA 212:34 called Duty of Care, provides that an owner or occupant is not required to keep their property safe for entry or use for various recreational purposes or give warning of hazardous conditions, when they are not charging a fee, except for willful or malicious acts by the owner. For a full description of these laws refer to the Revised Statutes Annotated at the state library in Concord or consult your lawyer.

What about damage to your property from activities related to trail use? Damage to your property is not covered by any of these laws, but in most cases a homeowner's policy can incorporate provisions to cover a landowner for damages. Some of the larger trail groups may have liability coverage for their activities related to trails. It's a good idea to find out if the trail group has any liability coverage.



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