

# Landowner Access Agreement

## Chapter Guidance



### Summary

Private landowners are a cornerstone of outdoor recreation in Vermont. Over half of the 850+ miles of trails VMBA Chapters collectively steward are located on private property, providing singletrack access to the public at no cost and building upon Vermont's long standing tradition of neighbors respectfully accessing private land for shared use.

The VMBA Landowner Access Agreement (LAA) was born out of a need to formalize the involvement of private landowners in hosting public access recreational trails and provides clear ground rules for how the Chapter and Landowner will work together to uphold the rights and privileges of private property while retaining public access. In signing the LAA, a Landowner is also protected as an additional insured under VMBA's insurance policy, which provides protection above and beyond Vermont's Limited Landowner Liability Act. In addition to offering peace of mind that trails will remain open to the public, the 10-year public access provision built into the LAA is the common minimum for receiving RTP or other public funding to support trail construction and/or maintenance. The LAA also sets ground rules for when and how landowners can close trails or limit access and for resolving any disputes that may arise.

This document provides a few suggestions for approaching landowners as well as specific instructions for customizing the LAA based on the land in question and landowner's preferences

### Engaging with landowners

Successful Chapter-landowner relationships are built on trust, and few LAAs are signed without extensive discussion between a Landowner and the Chapter. Initial conversations should focus on sharing Chapters' plans for the trail system in question and why they are interested in building on the specific parcel, e.g. what goals it would help achieve and how it would benefit trail users and the community. Ample time should be given to hear the landowner's ideas, questions, and concerns, and plans adjusted based on their feedback. If and when the landowner is interested in proceeding, preliminary routes should be flagged and walked with the landowner, altering the corridor based on their input. Once a revised, landowner-approved map is in hand, a customized *Landowner Access Agreement* (see below) should be shared along with the *Cover Letter to Landowners*, which summarizes the document in plain language. While trail construction is not predicated on having a signed agreement, consideration should be given to the implications of a) an inability to access public funding and b) trail closure by the Landowner after only a few seasons. Should the landowner request modifications to the LAA beyond those described below, please reach out to the office - our hope is to have as 'standardized' an agreement as possible, though we also appreciate the need to meet people where they are.

### Modifying the LAA before use

The LAA contains several highlighted clauses which need to be accepted or removed based on the parcel properties and landowner preferences, ideally *before* the document is shared with the landowner. Specifically:

- *Does the property have a Vermont Land Trust (VLT) conservation easement?* If so, **accept** the 'Whereas' on Page 1 **and** the additional clause in Section II.b on Page 3, which notes VLT shall be contacted. Please reach out to VLT during the mapping process to ensure plans are consistent with the easement - the VMBA office can provide contact information if needed.
- *Does the Landowner wish to exclude eMTBs?* If so, **decline** the two additions to the definition of 'Recreational Use' that include eMTBs under 'Definitions' at the top of Page 2. Otherwise, accept these additions, which will allow for all pedal-MTBs to access the hosted trails. Note: e-assist Adaptive Bikes for those with a disability *cannot* be prevented from access *any* public trail.

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- *Does the Landowner not want the hosted trails publicly mapped?* If so, **decline** the addition to 'Obligations of the Landowner' Section I.e at the bottom of Page 2. Note: a shapefile of the trail must be shared with the VMBA office for submission to ANR in order for the trail to be part of the Vermont Trail System (and eligible for Rule 71 extensions to Act 250 jurisdiction for trails).
- *Additional parcel-specific information.* Input the trail width (IIIb, Page 3), County in which disputes shall be resolved (VII.a and VII.d, Page 5), and Landowner/Chapter/Town fields on Pages 1 & 2.

Once modifications have been made and all suggestions either **accepted** or **declined**, review each Comment and 'mark as resolved' (check box). The final document should be free of annotations and ready for review by the Landowner.

## Signing the LAA

Once the Landowner has reviewed and agreed to the customized LAA, a copy with both their signature(s) and that of the Chapter representative should be shared with the VMBA office and signed by the Executive Director (Page 7). This can either be a scanned physical copy or an electronic pdf. The VMBA office shall return the countersigned LAA to the Chapter, who should also share with the Landowner for their records.

## Additional information

The "Landowners" page of our website (<https://vmba.org/landowners/>) includes several resources you can share with the Landowner to help them better understand what hosting public trails entails. These include questions to ask those interested in building trails on their land, a summary of Vermont's Limited Landowner Liability Act, and an overview of the limited jurisdiction of Act 250 over recreational trails.

Please feel free to reach out to the VMBA office if you have any additional questions or if further modifications to the LAA are requested by the Landowner. And do feel free to share any feedback on this guidance, or the LAA itself, as we are continually seeking to improve our ability to work with private landowners willing to host public trails on their land.