

# How To Secure Permission for a Trail to Cross Private Property

**Article by Howard S. Beye, Trails Chairman, Finger Lakes Trails Conference, originally appearing in the North Country Trail Association Newsletter, Summer 1989, reprinted with permission.**

*The following article by Howard Beye, Trails Chairman of the Finger Lakes Trail Conference, articulates a plan for securing trail corridors through private property.*

For the past 27 years the Finger Lakes Trail Conference, through its 33 trail sponsor organizations and individuals, has been securing hand-shake agreements from landowners to allow the trails of the Finger Lakes Trail System to cross their lands. The Finger Lakes Trail System is presently proposed to consist of the main trail of 532 miles – from Allegany State Park in the southwestern part of New York State to the Catskill Park in the eastern part – and six branch trails that when completed will total 254 miles. The main trail passes through mostly dairy farm and forest land in its course across the southern tier of New York. The North Country National Scenic Trail follows the Finger Lakes Trail for 350 miles. There are now 648 miles of the proposed 786-mile system completed and ready for hiking and backpacking. Approximately 60 percent (390 miles) of the existing trail is on private land. Before Finger Lakes Trail representatives actually contact landowners to secure permission for the trail to cross their land, we make some preliminary decisions on the route. The best general route can be established by using highway, topographic, and (if available) aerial maps. We then determine the specific trail route by driving and walking through the area and contacting local landowners and local and state officials. We give priority to using local, state, and federal land as much as possible for the trail route. We also consider using existing trails, abandoned railroads, and power, pipeline, and other rights-of-way.

## Identifying the Landowners

When we have established the specific route, we secure tax maps. By plotting the proposed route on these maps, we can determine who the landowners are and where they live. Often the landowner does not live on the land where we wish to put the trail. When the route has been plotted on the tax maps it is easier to determine which landowners hold the key to success of establishing the trail. We contact these landowners first so we can make adjustments early in the process if we cannot secure their permission. Another advantage of the tax maps is that they enable us to plot a route involving the fewest possible number of landowners. Limiting the number of landowners make securing permissions much less time consuming. The speed with which we feel the trail can be built affects the length of the route we initially try to gain permission to cross. We normally work in sections of about 10 miles. Generally, the processes of obtaining permission and building the trail are ongoing and concurrent. Our experience is it usually takes two to five years to complete a 10-mile section across private land with many owners.

## Face-to-face Contact

The initial contact with the landowner is very important. If the landowner is a farmer, we feel the best time to find him around his home is at the end of the day. Often we attempt to make contact in the late afternoon at the conclusion of a trail route scouting or work session. We try to have two persons work as a team to make the contact, usually including one of our women trail workers. In general, we find women are more successful than men at securing permission.

## What To Bring

The contact team needs certain items with them to be successful:

- A brochure or flyer telling them about the organization building the trail. It should mention the fact that the work is being done by volunteers and tell about the trail size and type of use that will be allowed.
- Maps of the immediate area that show the completed and proposed trail route.
- A copy of the General Obligations or similar law that provides protection for landowners from claims of those whom he/she has given permission to use the land. The landowner should be given a copy.
- The signs that would be used to identify and mark the trail. It helps to have a sign that tells of the landowner's generosity in allowing the trail on their land and the courtesies expected of users.

## What To Discuss

We also discuss the following with the landowner:

- The material listed above.
- That the trail is only for foot travel. (If other uses are planned they must be discussed and detail provided.)
- That this is a handshake agreement that can be revoked at any time for any reason by the landowner.
- Any suggestions that landowner has for a route across the property. This makes the interested landowner a part of the process.
- That the Finger Lakes Trail Association closes the trail the first Monday in February each year to protect the landowners from having a public right-of-way open continuously across their land.

If the landowner gives permission we do the following:

- Thank the landowner and ask if he/she would like to receive copies of the newsletter of the organization building the trail.
- Tell the landowner that the route will be established and marked with flagging tape. When that task is completed he/she will be contacted to get his/her approval for the route or to make suggestions for changes.
- Tell the landowner a letter acknowledging his/her allowing the trail on the land will be mailed. A return receipt will be included with a stamped return envelope.

When securing permissions from second home, non-agricultural, and absentee landowners, the time and method of making contact are different, but the same items need to be covered. Using these methods, over the past 27 years the Finger Lakes Trail Conference sponsors have secured hundreds of handshake agreements from landowners. Very few of these have been revoked. For a volunteer organization with limited resources we feel this is the only initial way to secure a trail route across private land. Protection of the route in years to come may require actual purchase of land or securing of conservation.