

## **FINGER LAKES TRAIL PRIVATE LANDOWNER PERMISSIONS**

### I. Three types of permissions:

A) **Oral agreement, handshake only.** Confirming letter sent; no acknowledgement required. This is our most common type of permission.

- 1) Revocable by owner at any time.
- 2) Permission does NOT pass to next owner. Notification of trail steward upon sale is very helpful, but not required.
- 3) Special conditions or signage always negotiable. Examples: owner uses horses on what will become FLT, so we cannot complain. Or...trail closed during gun deer hunting season with signage by us.

Our FLT Posted sign covers many questions about OTHERS' usage of this property.

B) **Trail Use Agreement:** written acknowledgement signed by both FLTC and landowner, outlining conditions and permitted uses.

- 1) Still revocable by owner. This merely writes down all stipulations for ultimate clarity. It's a good vehicle for outlining usages permitted, special blazing, or sign requests. Form supplied by FLTC.

In all cases after landowner grants permission, the trail steward will register landowner name, address, and property location on FLT with sketch map, and tax map property number with FLTC VP for Trails or with the sponsoring club if appropriate. The owner is entitled to a free subscription to the FLT News, our quarterly magazine, unless he or she declines the offer.

C) **Trail Easement:** permanent permission granted by owner for FLT to pass through a defined corridor, with any special conditions spelled out within the simple document and its supporting property map.

- 1) Permanent permission, not revocable under normal circumstances.
- 2) Permission stays with property, passing on to subsequent owners.
- 3) Easement is recorded with deed at county clerk's office.

### II. Answers to Landowner Concerns:

The 880 miles of the Finger Lakes Trail System could not exist without private landowners' generous permissions for the path to cross their land. While the trail goes through many state forests, state and county parks, and even New York's only national forest, we need miles and miles of private land connections between those public lands in order to maintain a continuous path. At first it seems a lot to ask, for public permission to walk private property and for owners to share what is usually their most beautiful spots with others, but literally hundreds of landowners have been quite happy with this arrangement for thirty and forty years now.

Following are answers to the most frequently asked questions:

A) **Liability!** Both the FLTC and the landowner (typically) have liability insurance, but permission to allow the trail should not add a burden to the owner's exposure due to the NY General Obligations Law, which relieves an owner of any special liability if he permits recreational usage of his land for free.

In other words, someone can still bring a suit, but either the owner's insurance will defend him in court (to dismissal, surely, due to the General Obligations Law) or, as has been the case in recent years, the suit may be thrown out beforehand because the plaintiff is deemed to have given up the right to sue by accepting the landowner's gift of passage on his land. Since our founding in 1962 the Finger Lakes Trail has never caused a lawsuit.

B) **Right of way?** It is a common belief (although not necessarily so) that many years' uninterrupted passage across private land creates a *de facto* permanent right-of-way. To allay any fears that our trail could create a permanent route, the FLT is legally closed on the first Monday in February every year on all private portions, thereby interrupting our permission once annually. A reminder is printed in the winter issue of the FLT News.

C) **Permitted Uses?** The Finger Lakes Trail Conference is asking only for permission to walk on human feet on a defined path, and that limited usage is what WE prefer for a quiet undisturbed hiking experience. This permission does NOT grant an open door to all users automatically. It is up to the owner if horses, ATV's, motorcycles, bicycles, snowmobiles, or even uninvited hunters are allowed, or any combination thereof. If NO other uses are desired (which is our preference, too) the FLT Posted sign takes care of all others, or specific signs can be created to address the owner's concerns.

If there are usage conflicts, we hope the owner will contact the trail steward before problems escalate.

Trail Steward

Address

Phone

Email

Finger Lakes Trail Conference  
6111 Visitor Center Road  
Mt. Morris NY 14510  
585/658-9320  
[www.fingerlakestrail.org](http://www.fingerlakestrail.org)

supplemental materials:

a) summary of GOL

b) copy of Posted sign

c) trail use agreement blank