

Early Autumn 2008



Tie Up Your Laces  
And...Work!

# TRAIL TENDERS' NEWS

A publication from the Trail Management Committee's Training Team

## Finger Lakes Trail Conference

### Points to ponder:

- What can you say to a landowner who is afraid of being sued because some hiker might trip on the trail when on his property?
- I'm tired of painting blazes with a brush. Why can't I use spray paint?
- What did God say to the untidy blaze painter?
- Why can't I ride my horse on your trail?

### When Can I Use Spray Paint?

When you want to blaze-out a blaze. Use a color that blends with the tree bark (some of the new "camo" colors work pretty well). Spray paint is acceptable because the edges of the over-blaze do not have to be clean and tidy; and in fact, blurry edges help obliterate the blaze for those with vision problems.

Spray paint is definitely not recommended for making blazes. Even if one uses a template, spray paint tends to drift under the pattern (especially on trees with rough or sloughing bark), so the blaze lines aren't crisp. Crisp, straight lines and sharp corners are key to picking out blazes in the woods and are especially critical for trail users who are color-blind. And, if you're painting a lot of blazes, managing the paint that gets on the template can become a royal pain.

Thanks to Kirk House for telling us how important crisp straight lines are for color-blind hikers.

### NOTICE!

### Mark Your Calendars!

### NOTICE!

**Regional Meetings** for trail maintainers and other interested folks will be:

- ("West") Sat., Oct 4, 10-2 (bring lunch), St. Paul's Episcopal Church, 531 E. Main St., Springville
- ("Central") Sun., Oct 12, 1-4, St. James Episcopal Church, Lake & Main, Hammondsport
- ("East") Sat., Oct 25, 10-2 (bring lunch), Scout building on Camp St., Bainbridge (take NYS 206 to Juliard St. to Camp St. – better yet, "google" Bainbridge ahead of time).

If you are unable to attend the meeting closest to you, you are welcome to attend another meeting. *Likely* topics include: Dealing with timber harvests on public and private land; chainsaw training; signing your trail correctly -- and to help minimize abuse; building partnerships with landowners; helping landowners to minimize trail abuse; how to make the Big Ask; and the a-b-c's of Trail Easements. Your questions and comments are WELCOME!

### NY's Recreational Use Statute and Anti-Trespassing Laws Protect Landowners

Landowners who are deciding whether to allow the FLT to cross their properties sometimes worry about being sued should there be an accident on the trail, or they might lose their ability to do what they want with their land, or non-hikers (like ATV or mountain bike riders or "unsavory people") or hunters (if they post their land against hunting) may access their property via the trail. The good news is, landowners really don't have to worry about any of these things, thanks to a state law (the General Obligations Law), state anti-trespassing statutes, and the FLTC's desire to help them protect their land from unwanted uses through explicit signage and preventative barricades, fencing, stiles or dodgeways.

First, the chances of a landowner getting sued are probably between slim and none. Our trail is *just* a footpath, not a highway. Many folks simply don't know that there is a law that protects them from liability when they have opened their private lands to the public for a number of recreational activities, under specified circumstances. NY's recreational use statute, the General Obligations Law, which the state enacted *for the purpose of protecting landowners* who allow the public to hike on their land for free, pretty much "immunizes" the landowner from liability as long as the landowner doesn't do something intentionally malicious, like put a trip wire across the trail. As long as the landowner does not charge individuals for hiking, does not engage in actions intended to harm trail users, and does not engage in gross negligence, the landowner takes on no additional or special obligations to the trail users to make the trail safe -- or (surprising as this may seem) even to inspect the trail for safety! Stewards should provide landowners with a copy of the law. The FLTC has never been sued -- and no landowner has been sued -- in the 46 years the trail has existed.

Secondly, the landowner is able to do everything that he/she did before, when the trail wasn't on his/her property. No landowner rights are lost or compromised. We ask only that they try not to ride ATVs, dirt bikes, mountain bikes, or horses on the trail because of the damage these do to the trail; however, the landowner can ride these various critters on the trail if he/she wishes to do so. If the landowner gives us permission to use a trail that he/she already has

## Another Option for an Open-Aire Toilet



Tom Wemett took this photo of a wooden throne near one of the shelters on the Cold River section of the Northville Lake Placid Trail.

At the suggestion of Trail Steward, Tom Wemett, last March, Howard Beye went looking for plans for a wooden "open-air" toilet box that could be used on the Finger Lakes Trail System. (No, it is not true that the only thing Howard does is search out toilet plans!) As Tom pointed out, the aesthetics (especially the moss covered trees and the dappled sunlight!) of this wooden privy are just *better* than those of the fiberglass version discussed

in the last issue of the TTN.

### **Howard is still looking for plans.**

Please contact Howard if you know where plans for this kind of toilet might be obtained or you could take the plans off an existing box; or you can answer any of the following questions:

(1) The square box is much like the box an AlleyCat Crew built for the seat *inside* the outhouse at Buck Settlement, where there were grab bars on both walls. Can we assume that the square box is acceptable per ADA standards? (2) Does anyone know how porcupines are reacting to the new ACQ pressure treated wood? If we use ACQ PT wood, do we need to put hemlock boards around the outside of the box, or cover the edges with metal (ouch!?) or something else (like what?) to prevent gnawing? Or should we make the whole thing out of hemlock? (3) Besides staking the box to the ground, how can the box be made more vandal- and fire-proof?

If you have other questions, concerns, or suggestions, please email them to Howard Beye at [fltc@frontiernet.net](mailto:fltc@frontiernet.net).

## Why Horses Aren't Allowed on the FLT

As a trail maintainer, you may encounter folks who want to ride their horses on the FLT and don't understand why they can't. It's wise to be prepared to answer their sometimes abrupt questions with reason, patience and diplomacy, if possible. Horseback riders (and others) sometimes simply do not understand that the FLT is not built by the government and is not owned by the State. They may not understand that much of the FLT is on private land *owned by others* (not the FLTC) who have allowed us just to have a footpath on their land, or that it is built and maintained by (now) thousands of *private* citizens who belong to the FLTC or local hiking clubs or scout troops, not government employees paid to keep up the trail.

Here are the reasons why horses aren't allowed on the FLT, prepared "on the fly" by Irene Szabo when she was faced with questions from a couple of assertive horseback riders at the first regional meeting held by the NYS Office of Parks and Recreation (OPRHP) trails guru, Robert Reinhardt at SUC-Geneseo, April 14, 2008:

#1 - the FLT is a foot path, conceived that way and built that way by volunteers, for that purpose only.

#2 - NY topography, which the trail generally travels ACROSS the grain by going up and down every hill and valley (instead of along ridges or valleys) gives us a skinny little footpath through woods that is almost always on a slope. On forest floor duff, one trip by a [thousand-pound] horse [with sharp hooves] on steep land tears up the tread so badly that it's hell to walk on for human feet, and starts inevitable erosion that a thousand human feet wouldn't. We do NOT offer a hardened path!

#3 - CRITICAL! Our 880-mile continuous system exists through the permissions of over 500 hosts, and we must abide by THEIR wishes. State or municipal agencies dictate who may use our trail within their areas, and stitching them together are about 450 private landowners. We have asked those private landowners ONLY for permission for walking, so any other usage could anger them enough that we lose permission, and then we have a gap that could cause untold work to repair. Landowner permissions are our most valuable...and our most fragile...resource. We have actually lost multiple permissions due to arrogant bicyclists abusing the trail and then being rude to landowners who dared object to their presence.

Irene says that horseback riders have been very understanding when these three points were explained to them politely and calmly.

## POLICIES ABOUT DOGS ON THE TRAIL

At its meeting on February 24<sup>th</sup>, 2007, the Trail Management Committee (TMC) established some new requirements for taking dogs on trails in the FLTS. Since then, the policy has been spiffed up to be a bit more "user-friendly," but we'll just paraphrase the gist of it here.

**The Policy: If you take your dog(s) on any trail in the FLT System, whether for hiking or working on the trail, you are expected to (1) know and follow all the rules that apply when on public lands and (2) leash your dog when on private lands.**

Public Lands More Specifically: All **State Parks** through which the FLT System goes -- **except Allegany State Park** -- require that pets (which include dogs) be on a leash of no more than 6 feet when on the trail. In **Allegany State Park and all State Forests**, pets must be kept under control and should be restrained on a leash when other people approach. If you are hiking with a dog on other public land, it is your responsibility to know the regulations that apply.

Private Lands: **Dogs should be leashed when hiking on any FLT trail on private land.**

Lest all of us dog owners now rise up in defense of our dogs and our delight in their rambunctious enjoyment of the out of doors, let us note that the value of dogs as companions to, and protectors of, trail users was also praised and appreciated in the discussion at the TMC meeting. One participant pointed out that her dog had once kept neighborhood dogs from attacking her while she was hiking the trail; another told how her dog's growling and raised hackles had "discouraged" a pistol-toting late night arrival from staying with them at a lean-to in a remote part of the Adirondacks. So, the policy was adopted not to deny the value of our very best friends, but because dogs running free on private lands have upset some landowners, and in one case, the landowner was so upset that he withdrew permission for the trail to be on his land. It was also noted that dogs running free can bother a landowner's dogs or other animals; and we simply cannot afford to lose more permissions as a result.



Okay, so there's this new trail maintainer who is feeling pinched by the price of gas and other escalating costs, so he waters down his white blazing paint with thinner. Of course, when he gets to the end the section, a cloud burst washes off every one of his freshly painted blazes. He goes out to blaze his section again (not having learned anything from his initial experience) and paints once again with thinned paint. When a second storm cloud appears, he finds religion and prays fervently for divine intervention. A voice comes from the cloud above: "Re-paint and Thin no more!"

Thanks to new trail steward, Joe Striano, who does *not* thin his paint, for this groaner.

## IF YOU TAKE YOUR DOG WITH YOU...

### 3 Ways to Help Make Your Dog Look More Domesticated and Friendly to Other Hikers

When out hiking:

1. Loosely tie one of those cute, bright bandanas around your pup's neck;
2. Buckle on a bright orange, nylon hunting "saddle blanket," so your dog can be seen from afar and so approaching hikers will assume, correctly, that he/she is a valued dog and is not feral (and you can bet many hikers will ask whether your dog is a search and rescue animal!); or
3. Saddle your pooch with a doggie pack and have him/her carry a tool or two for you (rolls of flagging tape survive fords and mud puddles pretty well).

### When Doing Trail Work with Your Dog

Some points to remember when doing trail work while accompanied by your furred friend(s):

1. Remember that you will narrow your focus when you concentrate on your work. You may lose track of where your dog is and you may not see that your dog has come too close to your work area until too late. If Fido is a wanderer or Ajax insists on staying too close to you, tie him up well away from the work area and fall zone.
2. If you are swinging a weedwhip, be sure to check where your dogs are *before* you swing. Always have them in sight.
3. Remember that despite your training and your best efforts, spring poles sometimes spring, logs lying on other logs sometimes roll and jam, and the stump end of a tree that you thought had been down for quite awhile may jerk back into place abruptly when the tree's trunk is cut. Before you begin, consider all the sad accidents that others have experienced, think about all the "problems" that could happen if things don't go quite right, and keep your dogs away from the action.

### Landowners Protected..., continued from p. 1:

established for his/her ATVs or dirt bikes, then we obviously respect the fact that we're hiking on a trail that was developed for those uses, not vice versa. The landowner and his/her friends can still hunt and can still post the land against hunting by the public and prevent the public from hunting from the trail. We're asking for permission only to hike and snowshoe and xc ski (if the terrain is appropriate) -- no horses, mountain bikes, ATVs, snowmobiles, other motorized vehicles *for the public*.

Third, the FLTC can and will respond immediately if the landowner has a complaint. The FLTC can do many things that will make it extremely difficult if not impossible for ATV riders, horseback riders and others to get onto private land. We can

**Landowners Protected... story continues on p. 4** 3

**Landowners Protected..., continued from p. 3:**

put up gates; we can build narrow dodgeways to pass through, or put up fences that must be climbed over (with stiles for hikers, for that purpose). We have signs that say no hunting or fishing, etc. and *only* foot travel on the trail is allowed; and we can post signs that explain that just carrying a hunting weapon across posted land during hunting season constitutes hunting for which the weapon-carrier can be charged with trespassing.

It's important for the landowner to know that he/she can have violators ticketed or arrested for trespassing, if he/she wants to do that. **The anti-trespassing laws allow a landowner to prohibit a specific individual or a group of individuals from coming onto the trail or elsewhere on his/her land, while still allowing others to use the trail**, as long as the landowner has communicated this prohibition to the person(s) in writing. Once this has been done, persons violating the prohibition can be paid a visit by any law enforcement officer (sheriff, ECO or Forest Ranger) and can be ticketed or arrested for trespassing.

The New York stretch of the North Country National Scenic Trail is listed as a trail of national significance, and the Finger Lakes Trail System is listed as a trail of regional significance, in the New York State Comprehensive Outdoor Recreation Plan (NY SCORP). State and local officials view our hiking trails as important assets that are worth protecting and, we believe, hold the private landowners who allow the NCT and FLT on their lands in high esteem. Over the past 47 years, on those very few occasions when we have had to ask for help (to either demonstrate their interest in protecting the trail to a hesitant landowner or to deliver an ultimatum to a trespasser), law enforcement personnel have responded quickly and have been very helpful.

Disclaimer: Nothing in the above story is intended to be a legal opinion or represent the advice of a lawyer.

**Make plans now to attend *your* Trail Maintainers' Regional Meeting, coming up in October. Details on page 1 !!!**

Please send questions, comments, complaints, corrections, suggestions, new information or tips about trail building or trail maintenance, to any member of the "Traveling Training Team": Editor/writer (this issue) -- Lynda "Queen of the Typos" Rummel ([ljrassoc@roadrunner.com](mailto:ljrassoc@roadrunner.com)). Volunteer senior contributors -- Howard Beye ([fltc@frontiernet.net](mailto:fltc@frontiernet.net)); Bill Coffin ([wmscoffin@twcny.rr.com](mailto:wmscoffin@twcny.rr.com)); Mary Coffin ([mcoffin1@twcny.rr.com](mailto:mcoffin1@twcny.rr.com)) and Irene Szabo ([Treeweenie@aol.com](mailto:Treeweenie@aol.com)).

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***New Rules re Dogs  
& New Privvy re Plans***