

# Landowner Information Page

*Does the Buckeye Trail pass near your land, or perhaps past it on a roadway?* If you're not sure, just look for the blue blazes, which may be on trees, utility poles, bridge abutments, or sign posts.

Would you consider having part of the trail on your land? Many people already host parts of the trail. For your information, we've provided the following frequently asked questions:

1. Q: What liability do I have for hosting the Buckeye Trail?

A: Absolutely none. The Ohio Revised Code (official state law) 1519.07 specifically excludes landowners from liability for outdoor recreation uses such as trails (see side box).

2. Q: Is there any payment for allowing the Buckeye Trail on my land?

A: Normally, no. This is because the BTA is a mostly volunteer nonprofit agency that relies on most of its operating funds from members. We do not have much money, so are relying on the generosity of citizens like you.

3. Q: Are there other private property owners who are hosting the Buckeye Trail?

A: Absolutely. There are already many landowners hosting parts of the Buckeye Trail. Many of them are very proud to do so, knowing that they are promoting outdoor recreation that makes use of our local resources, and that's healthy. [Foto of a landowner sign]

4. Q: Won't this mean increased maintenance for me?

A: No. The BTA is responsible for all trail construction and maintenance. However, some landowners do choose to do some things to help, such as trimming weeds or mowing, and this help is always welcome – but that's up to you. We can do it all.

5. Q: How much will this impact my property?

A: The trail itself typically is only eighteen inches wide, with a cleared corridor (removal of growth on the sides of the trail) four to six feet wide. This is a very narrow corridor. The trail is also built carefully, and mindfully of such considerations as erosion and drainage. Property impact is minimal. Presence of the trail does not reduce the value of the land, either.

6. Q: Won't this increase theft in the neighborhood?

A: This question comes up again and again for those people building trails, and the answer is a resounding NO. People who want to commit property crime do not want to have to go to properties by foot. Rather, they want to be able to drive in close in order that they can have a quick getaway and a way to carry stolen property. It's almost unheard of for such people to use trails to gain access to other people's houses or other buildings.

Ohio Revised Code 1519.07 No duty or liability to user of recreational trail.

(A) As used in this section:

(1) "Intentional tort" means an injury to person or property that the tortfeasor intentionally caused, to which the tortfeasor intentionally contributed, or that the tortfeasor knew or believed was substantially certain to result from the tortfeasor's conduct.

(2) "Premises" means a parcel of land together with any waters, buildings, or structures on it that is privately owned and that is directly adjacent to a recreational trail.

(3) "Recreational trail" means a public trail that is used for hiking, bicycling, horseback riding, ski touring, canoeing, or other nonmotorized forms of recreational travel and that interconnects state parks, forests, wildlife areas, nature preserves, scenic rivers, or other places of scenic or historic interest.

(4) "User of a recreational trail" means a person who, in the course of using a recreational trail, enters on premises without first obtaining express permission to be there from the owner, lessee, or occupant of the premises.

(B)(1) An owner, lessee, or occupant of premises does not owe any duty to a user of a recreational trail to keep the premises safe for entry or use by a user of a recreational trail.

(2) An owner, lessee, or occupant of premises does not assume, has no responsibility for, does not incur liability for, and is not liable for any injury to person or property caused by any act of a user of a recreational trail.

(C) This section does not apply to intentional torts.

## ***Value of the Trail on your Property***

1. The trail provides recreational opportunities for your family and community.
2. The trail can educate others about the many productive uses of land including farming and grazing.
3. The trail encourages protection of wildlife habitat and watersheds.
4. The trail can bring communities together to create a public resource; in fact, we have a trail town program.
5. The trail links the area's parks with surrounding farmlands, cattle ranches, forests and open space.
6. The trail creates connections between small communities.
7. The trail cultivates appreciation and protection of Ohio's natural, cultural, agricultural, and historic resources.

7. Q: What about keeping away off-road vehicles?

A: To be honest, off-road vehicles, particularly ATVs, are a problem. Since most ATV users only abuse local trails, people who use these on your land are almost certainly nearby neighbors. It is a crime for them to travel on any part of the Buckeye Trail, so a call to the sheriff may be in order. If there is a serious problem, we will provide entry barriers to the trail section. But in the meantime, we try to build the trail, at least in hilly sections of the state, so they are too narrow for use by these vehicles.

8. Q: How do we create an agreement?

A: There are several ways to do this. One is to create a simple trail easement, which can be tailored to individual needs ([Sample Trail Easement](#)). There are other ways of approaching it, such as creating a permanent conservation easement ([Sample Conservation Easement](#)) for landowners who want to guarantee future protection for their property. Another possibility is to insert the trail easement into a deed if you sell your property. We have sometimes used handshake agreements, but we prefer to have the agreement in writing, even if it is just a letter of permission written by the landowner.