

RHODE ISLAND LAND AND WATER PARTNERSHIP

Welcome to the 10th Anniversary
Land & Water Conservation Summit

Managing Risk on Land Trust Trails and Properties

Saturday March 9, 2013
University of Rhode Island Memorial Union

Today's Presenters

Brian T. Ahern

Director of Risk Management Services

Rhode Island Interlocal Risk Management Trust

East Providence, RI

G. Gregory Tooker, CPCU

Principal Consultant

Risk Probe, Inc.

Wrentham, MA

Today's Discussion 's Focus on Risk Management

- Risk Management does not mean the same thing as limiting legal liability. Today's focus is not on legal liability.
- There is a difference between what you are required to do and what you should do.
- With today's budget constraints it is difficult to strike a balance between making recreational areas safe and not making them available at all.

Recreational Immunity

(RI Statute Title 32, Chapter 6)

- Rhode Island's Recreational Use Statute was created to encourage landowners to make their land available for public recreation purposes by limiting liability providing they do not charge an access fee.
- However, there are a number of exceptions to the general protections afforded by the Statute and courts have found their own exceptions that are not spelled out in the Statute.
- **If you take proper steps to prevent accidents - immunity is not an issue.**
- **Besides, it's the right thing to do!**

What is Risk Management?

- A process by which local officials assess, monitor risks and selects and implements measures to address its risks.
- Trails that are properly designed and maintained go a long way to ward off any potential liability.
- Managing agency should develop comprehensive inspection/maintenance plan.
- Benefits of Risk Management are numerous!

Risk Management continued...

- Inspect the property and facilities to discover hidden dangers;
- Remove hidden dangers or warn the user of their presence;
- Maintain the property and facilities in reasonable safe repair;
- Anticipate foreseeable activities by users and take precautions to protect users from foreseeable dangers

Get To Know Your Trails

- Walk your trails - develop inventory of potential hazards that might exist;
- Gather maps and create a list of users that will be permitted on the trail;
- Document use patterns & demands & Identify all applicable laws (State/Municipal);
- Design and location of trail such that dangers are avoided; Install warning signs of potential hazards;
- Post and enforce trail regulations.

Trailhead Kiosks Immediate Positive Impression!



Important User Information

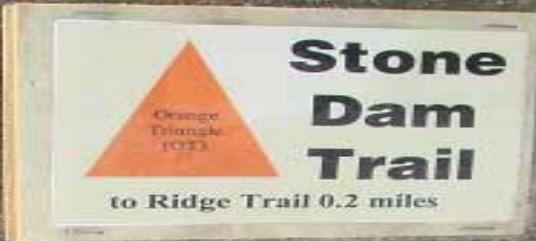


Trail is open for use!

- Developing and disseminating detailed trail maps;
- Regular inspection of trail by a qualified person;
- Correct and document maintenance concerns;
- Develop procedures for handling emergencies;
- Maintain records of all inspections, what was found & what was done about it.
- By managing these steps it will show the agency has been acting in a responsible manner and will serve as a excellent defense in the event of a lawsuit.

Managing Special Situations

- Hunting adjacent to trails; Are signs posted at trailheads to be aware of this?
- Motorized vehicles; cyclists; skiers;
- Animals (i.e.) horses;
- Unauthorized use (i.e.) camping, partying.



**Stone
Dam
Trail**

to Ridge Trail 0.2 miles

Orange
Triangle
(OT)

**HUNTING MAY
OCCUR ALONG
THIS TRAIL ON
ABUTTING
PROPERTY
USE AT YOUR
OWN RISK**



Signs !!

Trailhead, Directional, Intersections

- Signs are probably the quickest and easiest way to leave the trail user with a positive impression.
- Good signage program is essential for effectively controlling risks.
- May not relieve liability? - but signs are excellent way of showing that measures are taken to assure safety.

Signs, Signs, Everywhere Signs!



Does A Hazard Exist?

