

THIS LAND IS
YOUR
LAND...



Dear Landowner:

For over 20 years, Minnesota's 300 non-profit snowmobile clubs and their local volunteers have depended on the generosity and cooperation of many landowners, just like you, who volunteer their land for snowmobile trails. This ongoing partnership between local snowmobile clubs and private property owners has resulted in irreplaceable social, economic and recreational benefits to communities, just like yours, across our rural snowbelt. Thanks to you and thousands of other landowners, there are 20,000 miles of snowmobile trails in Minnesota, the second longest integrated snowmobile trail system in the United States!

These trails, and the benefits they generate, foster substantial new opportunities, prosperity, enjoyment and well-being for you, and your family, friends, and neighbors, during a winter season that has been traditionally dormant and stagnant. Many of these same relatives, friends, and neighbors also depend on the use of your land each winter for their family snowmobiling pleasure. It's a classic Minnesota example of the caring neighbors volunteering to help each other for the overall betterment of their community and their lifestyle. Ultimately, through giving generously of their time and resources, everyone wins.

Those of us associated with organized snowmobiling know that the voluntary use of your land each winter is a privilege, not a right - a privilege that we have to earn continuously through our diligent care of, and respect for, your land and property. Our commitment to your land starts at the grassroots, with our volunteers and clubs. It continues to the highest levels of our state organization, Minnesota United Snowmobilers Association (MnUSA).

That's why MnUSA, in cooperation with your local snowmobile club and its community volunteers, has developed this brochure. It is intended to answer many of your questions about volunteering the use of a portion of your land for a snowmobile trail.

As you will see, the information is presented in a user friendly, question and answer format. This brochure also contains the contact person for your community snowmobile club, MnUSA contact information, and a copy of the official Minnesota Landowner Trail Permit.

Yours truly,

MINNESOTA UNITED SNOWMOBILERS ASSOCIATION, INC.

1. QUESTION:

liability coverage

IF I GIVE LAND USE PERMISSION TO MY LOCAL SNOWMOBILE CLUB, IS THERE ANY LIABILITY COVERAGE?

ANSWER:

YES. By signing the Landowner Trail Permit you automatically become covered under Minnesota Statutes §§ 604A.20 to 604A.27 which were enacted to encourage and promote the use of privately owned lands for beneficial recreational purposes. Under the statute, snowmobiling is a recreational purpose.

In addition, your local snowmobile club maintains trail liability insurance which covers the private landowners as additional insureds under the policy. A copy of the policy is available from your local club or from Minnesota United Snowmobilers Association.

You are still responsible for carrying the usual liability coverage to cover any other non-snowmobile related occurrences on your land, including liability coverage for any equipment, automobiles and snowmobiles you may own.

2. QUESTION:

official form

IS THERE A REASON I SHOULD SIGN THE LANDOWNER TRAIL PERMIT?

ANSWER:

YES. The Landowner Trail Permit has been developed by the State of Minnesota to ensure that it complies with the terms and conditions of Minnesota Statutes. For you, this means the certainty of knowing you are covered in the unlikely event of a claim resulting from the snowmobile trail on your land. By not signing this official form, or by altering it in any way, you may place your coverage under Minnesota Statutes 604A.22 to 604A.27 in jeopardy.

3. QUESTION:

ownership

BY GIVING LAND USE PERMISSION TO MY LOCAL SNOWMOBILE CLUB, DO I LOSE ANY OWNERSHIP RIGHTS TO MY LAND?

ANSWER:

NO. All you are doing is allowing the local club seasonal use of a specific portion of your land for a snowmobile trail. The trail is not for any purpose other than snowmobile. We do not want to use all of your land, to prevent you from using any of it, or even to use the designated trail corridor in any other season. The land is always yours to own and control, and ultimately you may revoke the land use permission if you choose to terminate the partnership. You also retain your full rights throughout the balance of the year.

4. QUESTION:

trail use

WHEN I GIVE LAND USE PERMISSION TO MY LOCAL SNOWMOBILE CLUB, CAN ANYTHING BE DONE TO STOP OTHERS FROM USING THIS TRAIL?

ANSWER:

YES. The land use permission you give to your local

snowmobile club is for winter use only as a snowmobile trail for snowmobiles displaying valid Minnesota snowmobile registration. Under the law, no other trail users are allowed on this trail or any other part of your property at any time of the year without your specific permission. Your local club is responsible for maintaining the trail regularly during the winter, and for opening at the beginning of the season and closing at the end of the season any applicable, existing gates/barriers, etc., as agreed upon pursuant to the agreement between you and your local club. The club will also sign the trail to indicate that it is exclusively for snowmobile use, including a trespass warning.

5. QUESTION:

prior approval

CAN I ENSURE THAT MY LAND WILL BE USED IN ACCORDANCE WITH MY WISHES?

ANSWER:

YES. Before signing the Landowner Trail Permit, talk to your club contact about any specific needs, concerns or considerations you may have. It is strongly recommended that the land owner and the club contact walk the proposed trail site together, specifying the exact layout, permitted width, and signage requirement, as well as such diverse items as noting work to be/not to be allowed, listing gates and fences that need attention, designating fields that need to be staked, crops that need protection, and agreeing on methods for water crossings. If you are planning to do any winter work that might impact the snowmobile trail, this is also a good time to discuss it. These items should be placed on a site map and/or in writing and attached to the Landowner Trail Permit as an addendum and initialed by both parties.

6. QUESTION:

satisfaction

IS THERE ANY REMEDY IF I AM DISSATISFIED LATER ON?

ANSWER:

YES. Should you have any concerns throughout the snowmobiling season, we urge you to contact your club representative immediately and advise him/her of the exact details of the matter. Often, small irritations, when left to fester, can grow into larger difficulties that could have been easily resolved with an initial phone call.

If necessary, you can call the president of your local club to explain your problem. These contact names and phone numbers are included in this brochure.

If your concerns are still not satisfied within a reasonable time, the bottom line is that you have every right to revoke the Landowner Trail Permit by giving advance written notice as specified in the permit. If revoking a Landowner Trail Permit appears to be the only remedy to an unresolved problem, please consider making it effective only after the end of a current season. That way, most difficulties and inconveniences can normally be avoided and a clean transition put in place.

7. QUESTION:

benefits

WILL I BENEFIT FROM THIS WINTER USE OF MY LAND?

ANSWER:

YES. If you are a snowmobiler, you will have a groomed trail almost to your door! Besides, the presence of a snowmobile trail often adds value to your land through the improvements made by your local club at no cost to you. Such landowner approved, club implemented, measures as grading, widening, bridging or adding culverts can enhance your own use of your land in other seasons too.

Remember, your local snowmobile club is a non profit association that covers the considerable cost of operating snowmobile trails through various community fundraisers, volunteer labor, and a partial reimbursement of expenses from the grant funds provided by snowmobilers across the state. For the greater good of the community, many volunteers donate thousands of hours to your snowmobile club to enable it to make ends meet. Your voluntary contribution of land use adds significant support to their good work at no out of pocket cost to you! By donating the use of your land, you also avoid the acceptance of liability which could be incurred if you received any compensation for the use of your property.

8. QUESTION:

duration

IS MY PERMISSION ONGOING?

ANSWER:

YES. This Landowner Permit remains in force until revoked or until your property is transferred to a new owner.

9. QUESTION: organized snowmobiling

IS THERE A STATE BODY INVOLVED?

ANSWER:

YES. Twenty-five years ago, local snowmobile clubs saw the need to form a state association to represent their broader interests and to help coordinate, promote and integrate trail development. This was the beginning of organized snowmobiling in Minnesota.

Today, MnUSA is a volunteer driven, non profit, grassroots organization that operates according to mandates set by its membership at the Annual Meeting, and under the immediate direction of a Board of Directors elected by the clubs and membership from the nine regions across the state. The officers of MnUSA are elected annually by the membership. Each community based snowmobile club retains its own autonomy and continues to function independently, to best serve the needs of its own community. With a permanent staff in Brooklyn Park, MnUSA has a paid staff who work in close cooperation with the Executive Board, chairs of major committees, and other MnUSA volunteers.

Thanks to MnUSA, organized snowmobiling has a proven track record in Minnesota. As a landowner, you are dealing with a

local club backed by a professional, effective association. No other trail user group in Minnesota can offer you the stability and consistency of organized snowmobiling. No other group has such a long standing, successful and amicable relationship with Minnesota's private land owners.

10. QUESTION:

property rights

IS THERE LEGISLATION COVERING THIS KIND OF LAND USE?

ANSWER:

YES. Laws exist in Minnesota to protect the property rights of landowners and at the same time, encourage owners of land to make their land available for a variety of recreational activities.

The Landowner Liability Act: A series of laws are in place in Minnesota to protect landowners permitting snowmobile riders access to a snowmobile trail on their property. The provisions of Minnesota Statutes Chapter 604A are intended to protect landowners providing such access by eliminating legal duties of care that an injured rider could argue are owed to him by the landowner.

The laws provide that land owners that have given written or oral permission to others to use their land for recreational purposes such as snowmobiling "without charge" do not owe a legal duty of care to trail users to maintain the land safe, warn persons of dangerous conditions, or curtail use of the land [Minn. Stat. §604A.22]. Permitting persons to use one's land "without charge" is defined to include situations in which a landowner has received compensation from the state or a political subdivision for a lease or dedication of land for recreational purposes [Minn. Stat. §604A.25]. The only exceptions are situations in which even a trespasser could maintain a legal action, or when the landowner has charged the trail user an admission charge for use of the landowner's property [Minn. Stat. §604A.25].

The laws further provide that landowners granting written or oral permission to others to use their property for snowmobiling "without charge" are not to be interpreted by their mere act of granting such permission to have given any assurances that the land is safe for any purpose or that the landowner will assume responsibility for or incur liability for any injury to the snowmobile trail user, or conferred upon the trail user the legal status of an "invitee" or "licensee" [Minn. Stat. §604A.23].

Chapter 604A addresses situations that may occur outside of the specific trail areas for which a landowner has granted an easement or otherwise authorized use. Persons who are using a snowmobile trail but then end up entering onto other property outside the easement are restricted in their ability to successfully sue a landowner for injuries sustained while on that other property. With the exception of willful actions taken by the landowner, trespassers may not recover against the landowner for injury if the entry upon the landowner's land at issue was "incidental to or arises from" access granted for the recreational use of trail land on the landowner's property [Minn. Stat. §604A.25].

Persons interested in more details on Minnesota's laws protecting land owners providing access to snowmobile trails on their property should refer to Minnesota Statutes §§ 604A.20-.27.

Minnesota has trespass statutes which protect the landowner from entry onto the property by anyone other than snowmobile riders. The law provides that outside of the Twin Cities metropolitan area, no person shall enter onto another's land for the purposes of operating a motorized recreational vehicle after being notified not to do so. If a landowner has posted signs that meet certain basic criteria at corners and ordinary ingress and egress points to the property advising that recreational vehicle use is prohibited, a "conclusive presumption" is created that the trespasser knew his entry onto the land was not authorized. [Minn. Stat. § 84.90].

A similar law prevents trespass by unauthorized recreational vehicle riders on agricultural lands. Except for minor exceptions permitting hunters to retrieve wounded game or hunting dogs, persons may not enter onto agricultural land for outdoor recreational purposes without permission of the owner, occupant, or lessee. A person may not enter another's agricultural land if signs meeting certain basic criteria along the property designate the land as off-limits to outdoor recreationalists [Minn. Stat. § 97B.001].

Trespass onto another's property by unauthorized trail riders is punishable as a criminal misdemeanor. [Minn. Stat. §§84.90, 97A.315]. Persons knowingly disregarding signs prohibiting trespass or other notification from the landowner are guilty of a gross misdemeanor and subject to forfeiture of their fishing and gaming licenses [Minn. Stat. §97A.315].

Together, these statutes outline the rights and responsibilities of landowners and visitors and are designed to encourage continued cooperation between them.

Disclaimer: While this information is believed to be correct at the time of writing, the materials are provided for awareness purposes only and do not purport to provide legal advice. If you require legal advice, you should consult with an attorney.



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HERE IS YOUR CLUB AND
LOCAL CONTACT INFORMATION