

BACKGROUND

MTSA's Working Draft Policy on Authorizing Recreational Mountain Bike Trails on Provincial Crown Land

1. Reasons for the Policy

- The policy is a response to strong & growing interest throughout the province in building and using trails on Crown land for recreational mountain biking.
- MTSA is responsible for authorizing public recreation activity on Crown land. In the past, trails have been built on Crown land by biking enthusiasts without authorization. Some of these are in poor locations, have unsafe 'stunt' features, and lead to user and resource conflicts. MTSA wants to authorize mountain bike trail building and use under a consistent policy framework – to ensure that trails are properly built and maintained.
- This policy will facilitate development of the trail infrastructure needed to support growth of this tourism product for BC. Tourism BC has recently taken steps to market recreational mountain biking opportunities in BC. Many communities support mountain biking as a means of promoting economic diversification and achieving other local benefits – e.g., Whistler, Squamish, Kamloops, Rossland.
- Facilitating recreational mountain biking activity on Crown land is consistent with the province's social (health / fitness) and economic (double tourism) goals.
- The policy complements MTSA's Adventure Tourism policy that authorizes *commercial* uses of Crown land, including guided mountain bike tour operations.

2. Main Features of the Policy

(a) Authorization Required

- Recreational MTB trail building, including trails with stunt features, is considered a legitimate activity on Crown land and will be authorized by MTSA provided that land / resource use issues and public safety issues can be managed.

(b) Partnerships with Local Organizations

- The focus is on partnering with volunteer groups / organizations (e.g., MTB bike clubs / societies, local government organizations) to take-on trail building and maintenance under multi-year trail agreements.

(c) Emphasis on Using Existing, 'Established' Trails

- MTSA will encourage MTB trail development & use on the government's existing inventory of approximately 750 established, multi-use recreation trails throughout BC – rather than see an uncoordinated, unplanned proliferation of new trails.

(d) Risk Managed Approach

- In the past, MTSA did not recognize or approve trails that included mountain bike 'stunt features' (elevated track, ramps, teeter-totters, drops, etc.) because of concerns about safety and liability. It's now recognized that these features are part of the sport that many

riders want to experience. If MTSA does not recognize and authorize trails with these features, unauthorized and unsafe trail building will continue.

- The policy follows a ‘risk managed’ approach. Main features of this approach are:
 - Relying on the provisions in the *Occupiers’ Liability Act* which lessens landowner exposure to liability;
 - Requiring trails and stunts to be designed, built, inspected and maintained according to defined guidelines and standards;
 - Requiring agreement holders to maintain proper insurance coverage;
 - Requiring safety problems to be promptly corrected.

(e) Existing Unauthorized Trails

- Where possible, MTSA will partner with a local organization to authorize existing trails that are presently unauthorized – provided the trail use is appropriate and safety, user conflict and impact issues can be addressed.
- If these conditions cannot be met, MTSA will take appropriate action, subject to the availability of resources, to address concerns. This action may include dismantling some stunt features, undertaking environmental rehabilitation, or posting and enforcing an order prohibiting mountain bike use.

3. Process Followed to Develop the Policy

The policy was developed in a collaborative manner, as follows:

- Staff and consultants investigated the situation, issues and lessons-learned from other jurisdictions;
- A multi-party working group of interested agencies and stakeholders was formed to examine the issues and recommend solutions;
- Staff worked with provincial lawyers, risk managers and the commercial insurance industry to address liability and insurance questions;
- The policy statement was developed as a ‘working draft’, to be implemented on a pilot project basis in several locations over the next 18-24 months – so we may learn lessons from implementation experience and adjust the policy, as appropriate, before it is applied more widely. Tentatively, the pilot projects will be in : Squamish, Chilliwack, Burns Lake, Terrace, Nelson, Invermere, Kamloops and Williams Lake.
- During the pilot project period, MTSA will welcome input and advice on the policy.

4. More Information

- The policy is available on the MTSA website at <http://www.tsa.gov.bc.ca/publicrec/>.
- If you require more information about the policy or the pilot projects, please contact John Crooks in the MTSA Recreation Sites and Trails Branch at (250) 387-3213 or John.Crooks@gov.bc.ca.

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