

FOOTHILLS EQUESTRIAN TRAILS ASSOCIATION
Preserving the Legacy Trails of the Carolina Foothills

2018-2019 LANDOWNERS' MANUAL

Dear Landowners,

Formed in 1993 by a group of Hunting Country landowners to preserve and jointly administer the historic equestrian trails in the area, our trail association is now one of the most respected and emulated in the country. This organization of landowners is responsible in large part for preserving the rural, outdoor lifestyle our community so treasures.

Equestrian trails in the FETA System cross the private property of approximately 200 landowners. Together, we have expanded the original system, building, restoring and maintaining a network consisting of approximately 120 miles of equestrian trails. FETA trails stretch from the Town of Tryon and Highway 74 almost to Highways 9 and 14, over thousands of acres of beautiful private property.

It has been several years since the last Landowners' Manual was created, and several important things have changed. We hope this comprehensive "update" will provide the information you need and want to be part of this special effort—one of the few in this country.

But we mostly want to take this opportunity to thank you, the FETA landowners, who have generously shared your land to create something unique, special and very important to our community and way of life. With your continued support, we look forward to maintaining well run equestrian trail system.

The FETA Board of Directors
September, 2017

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I. Organization & Membership

Organized as a North Carolina Not for Profit Organization in 1993, FETA has been granted IRCs501(c)(7) [non-tax exempt recreational organization] status by the IRS.

Prior to 2003, membership in FETA was open to everyone. Rapid growth of membership required membership restrictions to prevent damage to the trails and to maintain an affordable volunteer administration. The Landowners felt it was important, however, to preserve the historic “open” character of the system to the extent possible. FETA membership remains open to residents, taxpayers or boarders within the Polk County, NC and Landrum, Campobello and Gowensville, SC communities. FETA is the only local trail system to “share” with non-landowners, maintaining a tradition dating back to the early days of Tryon Horse Country.

Non-riding Landowners pay no dues. All Riding Members (Landowners and non-Landowners) pay very reasonable dues to cover the expenses of maintaining the FETA system. No Landowner is paid anything for the use of their property. Riding Landowners receive a modest discount on their memberships because they pay most of the expenses of trail maintenance on their property. Junior riders enjoy a substantial discount, subsidized by the other members, to ensure they are able to participate.

FETA also receives donations from Landowners as well as Riding and Supporting Members to help pay for the expenses of this historic and important community organization. Donations are not tax deductible.

II. The FETA System and Terms of Use

The trails on the FETA system belong to the Landowners, not FETA. They are marked “FETA” to designate those trails available for use by FETA Riding Members in good standing in compliance with their membership agreements. The FETA rules do not apply to Landowners riding on or otherwise using the trails on their own property.

Most Landowners allow other recreational use of their trails (e.g., hiking, running, dog walking, deer hunting, fox hunting, hunter paces, etc.) *These activities are entirely up to the landowner and permission is given only by the landowner. FETA has no control over these other relationships.*

FETA does request that Landowners not permit mountain biking or motorized vehicles on the trails, and that notice is given of potentially dangerous planned activities.

III. Administration

FETA is governed by a 15 member Board of Directors, five of whom are elected annually by the Landowners. Twelve of the fifteen members must be Landowners. Board Members serve three-year terms, which may be successive, and represent all geographical areas of the FETA system. A current list of the FETA Board members and their contact information is included in each quarterly newsletter and on the website (www.fetatrails.org.)

These are the five main responsibilities of the Board:

1. Ensuring efficient membership coordination, communication and rules compliance is a primary administrative responsibility of the FETA Board. The Board works hard to represent the interests of the Landowners and handles the “arrangements” with Riding Members. A membership agreement, release/liability waiver and the payment of dues to support the system are required. Dues are fixed regardless of the amount of usage and based on the expenses of maintaining the system. Many members join FETA solely to support this valuable and unique system and do not ride at all. Guests are a tradition, and the privilege is rarely abused. All guests must sign the liability release, and the member is responsible for their guest and must accompany the guest while on the trails. Riding Members are not permitted to use the trails for commercial use.

Communication is maintained through the FETA website (www.fetatrails.org) the quarterly newsletter, a daily trail status

message (828- 859-0133), as well as our Facebook page:
www.Facebook.com/FoothillsEquestrianTrailAssociation

The Board also promotes rider safety and fellowship. It sponsors two annual membership gatherings, which include the spring New Member Welcome Party and the Fall Annual Meeting and BBQ.

2. Establishing and Enforcing “The Rules”: While nobody likes rules, it became imperative that certain rules were established for the preservation of the system. The Landowners established these conditions, and they are to ensure safety, consideration and preservation. They all have sound reasons, and FETA Riding Members may not request rules waivers from Landowners for any reason (See Sect. IV). Please support the rules of our collective FETA Landowner organization.

Board members do not enjoy enforcing the rules either, but that is one of the main reasons that the FETA organization was formed. The FETA Board tries to operate on the basis of the “Golden Rule” and use common sense judgement when enforcing the rules. The Board recognizes that most rules violations are unintentional.

3. Maintaining the trails: FETA works very hard to keep the trails safe and to minimize erosion.

FETA trail expansion and maintenance is overwhelmingly performed by volunteers and Landowners, who spend countless hours working on the system. Without these special people, the FETA system could not exist. One excellent part time paid trail maintenance worker is supplemented by professional grading and tree services as necessary.

Fewer than one-third of the Landowners are Riding Members. FETA maintains the trails on non-riding Landowners’ property as well as several heavily used “hub” trails. Riding Landowners are responsible for maintaining their own trails, and receive a riding membership discount for doing so. FETA will help if necessary, given limited resources and priorities. Equestrian subdivisions and homeowners associations maintain their trails for the benefit of their members,

understanding that connection to the FETA system is an invaluable asset to their community.

FETA is contractually obligated to maintain easement trails, but usually has strong Landowner assistance. Indeed, almost all of the large Landowners not only have their trails under easement, but care for them themselves, making dues affordable. This is indeed a special organization!

4. Providing insurance: This is the final major responsibility of the Board. FETA contracts for annual liability coverage, with each landowner listed as a named insured. Policy limits are currently \$2 Million/occurrence and \$2 Million Aggregate. The insurance expense constitutes approximately half of FETA's annual budget.

This insurance is "primary," before the Landowners personal insurance. Adequate liability coverage is necessary regardless of the trails, and most Landowners main adequate umbrella policy coverage as well.

Maintaining accurate Landowner lists is critical, and FETA regularly reviews the public records. However, if your property is changing title, please contact us as soon as possible so that we can notify our insurance carrier. If you are not listed properly, the insurance company may not cover a claim.

5. Preserving the system: FETA has worked hard for many years to obtain easements on trails to protect the integrity of the system. Dozens of Landowners have recognized the importance of ensuring the integrity of the system for the community and their own financial benefit, and much of the system is under reasonable conservation protection. Realtors report that buyers are concerned about trails protection, and it increases value. If you want to help protect the legacy of this priceless system, please contact the President.

The "Reciprocity Rule" in FETA's By-laws states that riders owning property within the FETA area must make their property (trail) reasonably available or they will not be eligible for FETA Membership. This maintains fairness, and prevents "private" areas from disrupting the system.

IV. FETA Riding Member Responsibilities

FETA Riding Members are authorized only:

To use the FETA-designated trails for mounted riding and driving, in control of their own horse, during daylight hours when the trails are open, and in accordance with their FETA agreements.

A Riding Member Rules Agreement outlining the current rules is posted on the FETA web site (www.fetatrails.org). The rules are reviewed annually and updated as necessary. The vast majority of FETA members are very grateful for the system and understand that the rules agreement is their “deal” with the Landowners, and are very respectful. If you see rules violations or have any concerns, please report the incident to the President. Riding Members must display their FETA tag on their saddle or bridle, and give you their name upon request. Members who violate the rules are subject to possible disciplinary action, including permanent expulsion following a formal process.

If you have special needs for your property, (e.g., walk only areas) let us know and we will post appropriate signage.

V. Responsibilities of Landowners & Advantages of Landowner Status

Landowner benefits include the right to participate in the organizational decisions, elect the Board, attend all functions and receive all communications. Insurance is an important benefit to most Landowners. Working together as a well-run system has made owning trails much easier for Landowners, who generally leave any “unpleasant” matters to the Board as their elected representatives. The trails provide other recreational opportunities as a maintained trail system for neighborhoods. Property on the FETA system sells for a substantial premium.

Landowner responsibilities and other issues include:

- 1. Maintenance.** FETA maintains the trails of Non-riding landowners. Riding Landowners are responsible for their own trail maintenance. The FETA system relies on Riding Landowners to make that contribution to the system. Dues are used to maintain insurance and cover the expenses of maintaining non-rider properties and other expenses. FETA will often help, but the primary maintenance responsibility is with the Riding Landowner.
- 2. Dangerous Trail Conditions.** Please advise FETA if there are dangerous conditions on your trails. For example, if you allow deer hunting, fox hunting, beagling or other activity which would foreseeably “spook” a horse, or if you are hosting a special event, advise FETA in advance so that notice can be given to members. *Notice of known dangerous conditions is important for liability protection.*
- 3. “Special Permission”.** Please do not agree to waive FETA rules for friends. *Granting special permission changes the legal status of the rider from a FETA member to your personal guest, increasing your legal responsibility and possibly compromising the rider’s Release.* It also causes confusion and rules violations by other members, making fair administration of the system impossible and creating many logistical problems for the all-volunteer board. If you ride with guests on your property when the system is closed, FETA insurance and releases are not effective.
- 4. Incompatible Uses.** Please do not allow others to use mountain bikes or motorized vehicles on the FETA trails. Riders are advised of the potential of conflicting uses, but these are traditionally equestrian trails and these incompatible and dangerous uses threaten the safety and viability of the system.
- 5. Fencing Near Trails.** Fencing too close to trails has resulted in accidents. FETA recommends 10 feet clearance on each side of the trail to permit safe passage. Electric fences can be very dangerous and should be marked. Note that Duke Power has

extensive rules about fencing within its easement (including parallel fencing within the ROW prohibited, 16 foot locked gates required for horizontal fences, and other fencing and grading requirements). These are available at <http://www.duke-energy.com/safety/right-of-way-management/pec-transmission-line-use-guidelines.asp>. If you have any questions about compatible fencing, we are happy to help.

- 6. Disputes.** If personal problems unrelated to trail use arise between a Landowner and a member, a Landowner may certainly deny use of their trails to that member. FETA will not become involved in these disputes.

VI. Legal Liability

The following is not personal legal advice, but a general overview of liability issues. If you have any specific questions, please consult your legal advisor.

FETA Landowners are protected against liability in the following ways:

1. **Liability Releases.** Riding Members and guests, or their parents/guardians, sign comprehensive releases which waive their rights to sue for accidents or injuries occurring on a Landowner's property and agreeing to indemnify them against any losses or damage resulting from actions brought on their behalf. Riding Members also agree to indemnify Landowners for any loss resulting from a claim by a Guest. These contractual agreements between the parties will be upheld if found sufficient by a judge without the need for a full trial.
2. **The NC Recreational Use Statute (RUS) (NCGS38A).** Like most states, North Carolina law gives special liability protection to uncompensated Landowners allowing use of their property for recreational purposes. The RUS provides that the duty of care owed a recreational user is the same as that owed to a trespasser. The duty of care only requires that the Landowner not intentionally injure the user and that the user is warned of any

non-obvious dangerous condition which the Landowner knows about. There is no obligation to fix the condition, only to warn known users.

The RUS provides very comprehensive protection for FETA Landowners hosting FETA trails. No sign or notice is required. In 2014, the NC legislature passed amendments to the RUS which substantially strengthened Landowner protections. NC now has the strongest liability protection for uncompensated Landowners making their property available for public recreation in the US.

Please note that the FETA Release and the RUS protections DO NOT apply to a Landowner's private guests, invitees or customers.