

Nova Scotia Trail Patrol Policy Manual

Updated 2018



*Nova Scotia Trails Federation
Trail Patrol Committee
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TABLE OF CONTENTS

Purpose of the Trail Patrol Program	3
Managed Recreational Trails	4
Requirements for becoming a Trail Patrol Volunteer	5
Trail Patrol Program Objectives	6
Role of the Trail Patrol Volunteer	6
Guide and Code of Conduct	8
Trail Patrol Volunteer Powers	10
Trail Etiquette	11
Leave No Trace Canada	15
Laws & Security	17
Trail Controls	22
Promotional Activities	22
Nova Scotia Trail Patrol Process	23
Nova Scotia Trail Steward	23
Risk Management Review	24
Incident Report Form	28

PURPOSE OF THE TRAIL PATROL PROGRAM

The purpose of the Nova Scotia Trail Patrol Program is to monitor trail user activity and trail conditions to ensure all trail users have a safe and enjoyable outdoor recreational experience. Within this broadly stated objective emphasis is given to safety, respect for the environment and landowners, risk management, provision of information, and compliance with the law.

The operation of an extensive recreational trail system throughout the province of Nova Scotia presented the need for trail groups to continue to deliver an effective and responsible method for monitoring trail user activity and trail conditions. It continues to be a shared goal of all provincial recreational trail organizations to establish their respective province wide Trail Patrol programs to meet this need by providing standardized training and resources to their member groups of the Nova Scotia Trails Federation, All Terrain Vehicles Association of Nova Scotia, the Nova Scotia Off Road Riders Association, and the Snowmobilers Association of Nova Scotia.

This NSTrails manual is designed to assist community trail groups in the successful management of their recreational trail system. Every Trail Patrol Volunteer receives a copy of the manual and will be advised of updates as they are made. The manual will be available to the public online at www.novascotiatrails.com.

Trail Patrol Volunteers are volunteers responsible to their local group. The Nova Scotia Trail Patrol can be implemented where a managed trail is in place. Each trail group determines the number of Trail Patrol Volunteers needed based on the use, length and nature of their trail.

Once trained, Trail Patrol Volunteers are issued with a vest and identification. Trail Patrol Volunteer Certification by the Nova Scotia Trail Patrol Committee is for five years and is renewable. This certification may be revoked at any time.

The Nova Scotia Trail Patrol Program is overseen by representatives of the NS Trails Federation working cooperatively on the Nova Scotia Trail Patrol Committee. Enforcement staff from the Department of Environment are invited to participate in Committee meetings and Trail Patrol Volunteer training sessions to ensure an effective working relationship is developed and maintained between Trail Patrol Volunteers and Conservation Officers.

MANAGED RECREATIONAL TRAILS

Nova Scotia continues to maintain and expand a system of managed recreational trails. This evolution started with organized snowmobiling and was soon followed by other community and user groups interested in managing shared and single-use trails for a variety of trail users such as off-highway vehicle enthusiasts, hikers, bicyclists, and equestrians.

When we use the term “managed recreational trail” we mean:

- A trail where a group has responsibility for its development and operation,
- A trail (and its uses) that enjoys community support,
- A trail where landowner consent has been requested and received,
- A trail that has a general liability insurance policy in place to protect the trail group, its officers and volunteers and the landowner from claims for injury or loss experienced by users of the trail,
- A trail with operating rules established and posted,
- A trail with other forms of signage in place,
- A trail where the group works to manage the risk associated with the trail,
- A trail with an active Trail Patrol program in place.

Under the Off-highway Vehicles Act trails may be “designated”; such trails are managed trails that require users to have a trail permit. A number of snowmobile trails have been designated.

Under management agreements OHV trails that fall within areas identified by regulations under the Wilderness Area Protection Act require trail permits.

Trails are also managed by Volunteer Community Groups or Municipal units working under Letters of Agreement or leases issued by the land owner.

REQUIREMENTS FOR BECOMING A TRAIL PATROL VOLUNTEER

Persons wishing to volunteer as a Trail Patrol Volunteer must be:

- nominated by their group
- willing to take training
- agree to observe the Trail Patrol Code of Ethics (see below)
- prepared to commit time on a regular basis to patrol the trail
- committed to the principles of safe and responsible trail use
- committed to the principles of Leave No Trace philosophy

While not a requirement it is highly desirable for Trail Patrol Volunteers to become and maintain certification as a first-aider. Wilderness First Aid should be considered for trail environments that are remote and immediate evacuation may not be possible.

Nova Scotia Trail Patrol Volunteer Code of Ethics

Trail Patrol Volunteers must:

- obey all laws
- not consume or be under the influence of drugs or alcohol
- act in a respectful, courteous and helpful manner at all times
- ride in a safe and prudent manner
- take trail patrol training provided for Volunteers
- wear the uniform (vest assigned to them) when patrolling
- carry basic safety equipment
- never portray themselves as a peace officer at any times
- follow all proper trail etiquette
- willing to work with or assist local enforcement officers from time to time
- have a solid knowledge of the OHV Act and trail or park regulations
- have their bicycle, OHV in good working order (where applicable)
- abide by any and all rules, procedures, and practices administered through the Nova Scotia Trail Patrol Program.

TRAIL PATROL PROGRAM OBJECTIVES

Program Objectives

Above we stated that the purpose of this Program is to ensure that trail users have a safe and enjoyable trail experience. A trail shared by many members of the public – whether on a single use trail or one of the many forms of a multi-use trail – requires that everyone take responsibility for reducing their own risk and the risk which they may present to other trail users. Also, there is a responsibility to the landowner and a need to minimize our environmental impacts. Specifically for Trail Patrol Volunteers the objectives of the Trail Patrol Program may be summarized as follows:

- Promote a safe and enjoyable experience for all trail users,
- Protect the environment from user impacts,
- Promote landowner rights and interests,
- Assist trail managers in the control of risk,
- Provide information and assistance to trail users, and
- Help to achieve compliance with the law.

THE ROLE OF THE TRAIL PATROL VOLUNTEER

Role of a Trail Patrol Volunteer

The individual Trail Patrol Volunteer is the most important aspect of the Nova Scotia Trail Patrol Program for he or she puts the program on the ground by means of regular, highly visible, patrols on their trail. By providing trained monitoring of trail use and conditions all of the objectives of the program are realized.

A Trail Patrol Volunteer:

- Represents their group
- Provides a visible presence on the trail
- Leads by example as a model trail user
- Is a **public relations officer** (*not* an enforcement officer)
- Provides the public with information about trail rules, safe practices, the law and other items of general information
- Inspects trail conditions for hazards and reports them to their group for action – takes immediate action where appropriate to avoid exposure to hazards (for example, post a damaged bridge)
- Responds to incidents and attempts to ensure proper behaviour
- Responds to emergencies, renders first aid, manages scene until professionals arrive
- Records information for required follow-up
- Communicates and cooperates with enforcement officers when required
- Works closely with the group's Chief Trail Patrol Volunteer, Chair or President
- Assists with event management

A Trail Patrol Volunteer may:

- REQUEST
- RECORD and,
- REPORT.

A Trail Patrol Volunteer does not have any more authority or power than any other citizen; it is important that you not present yourself as, or permit anyone to assume you are, a person with enforcement authority.

Trail Patrol Uniform

Trail Patrol Volunteers need to be visible on the trail. Existing Trail Patrol Volunteers report that half of the job is achieved by just being present and recognizable on the trail. The uniform is used to the Trail Patrol Volunteer but is regarded as the property of the Nova Scotia Trail Patrol Committee (NSTrails) and must be returned upon request or when an individual resigns from the position. The Trail Patrol Volunteer uniform is provided without charge.

The uniform consists of:

- An issued vest (the property of Nova Scotia Trail Patrol)
- The vest is crested – on the front with “*Trail Patrol*” and may have a *Nova Scotia Trail Patrol and/or Volunteer group crest* and on the back with “Nova Scotia Trail Patrol”.
- On the front of the vest the Trail Patrol Volunteer will also display an issued name tag.

Items that should be carried by Trail Patrol Volunteers

- Notebook with numbered pages and pen/pencil for recording information
- Cell phone/camera for recording incidents and identifying people
- Water bottle/thermos
- First aid kit
- Emergency contact information including names and telephone numbers for local law enforcement authorities and conservation office
- Incident report forms
- Trail maps
- NSTrail Etiquette brochures with Leave No Trace practices
- Other informational brochures on trails
- Regulations for your assigned trail
- General laws and regulations (e.g., the Off-highway Vehicles Handbook)
- Local Tourist information
- This Manual if practical

GUIDE AND CODE OF CONDUCT

Refer also to the Code of Ethics. The information here adds some elements and provides more detail.’

Wear your Trail Patrol Volunteer vest and name tag at all times when you are on patrol. The vest is the property of the Nova Scotia Trail Patrol and must not be altered in any way.

1. Invite trail users to stop and chat. This is a chance to open up communications and provide information such as copies of your trail brochures. Remember that if you sell yourself, you will also sell your group. Consider promoting membership in your group at this time.
2. Always introduce yourself as a volunteer Trail Patrol Volunteer representing your group. You only get one chance to create a good first impression.
3. You are primarily selling your group’s trail thereby creating a good image. You are not an enforcement officer and you should be sure that trail users understand this. Be careful not to give anyone the impression that you have overstepped your role.
4. Patrol in pairs whenever it is possible to do so. One Trail Patrol Volunteer can then leave the scene to show someone the way or to report an incident or for any other reason, while the other Trail Patrol Volunteer remains on station. It is always wise and more enjoyable to travel with another person in outdoor environments such as recreational and active transportation trails, greenways.
5. Never antagonize anyone. Remember that you are a public relations officer. Always keep in mind the primary objective of ensuring the trail is used safely and in a responsible manner that results in an enjoyable experience for all trail users.
6. Never threaten to arrest or charge anyone. There are other and more appropriate ways to address issues with unsafe or irresponsible trail user behavior. As a Trail Patrol Volunteer you do not have the authority to arrest or detain another person.
7. Do not lay a hand on any person. Walk away if confrontation is imminent, distance yourself. This is one of those times when working with a partner is extremely valuable. Often we can see things getting out of hand with others and the second Trail Patrol Volunteer can step in to calm the situation. Also, while one Trail Patrol Volunteer talks the other is able to observe and record information (hand written or digital).
8. Provide directions, answer questions and offer whatever assistance is required to assist the user of your trail.
9. Inform trail users about trail rules, regulations, laws and good practices to promote safety and responsible use. Most people will comply when information is offered in a respectful and helpful manner.
10. Station yourself on property that your group has permission to use – this is land you have responsibility for protecting from abuse. Landowners expect trail managers to protect the land, removal of their permission to use their land will close your trail.

11. Don't place barriers of any kind across the trail to stop trail users. If there should be a collision you and your group may be found liable for any injury or property damage. Instead, when setting up a checkpoint, use STOP signs placed in clear view and a safe space to stop in each direction. Trail users are likely to stop when they see the signs but remember you have no authority to require them to do so.
12. Use your notebook to record information about any incidents that occur. Most people will give their name and address voluntarily. Write the information down for future reference. Your notes may be extremely important documents should there be an insurance claim or a prosecution. Take notes carefully, store them in a safe place. You may have to rely on your notes at a later date. Do not alter your notes in your notebook. It should have numbered pages and pages should not be removed. Try to keep your comments objective – not “he was drunk” but “his speech was slurred, his behavior was erratic, there was an empty rum bottle in his pack, ...” be factual and specific.
13. Report all incidents to your Trail Patrol Chief /President and refer any serious incidents to law enforcement staff (either Conservation or local police authorities). They will advise you.
14. Establish a close relationship with local law enforcement both with the local police force and Conservation. Introduce yourself and above all, maintain contact.
15. Invite enforcement officers to join you on the trail. Most enforcement officers will welcome the opportunity. When working with enforcement remember they are the professionals, always take your lead from them. When dealing with the public do not disagree with the officer; wait until you are alone to discuss your concerns.
16. Be familiar with all aspects of your task. Be ready to use this Manual as an aid.
17. If you should lose your vest, report it to your Trail Patrol Chief /President without delay. They can obtain a replacement for you by reporting details to the NSTrails office.
18. Make notes of any improvements you would like to see in this Manual or in the Trail Patrol Training Course. Submit your suggestions to the Trail Patrol Chief/President who will forward them to the Trail Patrol Committee for follow-up action.
19. If you have any questions about the duties of a Trail Patrol Volunteer, contact your Trail Patrol Chief/President for advice.

TRAIL PATROL VOLUNTEER POWERS

A Trail Patrol Volunteer *cannot* require a person to produce the following:

- (a) Identification
- (b) Registration (motorized vehicles only)

You may request this information but it may be denied without any legal consequence for the trail user

You may record (notes and photographs) information.

You may report your observations and findings to your trail group and law enforcement authorities.

Stopping – a Trail Patrol Volunteer may request that a trail user stop but again, you do not have any legal authority to require someone to stop and communicate with you.

Laying a charge – if you have reason to believe an offence has occurred attempt to bring the action to halt especially if safety or damage to property or the environment is involved. Communicate with the offender and attempt to gain voluntary compliance.

One volunteer should concentrate on gathering evidence and taking notes for use later on.

Contact law enforcement as soon as possible. You and your partner may be key witnesses if a charge is to be laid based on your information.

Compliance with trail rules – assuming your group has landowner agreement your group is a legal occupier of the trail and you may be considered to be representing the landowner's interests as much as your group's interests – generally speaking they should be the same since the landowner is a trail group's most valuable partner.

Trails rules may be enforceable (see Crown lands Act and OHV Act above) but they may also be rules the group and landowner may agreed to in arranging for trail development. Observing trail rules are a condition of access to your trail, but the reality is that you can only request that an irresponsible user comply or leave.

Trail Patrol Procedure – Summary

1. Patrol on the trail that is managed by your group.
2. Always wear your vest and carry your identification.
3. Introduce yourself to trail users and explain your purpose.
4. Advise trail users of any offences (improper trail use, lack of registration of a vehicle, etc.)
5. In the case of an offense, request and record the person's name and address, what they are wearing, glasses, height, registration number of the machine, type of machine, colour, etc. Get a picture if possible.
6. If the offender refuses to provide information after you have advised them of the offense, do not attempt to follow or detain them - let them go.

7. Request, record, report

TIP: Avoid getting into a situation where an irresponsible trail user can make how you handled the interaction the issue. Remember the limits of your authority, use diplomacy and be comforted by the fact that you are acting in the best interests of your group, responsible trail users, the landowner and protection of our environment.

TIP: You are not required to ask permission, or obtain a release form to take photographs of people in public places unless they will be used in a publication (including the internet). It may however, cause additional tension in during an incident. Therefore, NSTrails does not advice to continue taking video or photos while speaking to trail users.

TRAIL ETIQUETTE

Trail etiquette can be described as the polite way to use trails. It outlines guidelines for the many users that ride, walk, hike, bike, or ski trails. If you have never considered trail etiquette to be one of the more important aspects of trail use, you may want to reconsider. Trail etiquette should be a major part of any trail users experience.

Trail etiquette refers to the ‘good manners’ to be observed by all trail users. Trail use is a privilege that should not be abused or disrespected. Making trail etiquette a priority enables everyone to enjoy the outdoors and have a good time while being safe and courteous. Also remember that trail users are there for similar reasons: to enjoy nature and to have fun outdoors.

Trail use is a privilege that should not be abused or disrespected, so making trail etiquette a priority allows everyone to enjoy the outdoors and have a good time while being safe and courteous. Also remember everyone is out there for the same reasons, to enjoy nature and to enjoy what they are doing.

When traveling multi-use trails, you may encounter many different forms of trail use, such as hikers, bikers, horseback riders, snowmobilers, etc. Therefore the user must adjust to different regulations (e.g., who passes first, who slows down, who gets the right of way, etc.).

If trail users conduct themselves in an appropriate manner, respect the environment and the other users, the trail experience will be rewarding. Keep safety and etiquette in mind when you are participating in trail use, this way trails in Nova Scotia will stay in good condition and the privilege will remain accessible for everyone.

Trail etiquette is required on all trails but it is especially important when traveling on multi-use trails where different users may be encountered. Therefore Trail Patrol Volunteers should educate trail users about different regulations (who passes first, who slows down, who should have the right of way, etc.). The following section deals with these issues in detail.

The basic trail etiquette rule is “Wheels yield to heels”. Cyclists, ATVers, motorcyclists and snowmobilers yield to all other trail users. Bicyclists yield to hikers and walkers who in turn yield to horseback riders. Everyone yields to horses as you never know what can ‘spook’ a horse.

Every trail user has the responsibility to ensure their own safety. However, trail users should expect safe practices from other trail users. Trail users should exercise caution at all times and follow local trail regulations. Preventing accidents or injuries is the first step; acting responsibly if an incident occurs is the second step. Always think clearly before reacting!

Basic Trail Etiquette

- Be aware of other trail users
- Know and obey posted trail rules and speed limits
- Heed all hazard signs – they are there for trail user safety
- Stay to the right of the trail (except when passing)
- Slow down at corners
- Always clean up after yourself and your animals
- Obey all trail regulations
- Give a clear warning signal when passing
- Travel at a reasonable speed at all times, and adjust for current conditions
- Keep pets on leash and clean up after them
- Move to the right when letting others pass
- Yield to other trail-users when entering or crossing a trail
- Stay on the trail (respect the environment by not venturing off the trail)
- Do not litter
- Do not drink or contaminate water sources; wash 100' away from any water source
- Use provided toilet facilities (if you are unable to find a facility, dig a hole 6 inches deep at least 200 feet from any open water)
- Do not make open fires, only use picnic areas and grills where provided
- Respect wildlife – do not disturb plants or animals – this is their home, you are the visitor

Trail Etiquette for Different Users

Hikers, Walkers, Backpackers

- Obey all trail regulations
- Walk on the right when possible, move further to the right to enable others to pass safely
- When meeting someone riding a horse, step off the trail, stand at an angle to the horse and speak calmly
- Avoid walking on cross country ski tracks or on groomed snowmobile trails in the winter

Bicyclists

- Obey all trail regulations
- Always yield the trail
- Make your presence known when approaching other trail users from behind, at corners and blind spots
- Control your bicycle at all times
- Know your ability and your equipment as well as the area
- Move to the side of the trail for less mobile trail users
- Do not ride under conditions where you leave evidence of passing (i.e. after rain or snow)
- Stay on the trail
- Do not ride through streams
- Slow down when approaching corners or blind spots
- Obey speed limits
- Equip your bicycle with a bell or horn, use it to alert others when approaching

Equestrian (Horseback Riders)

- Obey all trail regulations
- Practice minimum impact techniques
- Observe speed limits
- Always clean up after your horse
- Avoid campsites used by other trail users
- Keep horses in campsites only long enough to un-pack or pack them
- Do not tie your horse to a tree for any length of time as it will damage the tree
- Never tie your horse within 200 feet of a lake, stream or spring

ATVers, Motorcyclists

- Obey all trail regulations
- Operate at appropriate speeds, obey posted speed limits.
- Approach pedestrians slowly, pull over and turn off your engine, remove helmet especially when meeting animals
- Announce your presence when approaching a trail user from behind
- When attempting to pass someone, follow at a safe distance until you reach a safe place to pass, then pass slowly
- Minimize noise through proper care and operation of your off-highway vehicle
- Respect and obey all posted rules, signage and trail closures
- Stay on the trail
- Respect Trail Closures
- Do not ride meadows, swamps or areas that are wet, have loose soil, steep slopes
- When camping (only where permitted) ride directly to and from your campsite
- Avoid late night riding near populated areas or lodges
- Obey trail curfew regulations (usually 11 pm to 5 am or dusk till dawn)
- Stay off groomed snowmobile trails during the winter months

Cross Country Skiers

- Ski on the right side
- Yield to those coming downhill or who are faster.
- To step out of the track, lift your skis so that you don't disturb the track
- When breaking trail, keep skis wider than normal
- Yield to snowmobiles when you are going uphill

Snowmobilers

- Obey all trail regulations
- Operate at appropriate speeds, obey speed limits
- Stay on trail
- Do not ride on tracks made for skiers
- Obey trail curfew regulations (usually 11 pm to 5 am or dusk till dawn)
- Respect trail closures
- Avoid late night riding near populated areas or lodges
- Yield to cross country skiers who are going downhill

When traveling with animals:

- Obey all trail regulations
- Clean up after your animal
- Keep pets on a leash or lead
- Give larger animals the right of way
- Do not let your animal disturb wildlife
- Keep your pet on the trail

TIP: your dog will not be affected by poison ivy, but contact with your pet after they have traveled through poison ivy will contaminate you. Stay on the trail with your pet.

Common Trail Courtesies

As Trail Patrol Volunteers you will be looking for and asking all trail users to respect these common trail courtesies:

- Obey all posted signs and rules for the trails.
- Accept trail safety is the responsibility of all users – the trail should not be used in a manner that endangers the safety of trail users. (Exercise caution at all times)
- On a shared-use trail - expect to see all terrain vehicles, off-road motorcyclists, bicyclists, walkers, hikers, children on bikes and in strollers and horseback riders, and in winter, snowmobiles, cross country skiers and even dog sled teams.
- Stop at all road crossings, and then proceed with care. Watch carefully for numerous driveway crossings on the trail as not all of them are signed.
- Slow down when approaching other trail users and keep to the right side of the trail when meeting opposing traffic. Motorized users and cyclists yield to other users.
- Stay on the trail.
- Be considerate of others, including the rights of landowners.
- Do not litter - carry out your trash.
- Keep pets on a leash and clean up after them.
- Respect the habitats of local flora and fauna.

LEAVE NO TRACE CANADA

Why Leave No Trace

NSTrails is pleased to partner with Leave No Trace as we believe that both our organizations and that of our members have similar visions. Leave No Trace Canada is a national non-profit organization dedicated to promoting and inspiring, responsible outdoor recreation through education research and partnerships, Leave No Trace builds awareness, appreciation and respect for our wildlands. NSTrails is proud to promote the principals of Leave No Trace. Here is their message:

Many of us have taken a pine cone or rock, veered off the trail to dodge mud puddles, gotten too close to wildlife or tossed an apple core into the woods. While these actions may seem harmless at the time, until we learn to reduce our impact, the quality of our outdoor experiences and the recreational resources we enjoy are at critical risk. Also at risk is our continued access to wildlands as land management agencies sometimes take restrictive action to protect the resources they manage. Unless, of course, education catches up with behavior, and we all learn to leave the outdoors as unchanged as possible by our presence.

Principles of Leave No Trace

- *Plan Ahead and Prepare*
- *Travel and Camp on Durable Surfaces*
- *Dispose of Waste Properly*
- *Leave What You Find*
- *Minimize Campfire Impacts*
- *Respect Wildlife*
- *Be Considerate of Other Visitors*

For more details, open and print the brochure to share with trail users –

http://www.leavenotrace.ca/adnbase/js/wysiwyg/plugins/ExtendedFileManager/uploads/leaveno/Responsible_Ecotourism_EN_2012.pdf

and visit their website at www.leavenotrace.ca

you can also follow or like them on Facebook @<https://www.facebook.com/Leave-No-Trace-Sans-Trace-Canada-125082294297014/>

The Solution

Leave No Trace believes that while these impacts are widespread and the causes are complex, the solution is simple: Change behavior through education, research and partnerships one person at a time. Leave No Trace is not a set of rules or regulations. Nor is it simply about remembering exactly what minimum impact skill you can practice in every outdoor situation—how far you should camp from water sources, where to pitch your tent, how to build a minimum impact fire or if you should build one in the first place. Rather, it is first and foremost an attitude and an ethic.

Leave No Trace is about respecting and caring for wildlands, doing your part to protect our limited resources and future recreation opportunities. Once this attitude is adopted and the outdoor ethic is sound, the specific skills and techniques become second nature.

Responsible ecotourism

Leave No Trace Canada is the Canadian leader in the development and promotion of effective minimum-impact principles and educational programs for all non-motorized outdoor recreational activities in Canada. Our proactive education program promotes and inspires responsible non-motorized outdoor recreation by tapping into outdoor recreationist's love of their playgrounds and desire to uphold the ecological and social integrity of those places. We do this by situating our programs around effective and memorable recommendations, the Leave No Trace principles, and developing fun and inspiring education trainings and outreach events that facilitate both hard skill development and an enhanced user ethic.

Courses

Awareness Workshops - Any type of formal Leave No Trace training that is oneday or less in length. Built to suit your needs, these workshops are ideal for symposiums, youth groups, outdoor group or any organization that wishes to learn more about the Leave No Trace program and it's advanced outdoor techniques.

Trainer Courses - Are typically two-day trainings put on in an outdoor setting by Master Educators. Trainer courses are designed to help you better understand and teach Leave No Trace skills and ethics.

Master Educator Courses - Are typically five-days in length and designed for people who are actively teaching others backcountry skills or providing recreation information to the public. Successful graduates of the Master Educator course have the ability to train others in Leave No Trace skills as well as facilitate trainer courses. Master Educator courses are offered by selected Authorized Providers across Canada.

For more information on available courses visit the Leave No Trace Canada website at <https://www.leavenotrace.ca/training>

LAWS & SECURITY

General Rules

There are a number of laws that relate to trail use. Your group as part of managing your trail will have obtained landowner permission. Private landowners may have their own expectations and these should be written into the landowner agreement. For example, forestry operations may require the right to close a trail during harvesting operations in the vicinity of the trail..

Many trails are constructed on provincial Crown land under a Letter of Authority. Highways (including K-class roads) are administered by the Department of Transportation and Infrastructure Renewal while the Department of Natural Resources (DNR) administers the remainder with the exception of Wilderness Protected Areas which fall under the responsibility of the Department of Environment. DNR administers parks under the Parks Act and other Crown lands under the Crown Lands Act.

Specific laws

Crown Lands Act

There are usually general rules for a trail developed under a Letter of Authority with DNR. The standard Trail Rules may be changed for any trail after final approval by DNR. All trails will have a set of rules, restrictions and requirements approved by the minister.

The standard trail head signs state:

This sign has been posted under the authority of the Crown Lands Act, R.S.N.S. 1989, c. 114. Unless otherwise authorized in writing by the Minister, Nova Scotia Department of Natural Resources:

- Speed Limit: 20 km per hour for all users
- No motorcycles, motor bikes, dirt bikes, automobiles, trucks, sport utility vehicles or amphibious vehicles are permitted on the trail, unless being used for emergency purposes or for construction or maintenance of the trail
- No person shall use or be on the trail between the hours of 11:00 pm and 5:00 am
- No hunting or trapping
- No person shall have in their possession or discharge a loaded firearm or bow
- No person shall have in their possession an unloaded firearm or bow, unless the firearm or bow is permitted to be carried under the Wildlife Act and regulations, and is properly encased or wrapped, or, in the case of a firearm, is rendered inoperable by the attachment of a trigger lock
- No person who owns or is in control of a dog shall permit it to be off leash

Although there is a provincial Trail Act it has only been applied to a limited number of trails and has very limited relevance for managing trail use on any other trails in the province.

Off-highway Vehicles Act

(For the most current information please refer to this website – www.gov.ns.ca/natr/ohv)

Off-highway vehicles include three and four wheel ATV's, snowmobiles, mini-bikes, off-road motorcycles, dune buggies, and other vehicles intended for off-highway use.

For many years off-highway vehicles have provided a large number Nova Scotians with outdoor recreational opportunities and the range of vehicles and the number of owners continues to expand. Such vehicles do have the potential when operated by inexperienced or irresponsible persons to be a risk to safety (operators, passengers and other trails users), the environment and property.

Trail users can expect that the applicable laws, will be enforced and the organized trail community and responsible riders alike support the concept of responsible use and all the benefits that this brings to enjoyment of recreation using OHVs.

The following highlights the law in Nova Scotia as it presently exists. Emphasis is given to those requirements that are particularly relevant to the management of our recreational trail system. This is a summary of the law, specific questions may require reference to the Off-highway Vehicle Act and regulations. The DNR Technician or Conservation Officer in your area is your best source of specific information on the application of the OHV Act.

Registration

All off-highway vehicles that are used anywhere other than on the property of the owner are required to be registered and they must display an identifying number-plate. All off-highway vehicles are subject to annual renewal and plates should display a sticker valid for the current year.

Third Party Liability Insurance

As of April 1, 2007 all persons operating an OHV on property they **do not own** must carry a valid motor vehicle third-party liability insurance policy for their OHV (minimum amount of insurance is set at \$500,000).

Equipment

Helmets - All persons on an OHV are required to properly wear an approved helmet.

Lights - If an OHV is operated between sunset and sunrise the OHV must be equipped with working lights – at least one white light in the front and at least one red light to the rear. These are the only lights permitted on an OHV operated after dark. Be aware that trails are usually CLOSED from dusk till dawn.

Noise – An OHV must not be equipped with a muffler or other device that permits noise levels to exceed those set by the manufacturer for that OHV.

Operator Age

Persons 16 years of age and older are permitted to operate OHVs on publicly-accessible trails. Violation of the age of operation requirements of the law are an offence for both the under-aged operator and the owner of the OHV. Persons aged 14 or 15 are permitted to operate on a trail if they are under the direct supervision (within sight) of a parent or guardian. Both the child and the supervising parent or guardian must have completed an approved training program.

In no case can an operator of an OHV under the age of 14 be on a public trail with the exception of snowmobiles. The snowmobile exception allows persons under 14 to operate if the young operator is directly supervised by a parent/guardian, both operator and parent/guardian are trained and the young operator is on a machine recommended by the manufacturer for a person of that age and weight.

Younger operators may be permitted on closed circuit courses governed by a strict set of rules.

Private Property

OHVs may only be operated on private property with the written permission of the landowner. Written permission may be given to a trail group or in the form of a posted sign.

Areas where OHV Operator is prohibited

For highways, see the next section. This section and the one following with respect to highways basically quote the relevant sections of the OHV Act. These are important provisions of the law with respect to OHV operation and Trail Patrol Volunteers will want to be very familiar with their contents.

The OHV Act states that no person shall operate an off-highway vehicle in or on:

- a wetland, swamp or marsh;
- a watercourse as defined by the Environment Act;
- a sand dune;
- a coastal or highland barren; or
- a sensitive area as designated by or defined in the regulations.

These restrictions do not apply in these circumstances:

- a frozen watercourse;
- a coastal or highland barren or wetland, swamp or marsh that is covered by compacted or groomed snow of at least thirty centimetres in depth;
- a wetland, swamp or marsh or a watercourse when use is authorized pursuant to the Environment Act;
- a coastal or highland barren, a sand dune or a sensitive area when use is authorized by an order or a licence issued pursuant to this Section.

The Act also states that the Minister may authorize emergency operation of an off-highway vehicle in or on a coastal or highland barren, a sand dune or a sensitive area by an order providing general authority or by an order issued in specific circumstances. The Minister may also, in accordance with the regulations, issue a licence for the operation of an off-highway vehicle in or on a coastal or highland barren, a sand dune or a sensitive area if it is for non-recreational use; to access private land; or it is on a trail or route that is an essential link with a more

extensive off-highway vehicle trail network, and, in the opinion of the Minister, there is no reasonable alternative for such use and the use will have a minimal environmental impact.

The OHV Act states that no person shall operate an OHV:

- on a beach as defined by the Beaches Act;
- in a core habitat as defined by the Endangered Species Act;
- in a provincial park or park reserve as defined by the Provincial Parks Act;
- in a protected site or ecological site designated pursuant to the Special Places Protection Act,

except as provided by the Beaches Act, the Endangered Species Act, the Provincial Parks Act or the Special Places Protection Act or regulations.

Finally the OHV Act states that no person shall operate an OHV in a wilderness area as defined in the Wilderness Areas Protection Act except in accordance with that Act.

Highways

The OHV states that no person shall operate an OHV:

- Subject to the exceptions contained in the Act, no person shall operate an off-highway vehicle upon a highway, upon the shoulder adjoining the travelled portion of a highway or upon the median of a highway.
- For the purpose of loading or unloading an off-highway vehicle from a trailer or other vehicle, a person may operate the off-highway vehicle at the side of a highway immediately adjacent to the place of loading or unloading.
- A person may drive an off-highway vehicle across a highway at right angles if (1) that person stops the off-highway vehicle at the side of the road and yields to all traffic upon the highway approaching so close as to constitute a hazard; (2) there is a clear and unobstructed view along the highway for a distance of five hundred feet in each direction; and (3) there are no passengers on the off-highway vehicle.
- An off-highway vehicle may be operated upon a highway which is impassable with snow if it is not normally maintained by snow removal or snow clearance equipment and if it is not within the boundaries of a city, incorporated town or village to which the Village Service Act applies.
- An off-highway vehicle may be operated during daylight hours between the boundary line of a highway and the line of the shoulder farthest removed from the travelled portion of the highway, namely the area commonly known as the "ditch", with or against the flow of vehicular traffic, but from sunset to sunrise the off-highway vehicle may only be driven in the same direction as the normal flow of the vehicular traffic on that side of the centre line of the highway.
- Except as provided in the two previous bullets, no person shall operate an off-highway vehicle upon or across the travelled portion of a highway unless that person is the holder of a valid driver's license issued pursuant to the Motor Vehicle Act.

OHVs are not permitted to cross a controlled access highway.

Provincial law defines any area that is accessible to motor vehicles as a “highway”. Parking lots, woods roads not barricaded to prevent vehicle access and abandoned old public roads may be regarded as a highway in law and therefore all of the restrictions just listed apply with equal force to these roads. The ability for OHVs to use some of these roads legally is under consideration. The Trail patrol committee shall endeavour to keep Trail Patrol Volunteers informed but you may also wish to check with the provincial government website as well. You may also contact your local DNR enforcement contact for the latest news on this subject.

General Rules – Manner of Operation

The Act states that no person shall operate an OHV:

- Without due care and attention,
- Without reasonable consideration of others, including passengers or property,
- At an excessive speed having regard to the conditions existing at the time, and
- So as to worry domestic or farm animals or wildlife.

Fees and Penalties

Annual registration fee - \$12.80

OHV Infrastructure Fund - \$40 annually (required for use off the owner’s property)

Fines – most offences dealing with the requirements of the Act and regulations have fines set for out-of-court settlement as follows:

First offence - \$397.71

Second offence - \$685.21

Third offence - \$972.71

For offences related to operation of prohibited areas the out-of-court settlements are higher:

First offence - \$507

Second offence - \$757

Third offence - \$2007

For a detailed list please refer to the Appendix – Summary Offence Information.

(Note: vehicles may be seized, the owner may be charged for offences committed by another person using their vehicle and the owner is required to identify the operator)

It is important to note that under *provincial* law, in particular the Motor Vehicle Act and the Off-highway Vehicle Act, OHVs are not motor vehicles but under *federal* law, in particular the Criminal Code of Canada, an OHV is a motor vehicle. Charges related to impaired operation of a motor vehicle and dangerous driving can be laid under the Criminal Code with respect to the operation of an OHV.

TRAIL CONTROLS

Signage

Trailhead signage, regulatory (rules), directional and hazard signage are all important components of your managed trail. Make sure they are in place. Advise your group if they have been removed, damaged or if you feel they may be inadequate based on your observations. Signs should be professional in appearance to command respect and clearly worded to ensure the trail using public understands the information they are meant to convey. Regulatory signs aid in your efforts as you can always refer to them when discussing a concern with a trail user.

Barriers

Trail access point barriers are often erected to control access to your trail by unauthorized users. Make sure these are highly visible and properly positioned as they can become a hazard themselves. Contact DNR for standard barriers (gates). Ensure “barrier ahead” signs are erected.

PROMOTIONAL ACTIVITIES

Brochures

Trail Patrol Volunteers should carry a variety of brochures from their group and other sources relevant to their trail. The Trail Etiquette brochure produced by NSTrails is always a good handout on multi-use trails in particular. Your group should consider membership promotion, volunteering and even financial contributions from trail users who often do not realize the trail they are using is largely a volunteer effort.

Maps

Trail Patrol Volunteers should carry maps for reference and as hand outs to trail users. If your trail group has downloadable maps from your website, carry a business card users can reference from a smart phone. Recreation Nova Scotia website www.recreationns.ns.ca/ns-connect will soon have all trails available online. Remember you promoting trails and your group to the public. While most people are using downloadable maps, a lot of information can be referenced from both sides of a neatly designed business card and a smart phone.

Events

Whenever your group or another user group is hosting an event on your trail – Trail Patrol Volunteers are invaluable by their presence. They stand out in their vests. They become the go to people to prevent incidents and simply ensure the event is a success. They will know the trail and be able to answer the questions or find the answers asap.

NOVA SCOTIA TRAIL PATROL PROCESS

Trail Patrol Committee

The Nova Scotia Trails Federation (NSTrails) and the Snowmobilers Association of Nova Scotia (SANS) originally established the Trail Patrol Committee. NSTrails Trail Patrol committee oversees this Trail Patrol Program working closely with the Department of Natural Resources, the Department of Communities, Culture and Heritage and the Department of Environment.

Community Trail Groups

Trail Patrol Instructors are identified by the Committee and trained to deliver this training program to groups upon request. Groups are asked to establish their own trail patrol committee, recruit volunteers, arrange for training and select a Trail Patrol Chief for their group to help coordinate their program. Chief Volunteers report to the President of their own groups and the NSTrails Trails Patrol Chief and NSTrails office.

Nova Scotia Trails Office

NSTrails has entered into an agreement with the Committee to provide administrative support services and program coordination. NSTrails will maintain a supply of program materials, coordinate instructor training, assist instructors, groups in the delivery of Trail Patrol Volunteer training, maintain records on trained Trail Patrol Volunteers, and communicate with instructors, groups, Volunteers on a regular basis and otherwise support the work of volunteer committee members.

All Terrain Vehicles Association of Nova Scotia (ATVANS), the Nova Scotia Off Road Riders Association (NSORRA), and the Snowmobilers Association of Nova Scotia (SANS) provide the same service for their members and groups.

Trail Steward

Trail Stewards are the volunteer long-term caretakers of their local trails. It is their responsibility to keep an eye on their trails on behalf of their group and the local clubs. Please refer to the Trail Steward Manual for further information.

Essential Elements:

- Read the Volunteer Manual provided by your group.
- Visit the trails at least once a month. Although you are encouraged to visit your trails as often as possible throughout the year.
- Complete the Steward Trail Monitoring report in a timely manner and submit it to the Steward Director and or the Chair of the organization.
- Additional site visits may be required if issues arise that need to be addressed, for example, garbage cleanup, leading a tour, consulting on maintenance issues, a quick inspection after a serious storm.
- Follow the procedures in your Stewardship Training Manual.

It is helpful to have:

- Good observation skills
- Knowledge of the trails and or parkland
- Knowledge of local flora and fauna
- Good public relations skills

RISK MANAGEMENT

What is a risk?

Risk, in insurance terms, is the possibility of a loss or other adverse event that has the potential to interfere with an organization's ability to fulfill its mandate, and for which an insurance claim may be submitted.

What is risk management?

Risk management ensures that an organization identifies and understands the risks to which it is exposed. Risk management also guarantees that the organization creates and implements an effective plan to prevent losses or reduce the impact if a loss occurs.

A risk management plan includes strategies and techniques for recognizing and confronting these threats. Good risk management doesn't have to be expensive or time consuming; it may be as uncomplicated as answering these three questions:

1. What can go wrong?
2. What will we do, both to prevent the harm from occurring and in response to the harm or loss?
3. If something happens, how will we pay for it?

Benefits to managing risk

Risk management provides a clear and structured approach to identifying risks. Having a clear understanding of all risks allows an organization to measure and prioritize them and take the appropriate actions to reduce losses. Risk management has other benefits for an organization, including:

- Saving resources: Time, assets, income, property and people are all valuable resources that can be saved if fewer claims occur.
- Protecting the reputation and public image of the organization.
- Preventing or reducing legal liability and increasing the stability of operations.
- Protecting people from harm.
- Protecting the environment.
- Enhancing the ability to prepare for various circumstances.
- Reducing liabilities.
- Assisting in clearly defining insurance needs.

An effective risk management practice does not eliminate risks. However, having an effective and operational risk management practice shows an insurer that your organization is committed to loss reduction or prevention. It makes your organization a better risk to insure.

Role of insurance in risk management

Insurance is a valuable risk-financing tool. Few organizations have the reserves or funds necessary to take on the risk themselves and pay the total costs following a loss. Purchasing insurance, however, is not risk management. A thorough and thoughtful risk management plan is the commitment to prevent harm. Risk management also addresses many risks that are not insurable, including brand integrity, potential loss of tax-exempt status for volunteer groups, public goodwill and continuing donor support.

Why manage your risk?

An organization should have a risk management strategy because:

- People are now more likely to sue. Taking the steps to reduce injuries could help in defending against a claim.
- Courts are often sympathetic to injured claimants and give them the benefit of the doubt.
- Organizations and individuals are held to very high standards of care.
- People are more aware of the level of service to expect, and the recourse they can take if they have been wronged.
- Organizations are being held liable for the actions of their employees/volunteers.
- Organizations are perceived as having a lot of assets and/or high insurance policy limits.

The Trail Patrol Volunteer's Role in Risk Management

The Province of Nova Scotia has a Volunteer Act which should afford protection to those volunteers performing their duties in a reasonable and expected manner. This law does not replace Directors and Officers or General Liability Insurance. NSTrails and the Provincial Insurance program affords us not only an affordable policy, but services supplied by the province and an optional Volunteer Accident policy from the provider of our General Liability Insurance.

Worthy and helpful endeavors for your trail group may be to

- As a Trail Patrol Volunteer you are familiar with the trails, greenway and/or park managed by your group. Create or reference an inventory map with GPS points for every reference point, sign, bench, or other asset along your trails.
- Conversations with trail users can further the interests of your group – new volunteers, funding opportunities, bench placements for mobility, any number of ideas. Report these to your Chief.
- Take note of any damage to signs or other assets and report them immediately to your group chair responsible for replacement or repair.
- If there is a dangerous situation or incident – escalate the call as warranted. See below

Incident Reporting

Incident reports are valuable because:

- They capture complaints, accidents and incidents before they become claims.
- They help establish a defense for claims that may be presented years after an incident/accident.
- They serve as the basis for analyzing the causes of incidents and accidents and for recommending risk improvements to prevent similar events in the future.
- They help identify weaknesses in your current risk management policies and procedures to prevent more serious losses from occurring.
- Having accident and incident procedures and forms is an essential part of an effective risk management program.

Risk Management: Incidents

1. Tracking accidents and incidents is an excellent way to identify areas of concern that are in need of risk management solutions.
2. If an incident occurs, attend to those involved to ensure there are no injuries.
3. Complete an incident report complete as much as possible, but should include at least:
 - names and contact information of the reporter and witnesses;
 - a detailed description of the incident;
 - and as many detailed facts as possible.
4. Contact your NSTrails (provincial program) or your group's insurance representative for advice on whether an incident should be reported to the insurer. Incidents are often reported even if a claim may not come out of them keep the report on file:
 - Documentation should be kept for as long as necessary to defend against potential claims. The length of time that legal action may be taken by law is called the Statute of Limitations.
 - If the reporter is an adult, keep the incident documentation on file for at least three to five years after the Statute of Limitations passes for that type of claim. Your lawyer should be able to advise how long this is.
 - If the reporter is a minor, keep the incident documentation on file for at least three to five years after the Statute of Limitations passes for that type of claim once the minor has reached the age of majority. Your lawyer should be able to advise how long this is.
 - An efficient method of organizing and storing incident reports is in an electronic database where they can be sorted and retrieved based on a number of factors.
5. Review the report to determine the cause of the incident and any loss prevention measures that could be implemented.

Risk Management: Accidents

1. Attend to any persons involved.
2. If necessary, move yourself and injured persons out of any areas of immediate danger.
3. Administer first aid if necessary. Only administer the level of first aid that you are qualified to perform.
4. Do not admit liability, error or promise to pay for expenses incurred by injured persons.
5. Call 911 if necessary. Do not leave the scene of the accident unless it is to call for help. Send someone to make the call to 911.
6. If an accident or incident involves injuries or potentially involves injuries, report it to NSTrails immediately. NSTrails will contact the Province and General Liability Insurance for investigation.
7. Protect any damaged property or evidence from further damage (as long as the protection is at a reasonable cost). As an insured, it is your duty to minimize the damage to the extent possible.

8. Complete an incident report (sample below). The report should include at a minimum:
 - names and contact information for the reporter and witnesses;
 - a detailed description of the incident; and
 - a description of injuries and property damage.
9. Promptly notify your insurer of the possible claim. If an employee is injured, claims should be reported to the Workers' Compensation Board, all your contractors should have insurance and be registered with the Workers' Compensation Board.
 - Note the name of the person to whom you reported the claim. In the case of a dispute, this may be used to prove that the claim was reported.
10. Keep the report on file with your group.
 - Documentation should be kept for as long as necessary to defend against potential claims. The length of time that legal action may be taken by law is called the Statute of Limitations.
 - If the victim is an adult, keep the incident documentation on file for at least three to five years after the Statute of Limitations passes for that type of claim. Your lawyer should be able to advise how long this is.
 - If the victim is a minor, keep the incident documentation on file for at least three to five years after the Statute of Limitations passes for that type of claim once the minor has reached the age of majority. Your lawyer should be able to advise how long this is.
 - An efficient method of organizing and storing incident reports is in an electronic database where they can be sorted and retrieved based on a number of factors.

NSTRAILS INCIDENT REPORT FORM sample

Name of Claimant / Driver: Master License #: Date of Birth:	Phone (H):	Vehicle Type:	Plate #:
	Phone (W):	Make/Model:	
	Address:	OHV Registration:	
		OHV insurance company:	
Reported by:	Role:	Date Reported:	
Trail Group Name: Region:	Witness Name:	Witness Phone:	
Town / City:	Witness Address:	City	Prov.
			Postal Code
<p>INCIDENT INFORMATION</p> <p>Check the appropriate box. Fill out the incident information and, where applicable, the corresponding section below.</p>			
1. Loss or damage <input type="checkbox"/> to property	2. Bodily injury <input type="checkbox"/> to others	3. Property damage <input type="checkbox"/> to others	4. General incident <input type="checkbox"/>
Location of Incident:	GPS Coordinates:	Nearest Road or Community:	County:

Date of Incident:	Time of Incident:	Were the police or DNR contacted? <input type="checkbox"/> Police <input type="checkbox"/> DNR <input type="checkbox"/> NO	Date Reported to Police / DNR:	Police / DNR File No:
Enforcement Officer's Name & Badge Number:		Detachment or region:	Telephone:	

DESCRIPTION OF INCIDENT / PROPERTY DAMAGE

This section must be completed. Provide a general outline here. Describe more fully in a separate memo, if information is readily available.

Name of Owner of Damaged Property:	Nature of Damage:			
Address	Town / City	Province	Postal Code	Phone:
Insurance Company:		Policy No.:		

BODILY INJURY TO OTHERS				
Name of Injured Person:		Age:	Nature of Injury:	
Address	Town / City	Province	Postal Code	Phone:
			Home:	Work:

Note: Simply collect the information above to the extent possible. Do not interview the claimant. The insurance adjuster will conduct all investigations. Do not delay submitting this form due to incomplete information.