

Trails Technical Document #8

Sample Trails Memorandum of Agreement

Prepared by
NYS Office of Parks, Recreation and
Historic Preservation
Planning Bureau
Agency Building 1
Empire State Plaza
Albany, NY 12238

April 29, 2010



Sample Trails Memorandum of Agreement

A primary goal for all New York State Parks Trail Systems is to develop sustainable trails that have minimal impacts on the environment, require little maintenance, and meet the needs of the users. This document is one of a series of technical documents developed by State Parks to provide standards and guidelines for trail design and development, accessibility, and trail assessment and maintenance techniques that help ensure a sustainable trail system. Additional topics include guidelines for trail signage, trail monitoring, and trail closure and restoration. The complete list of technical documents is provided on the web at: <http://www.nysparks.state.ny.us/recreation/trails/technical-assistance.aspx>.

These documents were designed for use within New York State Parks but can be used as resources for trail projects outside of the Parks. Within State Parks, use of these documents for implementation of trail projects will be done in conjunction with a review and approval process as laid out in *Technical Document 7 - Trail Project Approval Process for NYS Parks*. These documents may be updated periodically. Additional documents will be developed in the future as part of this series.

This document provides a Sample Trails Memorandum of Agreement (MOA) to be used as a template when formalizing relationships between State Parks and Trail Organizations. The MOA can be used for one organization or a group of organizations (Friends Group) that plan on working together on a particular trail project or on trails in general within a park. The MOA establishes the roles and expectations of each entity for the development and maintenance of the trails and associated facilities and programs. This is provided as a sample only. Each particular situation may require modifications to this form.

Memorandum of Agreement

Between
Trails Organization #1
And
Trails Organization #2
And
Trails Organization #...
And
The New York State Office of Parks, Recreation and Historic Preservation

By this agreement, #1, #2, and the New York State Office of Parks, Recreation and Historic Preservation confirm and acknowledge the following:

1. The _____ Trail, a linear trail located within _____ State Park, is under the jurisdiction of the New York State Office of Parks, Recreation and Historic Preservation (hereinafter referred to as "PARKS"), an agency of the Executive Department of New York State government.
2. The #1, #2, and, nonprofit trail organizations have a joint interest in the _____ Trail and in coordinating their efforts as a single group, hereinafter known as the Friends of xxxx Trail (the "FRIENDS").
3. The FRIENDS and PARKS have mutual and complimentary interests in the development and maintenance of the trails and associated facilities and programs within _____ State Park.
4. The FRIENDS acknowledge that the liaison for PARKS with the FRIENDS for all programmatic and business relations shall be the Regional Director or his/her designee (hereinafter referred to as the Park Manager), who shall be invited to attend all meetings of the FRIENDS, its Board of Directors and committees. The Park Manager not serve as an ex-officio member of the Board of Directors of the FRIENDS. PARKS acknowledges that the representative of the FRIENDS for all official programmatic and business relations shall be the President of the FRIENDS or the President's designee.
5. The FRIENDS, in furtherance of its purpose to support and supplement development, maintenance, preservation and public education programs at the Park, shall keep PARKS fully informed as to its activities and plans and shall do so through the Park Manager either directly or as provided for in the By-Laws of the FRIENDS.
6. Development and maintenance activities proposed by the FRIENDS must be reviewed and approved by PARKS prior to implementation.
7. Prior to commencing any pre-approved work, each member of the FRIENDS shall sign a volunteer service form through the Park Manager, a sample of which is attached to this Agreement as Exhibit A. Such form shall be kept confidential. PARKS and the FRIENDS acknowledge that by filing a volunteer service form, the FRIENDS will receive New York State Worker's Compensation benefits for any injuries sustained during the course of volunteer work. Filing a volunteer service form also extends the protections

offered pursuant to the Public Officers Law in the event they are sued with regard to their negligence during the course of their volunteer work.

8. In the event that there is an access fee to the Park, FRIENDS shall have access to the Park at no charge upon the authorization of the Park Manager, and only in connection with pre-approved volunteer work at the Park.
9. The term of this Memorandum of Understanding shall be five years. Either party may terminate this agreement at any time prior to the expiration of the five year term upon ninety(90) days' written notice to the other party. This agreement shall terminate automatically in the event of the dissolution of the FRIENDS or if the FRIENDS become incorporated within as a 501 (c) 3 organization at which time a new Agreement will be required.
10. This agreement may not be amended, modified or otherwise changed unless done so in writing and signed by both parties.