



VMBA Insurance Fact Sheet

One of the most valuable administrative services that we can provide to our Chapters is insurance coverage. As a VMBA Chapter, you are covered underneath our policies listed below.

A Chapter may choose to secure their own independent coverage. Please note, however, that you are covered underneath ours whether you choose to purchase your own policy or not.

Coverage

Our insurance, which again covers all VMBA Chapters, includes the following:

- Commercial Package (property, liability, and crime)
- Workers Compensation (for listed employees; contact the office for more information)
- Directors & Officers Liability
- Volunteer Workers Accident Policy
- Cyber Liability Policy
- Private Landowner Liability

VMBA Chapters are protected from litigation from all trail users including mountain biking and all other passive recreational activities. Our general liability limit - what the insurance company will cover and including our Umbrella Policy - is \$2M per occurrence and \$3M in aggregate over the term of the policy (1 year). If and when we, as an organization, reach \$3M in total claims during the term, we effectively no longer have coverage.

Chapter board members are protected from litigation under the Directors & Officers (D&O) policy, with an aggregate limit of \$1M. Sexual harassment is also covered. Each Chapter is listed on the policy, and Chapters should keep accurate records of and list their Directors and Officers and provide updates to any D&O changes to the VMBA office any time there is a change to the Board.

Additional Insured

VMBA has blanket additional insurance coverage for organizations, towns, and landowners that can be activated through a signed agreement. Third Parties can be named as additional insured but only with respect to liability arising out of VMBA's operations - either those of the office or individual Chapters - or premises owned by or rented by VMBA. Once an agreement is in place stating the third party is named as an additional insured under VMBA's insurance, the coverage is in effect and no additional action is necessary. Please note, any contracts/agreements with

these provisions will need to be reviewed and signed by VMBA's Executive Director and kept on record with the VMBA office.

Private landowners

As noted above, private landowners are protected through our policy, which is often an important consideration for landowners in allowing trail building on their land. That said, Private Landowners are *also* explicitly protected by Vermont's Landowner Liability Act (LLA), provided they neither charge for access to trails on their property nor commit willful and wanton misconduct. See our full summary of the LLA [here](#). Please note that the LLA *only* covers private landowners and does not extend to trail building organizations, contractors, or townships. A [Landowner Access Agreement](#) **must** be signed and a copy provided to the office.

Public Land

VMBA's insurance does not include towns as covered entities. Whereupon trails are situated on town land, towns can be named Additional Insured upon request, specific to the project and situation. See more in the "common scenarios" section below.

Events

The following events are covered when attendance is *less than* 500 individuals: meetings and seminars; picnics and dinners; festivals and concerts; bike races and treks; foot races and treks; and auctions. Some event venues require a [Certificate of Insurance \(COI\)](#) - find more information about that [here](#). All races, guided rides, and treks must have [signed waivers](#) from participants. All participants, including non-VMBA members, are covered under our insurance, provided they have signed a waiver. All youth events and participants are also covered, provided their parent or legal guardian has signed a waiver.

For events with *more than* 500 individuals, a [Special Event Coverage](#) form is required and additional costs will be due by the Chapter. Please contact the VMBA office well in advance of your event and we will assist in getting the proper paperwork filed. If a Chapter needs proof of insurance for multiple entities, a separate COI must be completed for each.

For group rides and hikes, group leaders are covered under our Volunteer Accident Policy (see more under *Volunteers*), even if they are not a VMBA Member or Chapter, as long as nobody is being paid to lead or for their participation. A paid ride leader would count as an independent contractor and should carry their own coverage.

The limit of liability (\$1M per occurrence) can be increased for a specific event, though this will come with an additional cost to the Chapter. Please reach out and we will help determine the specific costs based on desired coverage limits. As a reminder, our aggregate coverage limit is \$2M - once we accrue \$2M in total claims, the entire organization has no insurance coverage for the remainder of the policy term.

Employees

Injuries sustained to W2 employees are covered under our Workers Compensation policy. Contract workers are not covered under this policy, nor does our liability protection extend to their work while they are under contract. Contractors are required to carry their own liability insurance and must share this paperwork along with any work/service agreement.

For any Workers Compensation and 1099 questions, see [VMBA's Payroll Services](#) document.

Contractors

Contract workers are not covered under VMBA's Workers Compensation or Liability protection while they are under contract. Contractors are required to carry their own insurance, to include but not limited to: General Liability, Automobile, Property, Professional liability and Workers Compensation. Once a contractor's work is complete and the Chapter assumes responsibility for trail maintenance, responsibility transfers to the Chapter and our Liability protection.

For example, if a trail user injures themselves on a trail while under construction by a contractor, should property be damaged, or should the contractor sustain an injury, said contractor's insurance would be responsible for any and all such claims. Upon completion of the trail, the Chapter should inspect the trail, document any and all features, and sign a document with the contractor indicating their work is complete. At this point, any future claims pertaining to the trail in question would be addressed by our insurance.

Volunteers

Volunteers are covered under our Volunteer Accident policy, which will pay for up to \$25K in excess medical expenses per volunteer for any injuries sustained while volunteering as part of an official and approved Chapter work event. Any volunteers may utilize hand tools provided by the Chapter, or bring their own tools and/or not-motorized equipment. Volunteers should not use any leased or rental equipment. We strongly encourage Chapters to have all Volunteers sign a [waiver](#) and to utilize a [sign-in sheet](#) to record all volunteer work.

It is worth noting that molestation is not, currently, covered underneath our policy. Given the potential presence of minors at trail days and other Chapter events, we are pursuing the potential addition of this coverage to our policy for future seasons. Chapters are strongly encouraged to keep minors under the supervision of their parents while participating in any Chapter event to whatever extent possible.

Trail features

As noted above, any contracted trail builder is liable for the trail during construction.

Features must be appropriate in difficulty and risk for the signed trail difficulty. A user of the average signed skill level should have a reasonable expectation of no serious injury on the technical trail features. A 'filter feature' should be used whenever possible.

If features above the signed level of the trail are present, they should be clearly signed and include ride-around (B-line) options for users. If features are present that present a considerable risk, even for users of the signed skill level, these features will likely not be covered and trail signage should indicate that these lines are not part of the official trail route.

When at all possible, features should be constructed from natural terrain and materials - e.g. soil and rocks - rather than 'artificial' structures (e.g. wooden ladders). The presence of clear signage and marked ride-arounds is paramount for any 'artificial' features. These guidelines apply to man-made gap jumps, which too should be well-signed and have clear alt-lines.

Once the trail is complete, visual documentation of all features must be shared with the VMBA office and we, in turn, will share with the insurance company to confirm coverage is in place.

If a Chapter wishes to obtain insurance feedback in advance of building, please share images that depict the project with the VMBA office, which we will share with the insurance company. This step is intended as a guide, rather than a guarantee, as to what is covered.

Common Claims

- Most Claims are tied to Technical Trail Features (TTFs). Often, an injured party will allege that they weren't properly warned of "dangerous" trail features, e.g. berms, rocks, and drops, that posed a risk to the rider. If there's *anything* wrong with a feature, such as a loose bridge plank or improper design, it only escalates liability.
- Many Claimants are not cyclists. Anticipate unexpected uses, and keep in mind that end-users will likely be more diverse, and potentially less experienced, than a relatively small, tight-knit MTB community.
- Recommendations to avoid claims and mitigate liability:
 - Include filter features to set rider expectations at the start of any trail as to TTFs and degree of difficulty.
 - Use clear, detailed signage for trails that indicate degree of difficulty and, especially, any TTFs or other higher-risk elements.
 - Perform regular maintenance and keep detailed records.

Trails on town land

Towns are increasingly willing to work with Chapters to build trails and/or skills park on town land. These projects raise questions as to who is covered by our policy.

- While under construction, Chapter workers and volunteers are covered under the Workers Compensation and Volunteer Accident policies, respectively. Any town employees participating in construction would be covered under the town's insurance.
- Once open, the Chapter is protected from liability through our coverage. It is expected that the Chapter will maintain an active role in monitoring and maintaining the trail, even if the town has agreed to conduct a portion of the maintenance work.
- Towns are not included underneath our liability insurance unless specifically named as an Additional Insured *for a specific trail/project*, protecting it from user injury liability and

workers compensation claims related to work on the named trail. This coverage does not extend to incidents outside the named trail.

- In order for a town to be covered as an Additional Insured with VMBA insurance, a signed agreement must be in place, as described above under “Additional Insured”. A COI can be requested through the office for towns that require proof of insurance.
- Visual documentation of the trail or skills park features is required prior trail user liability

Use of rental equipment, including mini-excavators

Use of machine building equipment for trail construction was, until recently, primarily by professional trail-builders contracted by Chapters for trail projects. Chapters, however, have taken note of the pace and quality that can be achieved with motorized equipment, including but not limited to mini-excavators.

- Employees use of rental equipment - including treaded mobile equipment for trail building - is explicitly covered under our policy. This means that our property insurance, liability, and workers compensation properties are active *while the equipment is on the trail* and under the direct supervision of the Chapter as part of approved trail work.
- This does, however, leave some significant gaps in coverage that Chapters should be aware of. Specifically, the pickup and transportation of the equipment from the rental facility, as well as the unloading and transportation to the actual trail corridor are not covered. The Chapter will be responsible for any property damage or personal injury that occurs during these periods, barring some other insurance coverage.
- The potential for property damage and personal injury outside of what is covered - e.g. while in transport - leads us to strongly suggest that supplemental equipment insurance - typically offered by the rental agency - be purchased at the time of rental.

Use of chainsaws

Chainsaws are an invaluable tool for trail maintenance, and there is no express prohibition of or requirements for chainsaw use by employees or volunteers in our policy.

- Sawyer B/C certification is required to operate a power saw on state or federal lands. Doing so without such certification is against the law, would be in violation of our policy, and would not be covered in terms of liability, workers compensation, or volunteer accident. Ensure any worker or volunteer is certified for any work on public lands.
- On private land, chainsaw use is permitted without certification, though must be in the context of a 'safe' work environment for our coverage to be valid. We would highly encourage anyone intending to work with power saws to consider certification, and will be exploring hosting a certification program in conjunction with the USFS.

Events held outside Chapter trail systems

Organizations named under the VMBA policy may occasionally wish to hold events, including rides, races, or treks, outside the network of trails officially managed by a Chapter. *During* the event and for those *officially* participating, our coverage policies are active.

- All participants - riders, racers, and volunteers - must sign a [waiver](#)
- Claims related to injuries sustained by volunteers and participants are covered only for those incidents that occur during an event

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- D&O and Workers Compensation policies are always active
- Our policy limits are the same as noted above (\$2M per occurrence, \$3M aggregate)

In our [Chapter Resource Library](#) you'll find more information on [each policy](#), including deductibles, coverage limits, and exclusions. If you have any further questions, please reach out to Krysy at krysy@vmba.org - thank you!