

MEMORANDUM OF UNDERSTANDING
Mountain Bike Trails – Lexington, Kentucky

This is a Memorandum of Understanding (“MOU”) between the Bluegrass Chapter of the Kentucky Mountain Bike Association (the “Club”), a 501(c)(3) non-profit organization, and the Lexington-Fayette Urban County Government (“LFUCG”), an urban county government of the Commonwealth of Kentucky created pursuant to KRS Chapter 67A, with the effective date of *April 29th, 2022*

WHEREAS, LFUCG is the owner of park property located in Lexington, Kentucky, and which wishes to implement the design, layout, construction, and use of natural surface, single-track trails (the “Trails”) on such real property located in Lexington, Kentucky.

WHEREAS, the Club will be providing advisory input and volunteer assistance on the design, layout, maintenance, construction, and use of the mountain biking trails in Lexington parks.

NOW, THEREFORE, in consideration of the foregoing and mutually agreed upon promises, conditions, and covenants herein expressed, LFUCG and the Club agree as follows:

1. The Club may advise and propose in respect to the design, features, and layout of mountain biking trails in LFUCG Parks. LFUCG shall retain oversight and control of the project, to include prior final approval of any changes, additions or deletions of trails or trail amenities and features.
 - a. The skill level of the mountain biking course will be designated prior to construction and included on planning documents. Courses shall be designated as Beginner (green circle); Intermediate (blue square); Advanced (black diamond); and Expert (double black diamond) per International Mountain Bike Standards (Webber, Pete (2007) Managing Mountain Biking, International Mountain Bicycling Association).

- b. Changing the approved course or adding features will require approval prior to installation. LFUCG shall use reasonable business efforts to approve, deny or request additional information on proposed alterations in a timely manner. Approval will come from the Director of the Division of Parks and Recreation or their designee. Additions to mountain biking trails will follow established standards per International Mountain Bicycling Association (IMBA) and Whistler Trail Standards of trail rating and Technical Trail Features (TTF) unless superseded by local or state codes (the "Standards"). An excerpt of Whistler Standards is included in the appendix. It is understood that Whistler Trail standard measurements are provided in the metric system and that the imperial system of measurement equivalent may be used to evaluate trails and trail features. Changes to existing trails or new TTFs which meet the requirements of the Standards shall be approved within 14 business days of submittal.
- c. TTFs that meet the Standards shall be approved in 14 business days. Other TTFs will be reviewed by the Division of Parks and Recreation along with the Risk, Safety, and Loss Control Section of the Division of Human Resource. . LFUCG Risk Management group.
- d. Signage designating technical trail features must be installed prior to the feature. The signage is to be installed at a distance that allows guidance from adult riders to underage riders.
- e. Requests for new trails; changes in trail design; signage; or addition of features will be submitted to the Director of Parks and Recreation or their designee. Changes in existing trail design or additional features which meet the Standards should be approved within 14 business days of application.
- f. The Club agrees that any mountain bike trail will consider other existing park users and their respective use of Lexington Parks.
- g. Mountain bike trails may utilize existing trails and paved pathways, with approval from Parks and Recreation, and as

long as there is not a negative impact on the intended use of the park.

2. Mountain Biking Trails in Lexington Parks will be maintained through a partnership with the Club.
 - a. The Club may use individual volunteers, club members, and others as partners as needed. All volunteers will sign a LFUCG Parks and Recreation volunteer waiver. Under age volunteers will sign a volunteer waiver, including the signature of a parent or legal guardian prior to working on any designated mountain bike trail. The volunteer waiver will be submitted to the Director of Parks and Recreation Office at 469 Parkway Drive, Lexington, Kentucky.
 - b. A trail steward for each mountain bike trail will be designated by the Club. Contact information for each trail steward will be provided to the Division of Parks and Recreation.
 - c. LFUCG will assist and provide equipment support periodically and as resources allow. Support may include retaining a qualified trail building contractor.
 - d. New mountain bike trails or similar new mountain bike facilities may be considered in the Division of Parks and Recreation's annual capital budget request.
 - e. A maintenance log is to be kept by the club with regular inspections a minimum frequency every six (6) months. The maintenance log must be made available to LFUCG Parks Director or their designee within three business days after requested.
 - f. Repairs to features and trails are to be documented in the inspection and relayed to the Division of Parks and Recreation. Any repairs needing immediate attention is to be secured through temporary fencing until repairs can be made. Cautionary signage may be needed and installed in advance of any trail closure or technical trail feature that is under repair.

operations, including, without limitation, all environmental, health and safety laws and requirements.

- a. LFUCG will allow the public to use the Trails for recreational purposes free of charge in accordance with KRS 411.190. Anyone using the Trails will be deemed to be using the mountain biking trails for a “recreational purpose” as defined in KRS 411.190(1)(c).
 - b. For purposes of this MOU, the Park shall be deemed to be “Land” as defined in KRS 411.190(1)(a). For purposes of this MOU, LFUCG and the Club shall be considered an “Owner” as defined in KRS 411.190(1)(b).
 - c. LFUCG and the Club agree that the provisions of KRS 411.190 apply after the termination of this MOU.
7. The Club may request to hold events or sanctioned rides on mountain bike trails covered in this agreement. The Club agrees to provide minimum insurance coverage required by LFUCG and to follow any requirements requested in granting approval of the permit.
 8. LFUCG Division of Parks and Recreation agrees unauthorized motor vehicles will not be permitted to use the mountain biking trails. The definition of “unauthorized motor vehicles” shall specifically exclude Class 1 and Class 3 E-bikes. All E-bikes cannot exceed 750W of power (not more than one horsepower). All allowed e-bikes must have fully operable pedals and the bike must be propelled by pedaling.
 9. The Club agrees to maintain the mountain biking trails under LFUCG Division of Parks and Recreation’s oversight unless this MOU is terminated by the Club or LFUCG with a minimum of a thirty (30) written notice. This MOU will be effective upon approval of each party and shall be in effect for one year. This MOU will automatically renew at the end of each year unless either party wishes to terminate the MOU with a minimum of a thirty (30) day notice.
 10. Mountain bike trails covered under this MOU include Veterans, Preston Springs, and Deer Haven Parks. Additional sites may be added upon agreement of both parties.


11. The Club will indemnify and hold LFUCG harmless from claims, losses, damages, and liability of any kind related directly or indirectly from the Club's rights and privileges under the terms of this Agreement. Nothing in this provision shall be construed as a waiver of LFUCG's right to raise the defense of sovereign immunity.
12. This Agreement contains the entire agreement between the parties, and no statement, promises or inducements made by either party or agent of either party that is not contained in this written Agreement shall be valid or binding; and this Agreement may not be modified or altered except in writing and signed by both parties.
13. No failure or delay by LFUCG in exercising any right, remedy, power or privilege hereunder, nor any single or partial exercise thereof, nor the exercise of any other right, remedy, power or privilege shall operate as a waiver thereof.
14. If any term or provision of this Agreement shall be found to be illegal or unenforceable, the remainder of the Agreement shall remain in full force and such term or provision shall be deemed stricken.
15. NOTICE- Any written notice required by the Agreement shall be delivered by certified mail, to the following:

Kentucky Mountain Bike Association
Bluegrass Chapter
P.O. Box 8105
Lexington, KY 40533

Lexington-Fayette Urban County Government
Division of Parks & Recreation
469 Parkway Drive
Lexington, KY 40504

<u>Rinda Gorton</u>	<u>4/29/2022</u>	<u>[Signature]</u>	<u>3/16/22</u>
Lexington-Fayette Urban County Government	Date	Kentucky Mountain Bike Association, Bluegrass Chapter	Date
Its: <u>Mayor</u>		Its: <u>PRESIDENT</u>	

Whistler Technical Trail Standards



NAME: Easiest **SYMBOL:** White circle

GENERAL


- Fairly flat, wide and paved. Suitable for all users.¹

DETAILED

- Maximum grade: 10%
- Preferred average grade: no more than 5%
- Maintain a minimum 2.5 m curve radius
- Usually associated with Trail Type I

EXPECTED TECHNICAL TRAIL FEATURES

TTFs are not appropriate for this trail level.



NAME: More Difficult **SYMBOL:** Blue Square

GENERAL

- Challenging riding with steep slopes and/or obstacles, possibly on a narrow trail with poor traction. Requires riding experience. ²

DETAILED

- Maximum climbing grade: 25%
- Maximum sustained climbing grade: 10%
- Maximum descent grade on non-rock surface: 35%
- Curve radius: 1.8 m minimum
- Usually associated with Trail Type III or IV


EXPECTED TECHNICAL TRAIL FEATURES

GENERAL

- TTF width to height ratio of 1:2
- Small bridges (flat, wide, low and rollable from section to section)
- Small rollable drops
- Small teeter-totters
- Small jumps
- Medium sized logs

DETAILED

- Embedded trail obstacles: up to 20 cm high
- Elevated bridges: less than 1.8 m (6') high above surface
 - Minimum width of flat decking is one-half the height above surface
 - For connected sections, the bisecting angle between each connected section must be large enough to allow the bicycle to complete transition without requiring any wheel lifting techniques
- Teeter-totter: maximum pivot height, less than 60 cm (2') high above the surface
 - Minimum width of flat decking is one-half the height above surface at pivot point
- Rock or ramp descents not to exceed 45%
- Drop-offs not exceeding 30 cm high with exit cleared of all obstacles
- Jumps
 - No jumps with consequences for lack of speed (for example, coffin jumps or gap jumps)
 - Table top jumps maximum height 60 cm (2')
 - Jumps maximum height 45 cm (18")



NAME: Easy **SYMBOL:** Green circle

GENERAL

- Gentle climbs and easily avoidable obstacles such as rocks, roots and pot-holes.³

DETAILED

- Maximum grade: 15%
- Maximum sustained climbing grade: 8%
- Curve radius: 2.4 m minimum
- Usually associated with Trail Type II or III

EXPECTED TECHNICAL TRAIL FEATURES

GENERAL

- Small roots & logs to cross
- Embedded rocks to avoid
- Wide bridges

DETAILED

- Embedded trail obstacles: up to 10 cm.
- Logs and roots perpendicular to direction of travel ($\pm 15^\circ$)
- Bridge minimum 90 cm wide, handrail required if height of bridge above surface exceeds 60 cm
- Rock face descents not to exceed 25%
- No drops
- No jumps

¹ Paul Kennett; Classic New Zealand Mountain Bike Rides; 1996
² Paul Kennett
³ Paul Kennett



NAME: Most Difficult **SYMBOL:** Black Diamond

GENERAL

- A mixture of long steep climbs, loose trail surfaces, numerous difficult obstacles to avoid or jump over, drop-offs and sharp corners. Some sections are definitely easier to walk. ¹²

DETAILED

- Maximum climbing grade: 30%
- Maximum sustained climbing grade: 15%
- Usually associated with Trail Type III, IV or V

EXPECTED TECHNICAL TRAIL FEATURES

GENERAL

- TTF width to height ratio of 1:4
- Elevated bridges and teeter-totters with maximum deck height
- Connected bridges
- Mandatory air
- Larger jumps
- Steep descents with sharp transitions

DETAILED

- Elevated bridges: less than 3 m (10')¹³ high above surface
 - Minimum width of flat decking is one-quarter the height above surface
- Teeter-totter: maximum pivot height less than 1.8 m (6') above surface
 - Minimum width of flat decking is one-quarter the height above surface at pivot point
- Mandatory air less than 1.0 m (3.3') vertical
- Rock or ramp descents not to exceed 120%
- Jumps
 - Table tops, no maximum height
 - No gap jumps or rhythm sections



NAME: Expert Unlimited **SYMBOL:** Double Black Diamond

GENERAL

- Exceptional bike control skills and balance essential to clear many challenging obstacles. High-risk level. Only a handful of riders will enjoy these rides.
- The RMOW recognizes Expert Unlimited as a difficulty level but due to the small size of the user group, the RMOW will not pursue ownership of these trails, however there may be some of these elements on a trail provided there is a clearly defined alternate route around.

DETAILED

- Similar to Most Difficult
- Usually associated with Trail Type III or IV

EXPECTED TECHNICAL TRAIL FEATURES

GENERAL

- Risk exceeds Most Difficult due to height, widths and exposure
- Fall zones may not meet fall zone standards
- The consequences of errors may be severe and rescue may be difficult

DETAILED

- Exceeding Most Difficult

¹² Paul Kenner

¹³ WCB requires "...that a fall protection system is used when work is being done at a place (a) from which a fall of 3m (10ft) or more may occur, or (b) where a fall from a lesser height involves an unusual risk of injury." Occupational Health & Safety Regulation Book 2, section 11.2, page 11-1

TRAIL CONSTRUCTION/ALTERATION APPROVAL FORM:

Park Name:

Contact Name:

Contact Phone #:

Contact Email Address:

Trail Name:

Specific Location (if applicable)

Proposed Type of Work: Re-alignment/Re-route
 New Trail Construction
 Technical Trail Feature Construction
 New Structure Construction
 Other (Describe Below)

Description of Trail Construction or Alteration (include sketches, aerial photos or schematics if available):

Proposed use of Mechanized Equipment? yes no
If yes, please describe the equipment to be used, qualifications of the operator or contractor and a detailed description of the work to be completed.

Outline of Work Schedule:

Requires temporary closure of trail? yes no

Is the construction in compliance with the Standards approved by the KYMBA MOU?
 yes no

Submitted by the Bluegrass Chapter of the Kentucky Mountain Bike Association:

Officer: _____
Date: _____

Trail Steward: _____
Date: _____

Trail Construction/Amendment Application Received

Date : _____ By : _____

LFUCG Department of Parks to review the application within 14 days of receipt and either approve, deny with written justification for denial or request additional information.

Date for Reply: _____

Approved: _____

Denied (see justification below): _____

Additional Information Requested: _____

Notes:
