

Submitter: Hope Robertson  
On Behalf Of: Equestrians and hikers  
Committee: Senate Committee On Judiciary  
Measure: SB1576

#### Testimony In Support of SB 1576

Dear Chairman Prozanski, Vice-Chair Thatcher and Members of the Senate Judiciary Committee:

Thank you for considering adopting language that will reinstate the critically important liability immunity to cover recreation on either privately-owned or public lands. Recreation is a large and growing component of this state's economy and the quality of life offered to its residents. Not only is outdoor recreation a huge source of Oregon jobs, the economic ripple effect from recreational activities is enormous. According to an analysis by Oregon's Office of Economic Analysis, in 2021, all forms of outdoor recreation contributed \$5.6 billion to the state's economy that year. This is roughly 2.4% of the state's GDP – for context, that is more than the timber industry currently contributes to the state's economy. For our residents and visitors to our state, the amazing array of recreational opportunities in Oregon provide are a major draw to live or visit Oregon. In short, recreation enhances the quality of life. I thank you for recognizing the importance of recreation to this state and taking action to protect access to recreational opportunities by adopting the language in SB 1576.

Last year's decision by the Oregon Court of Appeals to essentially remove any liability immunity for public recreation on private or public land, threatens to bring recreation to a standstill in the state. A growing number of towns are considering closing all of their trails – both improved and un-improved - to public use. Just the fear of potential liability from any form of recreation may make landowners and land managers overly cautious. If this is not corrected as quickly as possible, it could have a chilling effect on recreational opportunities throughout the state.

In Yamhill County, where I now live, trails such as at Crystal Rilee Park, Miller Woods or at other county parks could all be in danger of being closed. I ride my horses on private land and let other people ride on my property. The current lack of clarity regarding liability immunity could mean I can no longer do either.

The lack of clear liability immunity also could impede current trail development efforts throughout the state. Based on my experience founding a multi-user trail association (the Siskiyou Upland Trails Association) that restored and built over 50 miles of trails in Southern Oregon, the lack of immunity from liability represents an enormous impediment. My work with private landowners negotiating trail easements would not have been possible without Oregon's liability immunity law. The current uncertainties

about liability immunity even raises questions about using volunteers to help maintain trails, such as what the Oregon Equestrian Trails does throughout the state. It raises fears for non-profit boards about insurance and making sure their liability waivers are legally defensible. In short, the lack of immunity for recreation may create a domino effect – either due to actual legal concerns or fear or confusion about what protections exist for private or public land owners.

Your actions to adopt this language during this session is key to keeping recreation alive in this state. I recognize the importance of getting the language correct so that further loopholes are not found. But in the meantime, during this short legislative session, I urge you to adopt the temporary fix embodied in SB 1575. Having protection in legislation that will ensure Oregon's thriving recreation opportunities can be enjoyed to their fullest, is vital.

Thank you for your support of this issue.

Hope Robertson, Hiker, Equestrian, OET member