

A recreational trail linking the Willamette Valley and the Oregon coast was a long-sought goal during the 1970-2000 period. Combined efforts of the U.S. Forest Service, the Bureau of Land Management, Oregon State Parks, and many involved citizens failed to create such a trail. **The common obstacle to the trail during those years was landowner concern regarding liability.**

In 1995 the Oregon legislature created the landowner protection act. Subsequently, our non-profit organization, the Corvallis-to-the-Sea (C2C) Trail Partnership, was able to obtain numerous private landowner and local government permissions that now provide the **60-mile C2C Trail between Corvallis and Ona Beach south of Newport**. This trail route was officially opened in 2021, and it is **comprised of 22 segments belonging to 17 different ownerships**. Named one of 15 Oregon Signature Trails, the C2C Trail hosts over 1,500 hikers and bicyclists per year.

The recent uncertainty regarding the liability protection provided by the current landowner protection statutes threatens to remove permissions for the trail. The old saying: “a chain is no stronger than its weakest link” can be illustrated as a sword of Damocles hanging over the trail. Any single land-owner’s withdrawal from our agreements severs the trail. **We seek timely action from the legislature to first, restore the confidence of private landowners in the existing statutes, and second, to provide a greater degree of protection and/or clarity in landowner liability protection statutes for trails on both private and public lands.**

Typical of groups working to create recreational opportunities like the C2C Trail, our volunteers have donated 75,000 hours to bring this project to its current status. We’d hate to see the fruits of that labor disappear due to misunderstanding or lack of statutory rigor or clarity. **We understand the potential applicability of “due diligence” and “ordinary care” to this type of situation, but the current statute does not put that level of responsibility onto private landowners, and this level of immunity should be maintained and emphasized.** As the organization creating and managing the C2C Trail, we have no such immunity and are guided by “due diligence” and “ordinary care”. We suppose most local governments would be expected to also exercise these actions, making private-landowner-level immunity unlikely for public entities. This local government situation would appear a more difficult one for the Legislature. However, **do not let the local government issue delay any action clarifying private landowner protection!**