

Testimony to the Oregon House Judiciary Committee, February 23, 2024, in support of SB 1576

**Mark Henkels 7540 NE Pettibone Drive, Corvallis, OR 97330,
mphcorvallis@gmail.com**

Chair Kropf, Vice-Chair Anderson, Vice Chair Wallan, and Members of the Committee:

The Corvallis to the Sea Trail, which goes by the name “C2C”, runs from the Willamette River in Benton County to Beaver Creek in tidewater Lincoln County. The trail was conceived and developed entirely by volunteers. In 2023, Visit Corvallis had 7,443 users access their website's C2C Trail landing page. C2C's own website experienced over 3,000 hits per month last year also. At least 1500 hikers and cyclists use the trail per year. As one of Oregon's “Signature Trails”, the C2C helps make our state a unique recreational destination. Nothing is more Oregon than exploring and enjoying new natural places.

The C2C has 22 segments with 17 different property ownerships. Creating the C2C took over three decades. The creators had to map a route connecting the randomly distributed existing roads and trails of the Coast Range and then organize volunteers to build the sections that tie it all together. But the greatest challenge was getting the permission of all the affected landowners for the public to use their lands. The entire purpose of the C2C trail is at risk if any single property owner pulls out.

Liability for injury is a foremost concern for landowners and a major stumbling block to creating and sustaining trails like the C2C. SB 1576 provides a window of opportunity to ensure that public recreation can continue on trails such as the C2C until a permanent fix is adopted.

Recreational immunity, which is provided in one form or another in all fifty states, can overcome the reluctance of property owners to permit access because it ensures that they will not be subject to lawsuits from people they allow to use their lands. As your committee probably knows, the Oregon Court of Appeals decision in the case of *Fields v. Newport* (2023) weakened the state's recreational immunity law by applying a very narrow interpretation of what is “recreational”. Regardless of whether *Fields* is overturned by Oregon's Supreme Court, even the possibility of such lawsuits will affect how municipalities and private property owners view the risks of allowing public use of their lands. SB 1576 is a temporary fix that will protect landowners who allow access to their lands for walking or biking from such lawsuits until, hopefully, the 2025 legislative session approves a more permanent system for recreational immunity.

I personally monitor a 6.2 mile stretch of the C2C trail, about one-tenth of the total length. This stretch alone crosses land owned by the U.S. Forest Service, the City of Corvallis, and at least two private land owners. Landowners can withdraw this permission at any time, something more likely to happen since the *Fields* decision. Once permission to use one piece of property is withdrawn from the C2C, the whole trail may be blocked.

Please pass SB 1576. Let's recognize and address the legitimacy of property owner concerns about liability. Let's fix this problem so we all can make the most of this beautiful state.

Thank you for your time and consideration.