

NATIONAL COAST TRAIL ASSOCIATION



Keeping The Coast For Everyone!
through advocacy, education and action
for trails, public access and coastal preservation



Oregon Coast Trail travels on the beach south from our westernmost point, Cape Blanco!

February 16th, 2025

Senate Committee On Judiciary

Oregon State Capitol
Salem, Oregon 97301

Re: SB 179, Relating to landowner immunity.

Chair Prozanski, Vice-Chair Thatcher, Members of the Committee:

Our organization is advocating for the swift passage of Senate Bill 179, as it is essential for the continued existence, accessibility, and envisioned continuity of the Oregon Coast Trail (OCT), one of 15 statewide signature trails, and a spectacular and wondrous experience along the entire coast!

SB 179 directly benefits the Oregon Coast Trail by solidifying landowner immunity, as detailed in ORS 105.688. The OCT, a 400-mile plus path of unparalleled beauty, traverses a complex mix of public and other lands. The willingness of all landowners, and especially individual and corporate ones, to allow the OCT to cross their properties is paramount to the trail's existence and future development. Without the protections SB 179 makes permanent, these landowners face the potential threat of liability from trail users, a risk that could make them close their lands or not consider opening it up to public access.

The main argument in favor of SB 179 for the Oregon Coast Trail is simple: it preserves access. The bill ensures that landowners along the OCT are not unfairly burdened by the threat of lawsuits stemming from recreational use of their land. By reducing this risk, SB 179 encourages landowners to continue their vital partnership in maintaining the OCT for the benefit of all Oregonians and visitors. Further, it provides a vital tool to complete the trail by filling in the gaps, which the Oregon Coast Trail Action Plan, mandated by the legislature, is meant to address. Moreover, SB 179 extends immunity to land adjacent to the ocean shore as defined by ORS 390.605, thus expanding protection to critical areas along the OCT.



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Other **key arguments** include:

- **SB 179 enhances the user experience on the Oregon Coast Trail by ensuring that the trail remains continuous and accessible.** Without the protections it offers, landowners may be forced to restrict or eliminate public access, leading to trail closures, detours, and a diminished experience for hikers, backpackers, and nature enthusiasts. By fostering a positive relationship between landowners and trail users, SB 179 ensures a seamless and enjoyable journey along the OCT, an officially designated [Oregon Signature Trail](#) .
- **SB 179 indirectly plays a role in promoting conservation along the Oregon Coast Trail.** By encouraging landowners to keep their land open for public use, the bill could also potentially preserve natural habitats and scenic vistas. Trail users could thus be inspired to become stewards of the land, fostering a sense of appreciation and responsibility for the environment. When trails are accessible, more people can experience and value the natural beauty of the Oregon Coast, which can lead to increased support for conservation efforts, too.
- **SB 179 addresses the unique challenges faced by the Oregon Coast Trail by recognizing the importance of individual and corporate lands** in the trail's overall success. The bill provides a critical tool for maintaining a positive relationship with landowners, ensuring they are not unfairly penalized for allowing public access.



The key to keeping the OCT open to the public lies in maintaining relationships with landowners so that they may be confident that they will not be unfairly held liable by people enjoying Oregon's natural resources on their lands. SB 179 is crucial to maintaining existing relationships and initiating new ones for the trail.

Also, given the apparent consensus in other submitted testimony for enhancing the bill relative to its intended purposes, we concur. And therefore, **request the following amendments be considered** as follows:

- Extend the **increased level of immunity in Section 1 of the bill to private landowners who open their land to the public free of charge**
- **Clarify more strongly that trails that serve dual purpose as both recreation and transportation** facilities are covered under the law; address the problem of subjective intent
- **Include broader language like "conveyance" rather than the specific trail activities** like walking, biking, and running currently spelled out in the "includes but is not limited to" recreational activities list

Therefore, for these reasons, the **National Coast Trail Association urges you to support SB 179** and help ensure that the Oregon Coast Trail remains a vibrant and accessible experience for all.

Finally, **we also want to express our gratitude to both the legislature and the governor, who addressed recreational immunity in the 2024 session, to keep recreational trails open, with a quick fix temporary statute.**

Let's make it permanent and potentially even stronger this session with the passage of SB 179.

Respectfully,

A handwritten signature in blue ink that reads "Albert LePage" followed by a small circular symbol.

Albert LePage, Executive Director
Eugene, OR 97405 / OregonCoastTrail.info

cc: Board of Directors