

February 18, 2025

Senate Committee on Judiciary
Oregon State Capitol
900 Court Street NE
Salem, Oregon 97301

Subject: Support for SB 179; Pass a lasting fix to recreational immunity

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

On behalf of the PeopleForBikes Coalition, I am writing in support of Senate Bill 179. SB 179 has language that clearly restores recreational immunity for public and private landowners and applies to both improved and unimproved trails to provide greater liability protection to landowners who allow free public outdoor recreation access on their land.

The PeopleForBikes Coalition is the national advocacy group that works for better policies and infrastructure for bike riding. We are the sole national trade association, representing over 325 manufacturers, suppliers, and distributors of bicycle products and representing over 1.5 million riders in the U.S. Our organization has led national efforts to improve research, educate users, and expand access for cyclists and mountain bikers.

Outdoor recreation is foundational to Oregon's identity. Whether it be mountain biking, hiking, skiing, fishing, rock climbing, hunting, or equestrianism, recreation transcends political parties and unites us. Oregon is incredibly lucky to have access to world-class public lands for recreation, but continued access relies on strong landowner liability protections and recreational immunity. Recreational immunity is a law that encourages landowners to open lands to the public for recreational use by protecting the landowner if a recreational user seeks damages after an injury. Recreational immunity is important to both public land owners and park providers, as well as land trusts and private landowners who open their lands to the public through trail easements or other allowances.

All fifty states in the U.S. have enacted statutes that confer some degree of liability protection to landowners who allow the general public to use their land for recreational purposes.

Access to nature through trails and outdoor recreation provides numerous benefits to individuals and communities across the nation and within Oregon. These include physical fitness and health benefits, mental health benefits, connection to and appreciation for nature, economic development opportunities for local communities, safety benefits for alternatives to roadways for walking and biking, and increased community connections. Improved trails can also help protect sensitive habitats by directing the public away from sensitive areas.

However, recreating in constantly changing outdoor environments also carries a possible risk of injury. With recreational immunity, landowners avoid the real risk of expensive lawsuits that would be cost-prohibitive in allowing them to keep their trails and lands open to the public. Landowners are especially concerned about the increased liability of constructing trail features that improve the overall trail experience (such as bridges, railings, boardwalks, etc.). However, these types of trail improvements will not only protect sensitive habitats but also make recreational trails and destinations more accessible to all ages and abilities.

In addition to the reasons above, It is important to restore recreational immunity to:

- Encourage land managers to keep trails and recreation areas open to the public.
- Provide landowners with the clarity they need to keep planned trail improvement and development projects on track for the benefit of the public and the preservation of sensitive habitats.
- To ensure equitable access to recreation areas, basic protections should be provided to land managers who make trail improvements that increase access for people with a broad range of physical abilities.
- To support local outdoor recreation and tourism economies.
- To ensure that limited public resources and taxpayer dollars can be spent on park and trail maintenance, management, and development that directly benefits the public and not on fighting lawsuits or measures that shield landowners from liability without directly benefiting the public.
- To ensure we don't disincentive developing off-street paths and keeping them open to the public. Natural surface trails and off-street paths provide safer alternatives to walking or riding on high-traffic/high-speed roadways, even when they require maintenance.

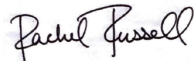
SB 179 gives landowners the assurance they need to plan for future recreation access by critically removing the sunset for recreational immunity protections for cities,

counties, and government agencies that allow public access to their land for recreation from the current law. In addition to the removal of the sunset, we would include additional amendments to this bill, found below:

- 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 purposes as recreation and transportation facilities are covered under the law, which would address the problem of subjective intent.
- Include broader language such as "conveyance," rather than the specific trail activities like biking, walking, and running currently spelled out in the "*includes but is not limited to*" recreational activities list.

We welcome the opportunity to provide further information and appreciate the chance to share our resources and knowledge.

Sincerely,



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