

To Sen. Floyd Prozanski

As you know, Floyd, I am an enthusiastic hiker and author of Oregon hiking guidebooks. Much has been written in support of SB 179, which encourages public landowners to open their land to the public free of charge by providing basic liability protections, removing the sunset from the current (temporary) recreational immunity law. There are many reasons to pass SB 179. I want to focus on one particular reason this bill is so important, one I am very familiar with.

In the late 1950s a University of Oregon geography professor came up with a wild idea: a hiking trail that would run the length of the Oregon Coast, from the Columbia River to the California border. Such a trail could not be built in Washington or California, where much of the sandy beach is under private ownership. It would be possible only in Oregon, thanks to the state legislature having declared the state's beaches public highways (and later, public parks). It remained just a good idea until passage of the Oregon Recreation Trails System Act in 1971, which made resources for planning and trail construction available. The Oregon Coast Trail was declared "hikeable" in 1988. And though gaps remain in the trail's route—places where hikers have to walk the highway shoulder, or take a bus, or hitchhike—the 400-mile OCT is now on the map as one of the world's great long-distance trails, attracting hundreds of hikers who walk it for a week or for its entirety.

All the progress that has been made to build and improve the OCT, a model of sustainable tourism, is at risk from a lack of permanent recreational immunity. Cities, counties, and most of all Oregon State Parks were, before the 2024 temporary protection law, reluctant or unwilling to allow public access to this world-class recreational access. The temporary bill has allowed public land managers to maintain access to most of the OCT, though at least one small trail connection—part of a stretch of privately owned trail under an agreement with Lower Nehalem Community Trust—is currently denying passage to hikers, even with protection from the temporary bill.

Ideally the current bill will be amended to make it even stronger. It should extend the increased level of immunity in Section 1 of the bill to private landowners—as in the example above—who open their land to the public free of charge. It should not distinguish between trails for recreation and for transportation; this is a false distinction, as the user's intent should not matter. Whether trying to get from A to B or simply to get exercise, the landowner should not be punished for allowing the public to access public (or private, but open to the public) land. And using broader language rather than limiting protection to specific activities makes more sense than spelling out the protected classes of activity

The OCT is just one of Oregon's thousands of trails that may no longer be accessible if SB 179 doesn't become law. It actually makes no sense for a state whose cachet is derived in great part from its great outdoors not to allow people access to that great outdoors. I find it embarrassing that Oregon, a state known for its sensibility, its innovation, and its support both for protection of the environment and access to that environment by its citizens, would effectively restrict access to that public land.

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