

Submitter: Mark Henkels
On Behalf Of:
Committee: Senate Committee On Judiciary
Measure, Appointment or Topic: SB179

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

Mark Henkels here, a resident of Corvallis. I want to express my strong support for SB 179, and think it can even be improved further.

I volunteer on the C2C trail and am actively involved in diverse efforts to promote community health and the enjoyment of the outdoors. The C2C trail is a volunteer-based project that has over the past three decades built and now maintains a trail running from Corvallis to the coast south of Newport. Not only does the C2C provide a unique resource for local bicyclists and hikers, it also attracts visitors from around the state, the country, and even sometimes from other countries.

The C2C only exists because of the collaboration of dozens of property owners. The route goes through land owned by federal agencies., local governments, and many timber and other private landowners. Building the trail required getting these very diverse entities to allow hikers and bikers to pass through their land. When considering allowing people to pass through their land, their most important concern was whether they could be sued if something should happen to trail users. This is an ongoing threat to the trail's existence. SB 179 seeks to permanently provide legal immunity to entities and people who allow the recreational use of their land by the public. SB 179 would fix this issue and ensure that projects like the C2C, and other public recreational opportunities on local government and other private lands can continue, and new ones be initiated.

SB 179 could be improved to even more firmly support the immunity for landowners who allow people use their land for recreation free of charge. As an avid fisherman, I can attest to the importance of having access to places where private property owners and local governments might be reluctant to open themselves to liability when the public uses their land to access other places. Changing the language of SB 179 to include transportation routes to places where people properly recreate would enhance its legal clarity. Public access could be limited if the courts too narrowly interpret the current listing of specific trail activities like walking, biking, and running currently spelled out in the "includes but is not limited to" recreational activities. Language that explicitly clarifies the immunity includes the use of land for accessing other places would be reasonable and useful.

Thank you for your time and attention.
Mark Henkels

