

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	7 - 0 - 1
Yeas:	Boone, Cowan, Esquivel, Johnson, Schaufler, Clem, Jenson
Nays:	0
Exc.:	Sprenger
Prepared By:	Beth Herzog, Administrator
Meeting Dates:	2/23, 4/13

WHAT THE MEASURE DOES: Establishes personal injury or property damage resulting from use of trail that is public easement; unimproved right of way or structure in public easement; or unimproved right of way by user on foot, horse, bicycle, or other non-motorized vehicles does not give rise to private claim or right of action based on negligence against city with population of more than 500,000; the employees of city with population of more than 500,000; or owner of land abutting the public easement or unimproved right of way.

ISSUES DISCUSSED:

- Risk of liability when someone is using trail for transportation rather than recreation
- Narrowed to city of Portland because of risk of potential liability
- Trail maintenance volunteers have fear of being held responsible for injuries

EFFECT OF COMMITTEE AMENDMENT: Replaces the measure.

BACKGROUND: Oregon currently encourages property owners to allow the public to access land for recreation, gardening, woodcutting and harvesting forest products by limiting landowner liability should a person engaging in such activities be injured (ORS 105.676). House Bill 2865 A limits the liability of homeowners, cities with a population of more than 500,000 and employees of cities with a population of more than 500,000 if someone is injured or their property is damaged from the use of a public easement or an unimproved right of way, a structure on a public easement, or an unimproved right of way.