

HOUSE AMENDMENTS TO HOUSE BILL 2865

By COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

April 18

1 On page 1 of the printed bill, line 2, after “land” insert a period and delete the rest of the line
2 and line 3.

3 Delete lines 5 through 31 and delete pages 2 through 4 and insert:

4 **“SECTION 1. (1) As used in this section:**

5 **“(a) ‘Structures’ means improvements in a trail, including, but not limited to, stairs and**
6 **bridges, that are accessible by a user on foot, on a horse or on a bicycle or other nonmo-**
7 **torized vehicle or conveyance.**

8 **“(b) ‘Unimproved right of way’ means a platted or dedicated public right of way over**
9 **which a street, road or highway has not been constructed to the standards and specifications**
10 **of the city with jurisdiction over the public right of way and for which the city has not ex-**
11 **pressly accepted responsibility for maintenance.**

12 **“(2) A personal injury or property damage resulting from use of a trail that is in a public**
13 **easement or in an unimproved right of way, or from use of structures in the public easement**
14 **or unimproved right of way, by a user on foot, on a horse or on a bicycle or other nonmo-**
15 **torized vehicle or conveyance does not give rise to a private claim or right of action based**
16 **on negligence against:**

17 **“(a) A city with a population of 500,000 or more;**

18 **“(b) The officers, employees or agents of a city with a population of 500,000 or more to**
19 **the extent the officers, employees or agents are entitled to defense and indemnification un-**
20 **der ORS 30.285; or**

21 **“(c) The owner of land abutting the public easement, or unimproved right of way, in a**
22 **city with a population of 500,000 or more.**

23 **“SECTION 2. Section 1 of this 2011 Act applies to use of an unimproved right of way, as**
24 **defined in section 1 of this 2011 Act, or public easement on or after the effective date of this**
25 **2011 Act.”.**