



# PORTLAND PARKS & RECREATION<sup>SM</sup>

Healthy Parks, Healthy Portland

April 5, 2017

Senator Floyd Prozanski, Chair  
Senate Judiciary Committee  
900 Court Street NE, HR 343  
Salem, OR 97301

Dear Chair Prozanski and Members of the Committee:

The City of Portland urges your support for SB 327. The bill restores recreational immunity for a landowner's officers, employees, agents and volunteers, operating in the scope of their employment or duties, from claims arising out of the public's free recreational use of a landowner's property.

The City of Portland Bureau of Parks & Recreation (PP&R) owns and maintains 144 developed park and 7,921 acres of natural areas for the community's free access. Our parks, playgrounds and recreational areas are important resources to the people of Portland and visitors who love and use them. Safety is our top priority at PP&R and we continuously work to monitor and improve how we plan, develop and maintain our parks for their safe use by members of the community.

The immunity granted to the City of Portland under the Public Use of Lands Act allows the City to make available free parks and recreation opportunities that otherwise might be risk-prohibitive. The recent Johnson v. Gibson Oregon Supreme Court decision held that employees do not share that immunity. This conclusion undermines the immunity because, under the Tort Claims Act, the City is required to defend and indemnify its employees, and thus becomes vicariously responsible for claims. Additionally, PP&R has more than 200 Friends and Partner groups who contribute over 400,000 volunteer hours to stewarding our park lands—completing essential work that otherwise would not be done with the current limited public resources. Without this legislative fix, liability would also transfer to individual volunteers, therefore potentially deeply damaging our volunteer programs.

I urge your support for SB 327, restoring the utility of the immunity in the Public Lands Act and preserving recreational opportunities for members of the public. Thank you again for your consideration.

Sincerely,

Mike Abbaté, FASLA  
Director

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Amanda Fritz, Commissioner  
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*Sustaining a healthy park and recreation system to make Portland a great place to live, work and play.*