

January 7th, 2022



TRAILKEEPERS OF OREGON

Subject: Support for -3 Recreational Immunity Fix Amendment to SB 1576

Dear Chair Prozanski, Vice-Chair Thatcher, and members of the committee:

I'd like to thank you for allowing me this opportunity to share Trailkeepers of Oregon (TKO) support for a critical, emergency fix to recreational immunity in Oregon. Please pass SB 1576-3 with language that clearly restores recreational immunity for public and private landowners and clearly applies to both improved and unimproved trails.

My name is Steve Kruger, TKO Executive Director and I have over 15 years of parks and recreation, volunteer engagement and trails management experience in the state of Oregon. TKO is a statewide organization with main offices in Portland, but have staff and programming from Smith Rock near Bend and all the way down the Oregon Coast to the Samuel H. Boardman State Scenic Corridor. We are a 501(c)(3) nonprofit organization whose mission is to protect and enhance the Oregon hiking experience through a number of ways. We activate volunteers on local, state and federal lands to perform service on public access trails, provide safe and welcoming space through trail ambassador activities at trailheads and out on trails and we provide free resources for getting out on trails with our hiking information on OregonHikers.org.

Recreational immunity is a law that encourages landowners to open lands to the public for recreational use by protecting the landowner if a recreational user seeks damages after an injury. Recreational immunity is important to both public land owners and parks providers as well as land trusts and private landowners who open their lands to the public through trail easements or other allowances.

All fifty states in the U.S. have enacted statutes that confer some degree of liability protection to landowners who allow the general public to use their land for recreational purposes.

Trails and access to nature and outdoor recreation provide so many benefits to individuals and communities including: physical fitness and health benefits, mental health benefits, connection to and appreciation for nature, economic benefits to communities of outdoor recreation visitors and related businesses, safety benefits of alternatives to roadways for walking and biking, community connections.

Improved trails can also help protect sensitive habitat by directing the public away from sensitive areas.

However, recreating in constantly changing outdoor environments also carries possible risk of injury. Without recreational immunity, landowners, and those organizations that provide stewardship, fear the real risk of expensive lawsuits and cannot afford to keep their trails and lands open to the public. They are especially concerned about increased liability of making trail improvements like bridges, railings, and boardwalks, even though such construction both can better protect sensitive habitat and make trails recreation destinations like beaches, rivers, etc more accessible to all ages and abilities.

This bill provides a critical emergency fix, and we're also eager to see a permanent fix to provide landowners with the assurance they need to plan for future recreation access.

It is important to restore recreational immunity to:

- Encourage land managers to keep trails, especially trails providing access to beaches and other recreational areas open to the public.
- Provide landowners with the clarity they need to keep planned trail improvement and development projects on track for the benefit of the public and for the preservation of sensitive habitats.
- To ensure that access to recreation areas is equitable, by providing basic protections to land managers who make trail improvements that increase access for a broad range of physical abilities
- To support local outdoor recreation and tourism economies
- To ensure that limited public resources and taxpayer dollars can be spent on park and trail maintenance, management, and development that directly benefits the public and not on fighting lawsuits or on measures that shield landowners from liability without directly benefiting the public
- To ensure that we don't create disincentives to developing off-street paths and keeping them open when we know that even when off-street paths are in need of maintenance, they provide much safer alternatives to walking or riding on high traffic/high speed roadways.

As a former park ranger in Oregon State Parks and now leading a statewide organization across many local, state and federal lands - whether you are taking a path from the parking lot to a restroom or attempting a hiking adventure to a scenic wonder that makes this state so special - trails are a critical part of recreating and connecting with nature and one another. Please help make sure our access and resources continue to improve our trail systems.

I'd love to hike a trail near you, reach out anytime!

Sincerely,



Steve Kruger
TKO Executive Director