

Comments on SB 1576

To: Chair Prozanski, vice Chair Thatcher and members of the committee

From: Robert Ratcliffe, as individual and board member for the Partnership for the National Trails System and National Wilderness Stewardship System

Re: Comments in support of SB1576 – Restoring the recreational use immunity for public and private land owners for both improved and unimproved trails.

I am a retired federal public lands employee now living in Bend and enjoying Oregon's many trails almost daily. I had over 40 years of public service with the National Park Service and Bureau of Land Management. I worked on trails as a planner, builder and manager in Oregon for over a dozen years – helping to create and build now popular trail systems across Oregon including the Molalla River Trails, Sandy Ridge Trails, Row River Trail, Cascade Streamwatch Trail and many others. For the last 25 years I oversaw as national director both the NPS and BLM Conservation, Outdoor Recreation, Trails, Special Areas and Visitor Services Programs. I am extremely familiar with recreation policies on Federal lands and have worked on many national recreation and visitor use issues across federal, state and local jurisdictions and in partnership with private land entities on access policies. I also spent many years previously in the ski and guiding industries – as a professional guide and outfitter including leading commercial river and backpacking trips for Outward Bound and others. I am now a board member of national organizations that promote trail and special area stewardship as well as an avid trail user and trail volunteer with other trail organizations in Oregon. I know recreational liability issues extremely well and Oregon is in desperate need of fixing its immunity statutes involving outdoor recreation. Thank you for your work on this issue – a challenge many other recreation economy dependent states have struggled with and successfully addressed.

As you are aware – Oregon, like many states is a mix of jurisdictions and both private and public lands. Trail networks – including National Scenic, Historic and Recreational trails, crisscross all lands of Oregon, often seamlessly, providing public access that enriches the lives of millions each year. Public land and private forest land public access has long been in place in this state and is why Oregon is often considered as a wonderful place to live and do business in. Trails are important to public health and wellness, carbon free alternative transportation, safe access to schools, access for the disabled, equity for all and much more, not to mention an essential component of many community and regional economies across the state.

It is critical that we do not jeopardize Oregon's traditional use and availability of amenities for recreation. It is essential in this day and age to have laws like this recreational immunity law to encourage 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 agencies and parks providers as well as land trusts and private landowners who open their lands to the public through trail easements or other allowances. It is also from my personal interest in stewardship, important to have laws in place that protects landowners for opportunities for volunteer work on trails or to do other conservation stewardship. Well managed and maintained trails can also help protect sensitive habitat and wildlife by directing the public away from sensitive areas.

I have traveled all over this nation and the world visiting parks, public and private lands and am very familiar with what other states and countries have done to address this issue. 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. Its time Oregon stepped up to the challenge. Please don't be intimidated by lobbying by trial liability, tort claim lawyers and others who seek to take advantage of the Oregon's legal weaknesses. I also know from my professional experience as a land manager about the immense public cost of tax dollars in fighting liability suits and legal actions against public land agencies for outdoor recreation visitor accidents which are often times for frivolous reasons because of the legal statute weaknesses in those states did not confer some level of legal protection or acknowledge around the assumption of risk or provide reasonable limitations on settlements that are legitimately warranted.

As you know I am sure, all outdoor recreation – guided or unguided - comes with inherent risk – just as walking down the sidewalk or driving your car does – as such it also carries possible risk of injury. I know this personally as I and family members have been hurt several times because we did something a bit careless or over-reached our ability outdoors, and sometimes it was simply just an accident (though gravity is often to blame). Without recreational immunity, landowners fear expensive lawsuits and cannot afford the risk of keeping their trails and lands open to the public. Trails and access – including along many of our iconic national and other trails across the state could be closed to the public as has already happened along portions of well-known trails recently in Oregon. Landowners who have public trails on their property (of which my HOA is one), are especially concerned about increased liability of making trail improvements like bridges, railings, and boardwalks, signs, pavement, accessibility elements and so forth, even though such construction and other improvements both can better protect sensitive habitat and make trails recreation destinations like beaches, rivers, and other wonderful places more accessible to all ages and abilities.

**This bill provides a critical emergency fix, and I and many others are also eager to see a permanent fix to provide landowners with the assurance they need to plan for future recreation access. I would be happy to lend my expertise to developing workable and long-term solutions.**

**Thank you for doing what you can to help address this challenge to keeping our trails open and available for all,** keeping Oregon a great place to live and providing landowners with the clarity they need to keep planned trail improvement and development projects possible for the benefit of the public and for the conservation of natural resources and habitats. We need to ensure that we don't create disincentives to developing needed public access paths and being able to keep them open even when they may need some maintenance, as they provide much so much to our state.

Sincerely, Robert Ratcliffe