

Chapter 92.60
Liability Limitation Resulting From Use of Trails in a Public Easement or Unimproved Right-of-Way Under ORS 105.668

92.60 Definitions. As used in this chapter, the following definitions apply:

- A. **Public easement** means a platted or dedicated easement for public access that is accessible by a user on foot, horseback, bicycle or other similar conveyance, but does not include a platted or dedicated access easement over private streets.
- B. **Structures** means improvements in a trail, including, but not limited to stairs and bridges, that are accessible by a user on foot, horseback, bicycle or other nonmotorized vehicle or conveyance.
- C. **Trail** means a travel way for pedestrians and bicycles that is separate from automobiles and includes a multi-use path or multi-use trail, but does not include a bike lane, shoulder bikeway, or shared roadway.
- D. **Unimproved right-of-way** means a platted or dedicated public right-of-way over which a street, road or highway has not been constructed to the standards and specifications of the City with jurisdiction over the public right-of-way and for which the City has not expressly accepted responsibility for maintenance but does not include a platted private street.

92.65 Liability Limited.

- A. A personal injury or property damage resulting from use of a trail that is in a public easement or an unimproved right-of-way, or from use of structures in a public easement or unimproved right-of-way, by a user on foot, on a horse, on a bicycle or other nonmotorized vehicle or conveyance does not give rise to a private claim or right of action based on negligence against:
 - 1. The City of Prineville;
 - 2. The City of Prineville's officers, employees or agents to the extent the officers, employees or agents are entitled to defense and indemnification under ORS 30.285;
 - 3. The owner of land abutting the public easement or unimproved right-of-way; or
 - 4. A nonprofit corporation and its volunteers for the construction and maintenance of the trail or structures in a public easement or unimproved right-of-way.
- B. The immunity granted by this subsection A(2) of this section, to a person that receives compensation for providing assistance, services or advice in relation to conduct that leads to a personal injury or property damage:
 - 1. Except as provided in subsection A(2) of this section, to a person that receives compensation for providing assistance, services or advice in relation to conduct that leads to a personal injury or property damage;

2. For personal injury or property damage resulting from gross negligence or from reckless, wanton or intentional misconduct; or
3. For an activity for which a person is strictly liable without regard to fault.