



STATE OF NEW HAMPSHIRE  
DEPARTMENT of NATURAL and CULTURAL RESOURCES  
**DIVISION of PARKS and RECREATION**  
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April 14, 2022

The Honorable Sharon Carson  
and the Judiciary Committee  
State House, Rm 100  
Concord, NH 03301

**RE: HB 1579 relative to landowner liability on land authorized for outdoor recreational activities**

Dear Chair Carson and Members of the Committee,

Please accept this testimony on behalf of the Department of Natural and Cultural Resources, Division of Parks and Recreation, Bureau of Trails regarding HB 1579 relative to landowner liability on land authorized for outdoor recreational activities. **The Division supports HB 1579, as amended by the House.**

The Department of Natural and Cultural Resources, Division of Parks and Recreation, Bureau of Trails administers and maintains multi-use trails on state, federal, and private lands which includes over 1,000 miles of OHRV trails, 300 miles of state-owned rail trails, and over 7,000 miles of snowmobile trails throughout the state. The majority of our statewide trail system occurs on private lands because of the generosity of landowners. One of the major reasons landowners are willing to support public access on their properties is because of the liability protections landowners have with the existing Duty of Care and Limited Liability laws.

Motorized and non-motorized trail use in New Hampshire plays an important part of our tourism economy contributing over \$1 billion of direct economic impact to New Hampshire annually. Also, access to trails is important to the quality of life of our citizens. We believe it is critical to ensure that the Duty of Care law does what it is intended to do – support public access by protecting landowners.

We appreciate that the House amended the bill to address several recent liability concerns that were not expressly covered under the current Duty of Care and Limitation of Action laws of RSA 212:34 and RSA 508:14. The House amendments addresses our concerns related to the following situations and examples:

- 1) Landowner lease agreements with the state for trail use;
- 2) Railroad and utility property and right of ways designated for recreational use; and
- 3) Trails located on state lands.

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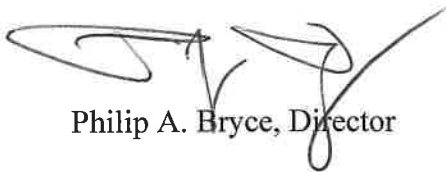
HB1579 includes changes to the “*charge*” definition in RSA 212:34, I.(a) that includes, “*a lease of such land for said purposes to the state or any political subdivision thereof...shall not be considered a charge*”. The Bureau of Trails has lease agreements with several large landowners around the state to allow recreational trail use on their properties. We agree with this change to the definition, as the Duty of Care protections remain available to those landowners who enter into lease agreements with the Bureau of Trails. Without this change, we would have been in danger of losing access to hundreds of miles of snowmobile trails.

HB1579 also includes several changes that include adding railroad property, railroad right of ways, and corridors to which public access is permitted. We agree with these changes to ensure that railroad and utility corridors that are designated for recreational use are protected by the Duty of Care laws and remain open for future use. As an example of the importance of this change, the Corridor 13 snowmobile trail in Bennington which occurs on an existing railroad property was closed this past snowmobile season based on insurance company concerns over potential hazards.

As a housekeeping measure, the amended bill modifies the “*landowner*” definition in RSA 212:34, I.(b) **to include the state or any political subdivision thereof**, to ensure consistency with the existing Landowner Liability Limited statute of RSA 508:14.

Thank you for the opportunity to provide testimony in support of this bill. Please let me know if we can answer questions or provide any additional information.

Sincerely,



Philip A. Bryce, Director

Cc: Sarah L. Stewart, Commissioner, Department of Natural and Cultural Resources  
Craig Rennie, Chief, Bureau of Trails

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