

2019 Memorandum in Support

Bill: S5934 by Senator Harckham and A4774 by Assemblymember Barrett

Title: Removes liability for the death of a person caused by any act of persons permitted to use certain premises.

The Adirondack Mountain Club (ADK) Supports this Legislation.

Through amending the General Obligations Law, this legislation removes liability for the death of a person caused by any act of persons permitted to use certain premises and removes liability from the owner, lessee or occupant of premises adjacent to such premises. The bill adds recreational trail use to a list of other activities already covered under the General Obligations Law and protects property owners who permit public recreational activities on their lands as well as protecting adjacent property owners if someone is injured while trespassing. This important bill ensures that property owners who allow recreational access to their property (and adjacent property owners) are protected from actions resulting in harm or death. This removes a potential barrier to trail creation and incentivizes use of the land.

This legislation will be helpful in the creation of Rails-with-Trails, which is a model that allows safe and legal recreational access to railroad right-of-ways. Changes this legislation would make are based on recommendations from the Federal Highway Administration.

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