

February XX, 2023

Members of the Judiciary Committee  
Colorado State Capitol  
200 East Colfax Ave  
Denver, CO 80203

Chairwoman Gonzales and esteemed members of the Judiciary Committee,

Outdoor recreation is foundational to our state's identity. Whether it be hiking, skiing, fishing, rock climbing, hunting, equestrianism, or mountain biking, recreation transcends political parties and unites us as Coloradans. We are incredibly lucky to have access to world-class public lands for recreation; however, the majority of land in Colorado is privately owned, and public access relies on strong landowner liability protections. Protections that should be strengthened with the passage of SB 23-103.

Colorado's recreational use statute (CRUS) has long helped landowners open their gates to the public by reducing liability for accidents that occur on private land. However, after a well-publicized \$7.3 million dollar judgment was entered against the Colorado Springs Air Force Academy — a mountain biker was severely injured while riding on a washed-out trail that the landowners neither built nor maintained themselves — landowners have been nervous about their own liability. In April of 2021, this liability concern led to the closure of Mounts Lincoln, Cameron, and Democrat, three prominent fourteeners that are privately owned, and saw almost 30,000 climber visits in 2020. This closure only lasted until August, thanks to the hard work of some of the recreational advocates writing to you today. In September 2021, Mount Lindsey, a 14er in southern Colorado, was closed by its private landowner due to liability concerns and remains off-limits to climbers today. These incidents are representative of a larger climate of uncertainty around the strength of Colorado's recreational use statute that this bill will resolve by, among other things, removing the term "willful" from the CRUS.

Our organizations represent thousands of hikers, rock climbers, campers, mountain bikers, and outdoor recreation enthusiasts from across the state. We also represent countless volunteers who dedicate their time and money to building and maintaining trails on public and private land. If a landowner opens their property up to the public for free, we are asking for the ability to build and maintain the trails as a community. We engage in inherently risky behavior, whether it is scaling a rock face or hiking on wet talus above treeline. We can and must be responsible for our own actions on private land, and liability should only exist where the landowner's conduct has been "malicious." At the same time, landowners should have the ability to dictate when, where, and what types of recreation

are compatible with their property in order to better protect themselves, their land, and the public allowed to access that land. The below-signed organizations are asking for stronger landowner protections within the CRUS so that we can continue to foster positive relationships with private landowners to enable expanded access to what makes this state great, the outdoors.

Sincerely,



Protect America's Climbing

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