

**ADMINISTRATIVE ORDER NO. 43-26-01**  
**of the**  
**City Manager of the City of Eugene**

**IMMUNITY FROM LIABILITY FOR INJURY OR PROPERTY  
DAMAGE ARISING FROM USE OF TRAIL OR STRUCTURE IN  
PUBLIC EASEMENT OR UNIMPROVED RIGHT OF WAY;  
IMPLEMENTING ORS 105.668.**

**The City Manager of the City of Eugene finds that:**

**A.** ORS 105.668 establishes a limit on private claims and causes of action based on negligence for personal injury or property damage resulting from the use of a trail that is in a public easement or in an unimproved right of way, automatically applies that limit to any city with a population of 500,000 or more, and authorizes smaller cities to adopt an ordinance, resolution, rule, order or other regulation to “opt into” the same limit.

**B.** It is in the best interest of the City of Eugene to limit its liability from certain claims by opting into the immunity as authorized by ORS 105.668.

**On the basis of these findings, I order the following:**

**1. Definitions. As used in this Order:**

**(a)** “Structures” means improvements in a trail, including, but not limited to, stairs and bridges, that are accessible by a user on foot, on an equine or on a bicycle or other nonmotorized vehicle or conveyance.

**(b)** “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 or County, whichever has jurisdiction over the public right of way, and for which the City has not expressly accepted responsibility for maintenance.

**2.** Pursuant to ORS 105.668(3), a personal injury or property damage resulting from use of a trail that is in a public easement or in an unimproved right of way, or from use of structures in the public easement or unimproved right of way, by a user on foot, bicycle or other nonmotorized vehicle or conveyance does not give rise to a private claim or right of action based on negligence against:

**(a)** The City of Eugene;

**(b)** The officers, employees or agents of the City of Eugene to the extent the officers, employees or agents are entitled to defense and indemnification under ORS 30.285;

**(c)** The owner of land abutting the public easement or unimproved right of way in the City; or

**(d)** A nonprofit corporation and its volunteers for the construction and maintenance of the trail or the structures in a public easement or unimproved right of way in the City.

3. This Administrative Order does not grant immunity from liability:

- (a) Except as provided in Section 2, 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.
- (b) For gross negligence or reckless, wanton or intentional misconduct; or
- (c) For an activity for which a person is strictly liable without regard to fault.

Dated and effective this 02/26/2026 day of February, 2026.

  
Matt Rodrigues (Feb 26, 2026 14:53:47 PST)  
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**Matthew Rodrigues**  
**City Manager Pro Tem**