Trail Ownership, Liability and Safety



INTRODUCTION

Concerns about trail ownership, liability, and public safety are among the most common challenges communities face when considering new trail investments. Fortunately, both Pennsylvania law and local experience demonstrate that these concerns can be effectively managed through thoughtful planning, design, and maintenance. Municipalities and landowners benefit from important liability protections under Pennsylvania's Recreational Use of Land and Water Act (RULWA), while evidence from established trail systems shows that trails are generally safe public amenities.

COMMON CONCERNS AND MISCONCEPTIONS

"If the Township Owns a Trail, It Will Be Sued and Responsible for Every Accident."

Reality: Municipalities and private landowners that provide public access to trails benefit from significant liability protections under Pennsylvania law, including the Recreational Use of Land and Water Act (RULWA), which was enacted to encourage recreational access by limiting landowner liability. Trail users are generally understood to assume the inherent risks associated with outdoor recreation, such as uneven terrain, changing weather conditions, and other natural hazards. Liability typically arises only in cases where a landowner willfully or maliciously fails to warn users of a known dangerous condition. As a result, ownership or management of a public trail does not automatically make a municipality responsible for every accident that may occur.

"Trails Increase Crime and Attract Trespassers."

Reality: Research and local experience have found little evidence that trails increase crime or lead to increased trespassing. In fact, well-used trails often create more "eyes on the landscape" by bringing legitimate users into an area, increasing informal surveillance and discouraging unlawful activity. Clearly defined trail corridors, trailheads, and access points can also help direct visitors to appropriate locations, improving wayfinding and reducing the likelihood of random trespassing on adjacent properties. As a result, properly planned and managed trails are generally considered safe community amenities that can enhance both public access and stewardship of the surrounding landscape.

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LIABILITY PROTECTIONS

Recreational Use of Land and Water Act (RULWA)

Pennsylvania's RULWA limits liability for both public and private landowners who allow recreational use without charging an admission fee.

Under the Act:

- Landowners generally have no duty to keep property safe for recreational users.
- Landowners generally have no duty to warn users of natural conditions.
- Protection applies to many recreational activities, including walking, hiking, running, bicycling, nature observation, and similar trail uses.
- The law protects public agencies, private landowners, and organizations managing recreational lands.

Important Exceptions

Liability protections may not apply when:

- A landowner charges an admission fee.
- There is a willful or malicious failure to warn users about a known dangerous condition.

TRAIL SAFETY BEST PRACTICES

Successful trail systems typically incorporate:

Design & Maintenance

- Regular inspections and maintenance
- Clear signage and wayfinding
- Safe road crossings
- Visibility at trailheads and access points Emergency access where appropriate

Operations

- Routine patrols by park staff, volunteers, or local law enforcement
- Public reporting systems for maintenance and safety concerns
- Community stewardship groups and "Friends of the Trail" organizations

Education

- Posted trail rules and etiquette
- Information kiosks and maps
- Emergency location markers where appropriate

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CASE STUDY: CHESTER COUNTY

The 2024 Chester County Trails Master Plan examined trail-related incident data from Chester County Park Rangers and local police departments and found that only 88 of more than 15,000 reported incidents between 2021 and 2023 occurred on trails, representing less than 1% of all incidents. The study also found that most trail related calls involved accidents, medical assistance, and other non-criminal issues, rather than crime. Combined with survey results showing that over 96% of trail users feel safe on Chester County trails, the data supports the conclusion that trails are among the safest public spaces in the community and do not inherently contribute to increased crime.

ADDITIONAL RESOURCES

- Pennsylvania's Recreational Use of Land and Water Act
- WeConserve PA's overview of the PA RULWA
- Chester County Trails Master Plan

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