

State-by State Matrix of Applicable Laws and Statutes Relating to Rails-with-Trails

Provided by Rails-to-Trails Conservancy (2018)

This matrix is intended to present a summary of state laws pertaining to the legal liability of trail managers as of the year 2018. Every effort has been made to provide accurate citations and summaries in this matrix. However, due to the fluid nature of legislation and the limits of a summary format, Rails-to-Trails Conservancy cannot guarantee complete accuracy of the material presented. For more detailed and up-to-date information, the reader is encouraged to review the relevant state statutes directly.



State	General RUS to limit landowner liability for allowing persons to utilize their land for recreational purposes.	Government Tort Liability Act
Alabama	Ala. Code § 35-15-1 (1975)	Ala. Code § 41-9-62 et seq. (2018); Ala. Code § 11-93-1 et seq. (2018)
Alaska	Alaska Stat. § 09.65.200 (Michie 2018)	Alaska Stat. §§ 09.50.250, -.300 (Michie 2018)
Arizona	Ariz. Rev. Stat. Ann. § 33-1551 (West 2018)	Ariz. Rev. Stat. § 12-820 et seq. (2018)
Arkansas	Ark. Code Ann. §§ 18-11-301 to -307 (Michie 2018)	Ark. Code Ann. § 21-9-201 et seq. (Michie 2018)
California	Cal. Civ. Code § 846 (West 200)	Cal. Gov't Code § 810-996.6 et seq.(2018); Cal.Gov.Code § 831.4 (West 2018) grants absolute immunity to grantors of public easements to public entities for certain paved and unpaved roads and trails for recreational use and for access to recreational uses. A paved bicycle path qualifies as a "trail" for purposes of this immunity.
Colorado	Colo Rev. Stat. Ann. §§ 33-41-101 to -106 (West 2018)	Colo. Rev. Stat. Ann. § 24-10-101 et seq. (West 2018)
Connecticut	Conn. Gen. Stat. Ann. §§ 52-557(f)-(k)(West 2018)	Conn. Gen. Stat. Ann. § 4-140 et seq. (West 2018) - administrative claims or procedure
Delaware	Del. Code Ann. Tit. 7, §§ 5901-5907 (2018)	Del. Code Ann. Tit. 10, 4001 et seq. (2018) - State and Local
District of Columbia		DC Code 2-401 et seq. (2018)
Florida	Fla. Stat. ch. 375.251 (2018)	Fla. Stat. Ann. § 768.28 et seq. (West 2018) - Tort Claims Act
Georgia	Ga. Code Ann. §§ 51-3-20 to -26 (2018)	Ga. Code Ann. § 36-33-1 et seq. (2018)
Hawaii	Haw. Rev. Stat. §§ 520-1 to -8 (2018)	Haw. Rev. Stat. Ann. § 662-2 et seq. (Michie 2018)
Idaho	Idaho Code §§ 36-1601 to -1604 (2018)	Idaho Code § 6-901 et seq. (2018)
Illinois	745 Ill. Comp. Stat. Ann. 65/1-31 to -37 (West 2018)	705 Ill. Comp. Stat. 505/8 (West 2018) - Court of Claims Jurisdiction - State 745 Ill. Comp. Stat. 10/1-101 (West 2018) - local gov't units
Indiana	Ind. Code § 14-2-6-3 (2018)	Ind. Code Ann. § 34-6-2-34 et seq. (West 2018) - Indiana Tort Claims Act

Iowa	Iowa Code Ann. §§ 111C.1 to -.7 (West 2018)	Iowa Code Ann. §§ 669.1 to -.24 (West 2018) - Iowa Tort Claims Act - state Iowa Code Ann. §§ 670.1 to -.13 (West 2018) - Tort Liability of Governmental Subdivisions
Kansas	Kan. Stat. Ann. §§ 58-3201 to -3207 (2018)	Kan. Stat. Ann. §§ 75-6101 to -6115 (2018)
Kentucky	Ky. Rev. Stat. Ann. §§ 150.645, 411.190 (Michie 2018)	Ky. Rev. Stat. Ann. § 49.040 et seq. (Banks-Baldwin 2018); KY Constitution § 231, "Suits Against the Commonwealth."
Louisiana	La. Rev. Stat. Ann. Tit.9, §§ 2791, 2795 (West 2018)	La. Const., art. XII, § 10.
Maine	Me. Rev. Stat. Ann. Tit. 14, § 159-A (West 2018)	Me. Rev. Stat. Ann. tit. 14, § 8101 et seq. (West 2018) - Tort Claims Act
Maryland	Md. Code Ann., Nat. Res. I §§ 5-1101 to -1108 (2018)	Md. Code Ann., State Gov't § 12-101 et seq. (2018) - Tort Claims Act - State gov't Md. Code Ann., Cts. & Jud. Proc. § 5-401 et seq. (2018) - local gov't
Massachusetts	Mass. Gen. Laws Ann. Ch. 21, §17C (West 2018)	Mass. Ann. Laws ch. 258, § 1 et seq. (Law. Co-op. 2018) - Tort Claims Act
Michigan	Mich. Comp. Laws Ann § 324.73301 (West 2018) - Rus protects the owner, tenant, or lessee of land used to enter or exit a public trail or trail covered by the Trailways Act § 721	Mich. Comp. Laws Ann. §§ 691.1401 to -.1415 (West 2018)
Minnesota	Minn. Stat. Ann. §§ 87.01 to -.03 (West 2018)	Minn. Stat. Ann. § 3.736 et seq. (West 2018) - Tort Claims Act, Minn. Stat. Ann. § 466.01 et seq. (West 2018)
Mississippi	Miss. Code Ann. §§ 89-2-1 to -7, 89-2-21 to -27 (2018)	Miss. Code Ann. §§ 11-46-1 to -16 (2018)
Missouri	Mo. Ann. Stat. §§ 537.345 to -.348 (West 2018)	Mo. Ann. Stat. § 537.600 et seq. (West 2018)
Montana	Mont. Code. Ann. §§ 70-16-301 to -302 (2018)	Mont. Code Ann. § 2-9-101 et seq. (2018) - MT Comprehensive State Insurance Plan and Tort Claims Act - State and local Mont. Code Ann. § 7-1-4125 et seq. (2018) - municipal immunity is waived
Nebraska	Neb. Rev. Stat. Ann. §§ 37-730 to 736	Neb. Rev. Stat. § 81-8, 209 et seq. (2018) Neb. Rev. Stat. § 13-902 et seq. (2018) - Political Subdivisions Tort Claims Act

Nevada	Nev. Rev. Stat. § 41.510 (2018)	Nev. Rev. Stat. Ann. § 41.031 et seq. (Michie 2018)
New Hampshire	N.H. Rev. Stat. Ann. § 212.34 (2018)	N.H. Rev. Stat. Ann. § 541-B: 1 et seq. (2018) - administrative claims against the State - political subdivisions excluded
New Jersey	N.J. Stat. Ann §§ 13:1B-15.141	N.J. Stat. Ann. § 59:1-1 et seq. (West 2018) - Tort Claims Act
New Mexico	N.M. Stat. Ann. §§ 16-3-9, 17-4-7 (Michie 2018)	N.M. Stat. Ann. §§ 41-4-1 to -27 (Michie 2018) - Tort Claims Act
New York	N.Y. Gen. Oblig. Law § 9-103 (Consol 2018)	N.Y. Ct. Cl. Act § 8 (McKinney 2018)
North Carolina	N.C. Gen. Stat § 38A-1 et seq (2018)	N.C. Gen. Stat. §§ 143-291 to -300.1 (2018)
North Dakota	N.D. Cent. Code. §§ 53-08-01 to -06 (2018)	N.D. Cent. Code § 32-12.1-01 et seq. (2018) - history of statute found in Chapter 303, S.L. 1977 - applicable to political subdivisions of State
Ohio	Ohio Rev. Code. Ann. §§ 1533.18, 1533.181 (Anderson 2018)	Ohio Rev. Code Ann. § 2743.01 et seq. (West 2018) - Court of Claims Act - applicable only to the State and its agencies or instrumentalities Ohio Rev. Code Ann. § 2744.01 et seq. (West 2018) - Political Subdivisions Act - applicable to political subdivisions of State
Oklahoma	Okla. Stat. tit. 76 §§ 10 to 15 (2018)	Okla. Stat. Ann. tit. 51, § 151 et seq. (West 2018) - Political Subdivision Tort Claims Act
Oregon	Or Rev. Stat. § 105.688 (2018)	Or. Rev. Stat § 30.265, "Tort Claims Against Public Bodies" (2018)
Pennsylvania		1 Pa. Cons. Stat. Ann. § 2310 (West 2018) - commonwealth; 42 Pa. Cons. Stat. § 8521 - 8550 (2018); Pa. R. Civ. P. 2101 et seq. -commonwealth and political subdivisions.
Rhode Island	R.I. Gen. Law § 32-6-1 to -7 (2018)	R.I. Gen. Laws § 9-31-1 et seq. (2018) - State and subdivisions
South Carolina	S.C. Code. Ann. § 27-3-10 to -70 (Law. Co-op. 2018)	S.C. Code Ann. § 15-78-10 et seq. (Law. Co-op. 2018) - Tort Claims Act - State and local
South Dakota	S.D. Codified Laws § 20-9-12 to -18 (Michie 2018)	S.D. Codified Laws § 3-21-1 et seq. (Michie 2018) - State

Tennessee	Tenn. Code Ann. §§ 70-7-101 to -104, 11-10-10-101 to -104 (2018)	Tenn. Code Ann. § 9-8-101 et seq. (2018) - State Board of Claims Act - administrative claims procedure against State Tenn. Code Ann. § 29-20-101 et seq. (2018) - Governmental Tort Liability Act - applicable only to units of local government and not to the State
Texas	Tex. Civ. Prac. & Rem. Code Ann. § 75.001 to -.003 (West 2018)	Tex. Civ. Prac. & Rem. Code Ann. § 101.001 et seq. (West 2018)
Utah	Utah Code Ann. § 57-14-1 to -7 (2018)	Utah Code Ann §§ 63G-7-101 et seq (effective 2017) - Governmental Immunity Act
Vermont	Vt. Stat. Ann. Tit. 12 §§ 5791-5794	Vt. Stat. Ann. tit. 12, § 5601 et seq. (2018) - Tort Claims Act - State
Virginia	Va Code Ann. § 29.1-509 (Michie 2018)	Va. Code Ann. § 8.01-195.1 et seq. (Michie 2018.) - Tort Claims Act, - State
Washington	Wash. Rev. Code Ann. §§ 4-24.200,-210 (West 2018)	Wash. Rev. Code Ann. 4.92.005 et seq (2018)
West Virginia	W.Va. Code § 19-25-1 to -5 (2018)	W.Va. Code § 14-2-1 et seq. (2018) - Court of Claims Act - State W. Va. Code § 29-12A-1 et seq. (2018) - Governmental Tort Claims and Insurance Reform Act - political subdivisions
Wisconsin	Wis. Stat. Ann. § 895.52 (West 2018)	Wis. Stat. Ann. § 893.80 (West 2018) - claims against governmental bodies or officers, agents, or employees
Wyoming	Wyo. Stat. Ann. § 34-19-101 (Michie 2018)	Wyo. Stat. Ann. §§ 1-39-101 to -118 (Michie 2018) - Governmental Claims Act