



## RHODE ISLAND

### DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

#### OFFICE OF THE DIRECTOR

235 Promenade Street, Room 425  
Providence, Rhode Island 02908

March 11, 2025

The Honorable Robert E. Craven, Sr.  
Chairman  
House Committee on Judiciary  
82 Smith Street  
Providence, Rhode Island 02903

**RE: H 5905 An Act Relating to Parks and Recreational Areas – Public Use of Private Lands – Liability Limitations**

Dear Chairman Craven,

Thank you for providing the Department of Environmental Management (DEM) the opportunity to offer comments on H 5905, which would amend state law to remove existing liability limitations from applying to the state and municipalities. DEM has strong concerns regarding this legislation.

H 5905 would eliminate state and municipalities as landowners afforded protections under the Landowner Liability Act in the Recreational Use Statute. The initial passage of the Act in 1978, and the amendments made in 1996 adding the state and municipalities as protected landowners, have resulted in tens of thousands of acres being made available to the public for recreational uses. The passage of the Act in 1978, and its expansion of protection to the state and municipalities, were the result of a concerted effort of the state, municipalities, environmental groups, and the General Assembly to open lands to the public for recreation.


In total the state, municipalities, and nongovernmental organizations have protected approximately 160,000 acres of land which equates to nearly 22% of the state land area. Since 1996, DEM has worked to protect more than 30,000 acres of additional public lands. At the same time, municipalities and land trusts protected thousands of additional acres. Due to the protections afforded by the Landowner Liability Act, nearly all these lands are open without charge for public recreation. A 2017 study by the University of Rhode Island showed that our state parks attract over nine million visitors per year, providing millions of dollars in economic benefits.

Eliminating the afforded protections would result in the state, municipalities, and land trusts being forced to make difficult decisions regarding the continued availability of many parcels for recreation use. Many of the most scenic areas, especially along the coast, may require that access be terminated or restricted to protect the state and municipalities from litigation and liability.

risks. The effects of this amendment would negatively impact Rhode Island residents and visitors who enjoy the use of many of the most spectacular places in our beautiful state.

We appreciate the opportunity to offer comments on this legislation and would be pleased to work with you to address the issues raised in this letter. Please feel free to contact Jason McNamee, Deputy Director for Natural Resources, at [jason.mcnamee@dem.ri.gov](mailto:jason.mcnamee@dem.ri.gov), or Mary Kay, Assistant Director and Chief Legal Counsel, at [mary.kay@dem.ri.gov](mailto:mary.kay@dem.ri.gov) should you have any additional questions or wish to discuss this matter further.

Sincerely,

A handwritten signature in dark ink, appearing to read "Terrence Gray". The signature is fluid and cursive, with the first name "Terrence" being more prominent than the last name "Gray".

Terrence Gray, P.E.  
Director

cc: Members of the House Committee on Judiciary  
Nicole McCarty, Chief Legal Counsel to the Speaker of the House  
Lynne Urbani, House Policy Director