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Recreational Trail Immunity Extends to Claims Arising From the Design of the Trail, Including the Lack of Guardrails or Warning Signs.

Jonathan Arvizu sued the City of Pasadena after he fell over a 10-foot high retaining wall located beside a recreational trail in the City's Arroyo Seco Natural Park. Arvizu had entered the Park in the dark, pre-dawn hours, while it was closed, to go "ghost hunting" with a group of friends. While taking a shortcut to reach the trail, he lost his footing, careened across the trail, fell over the wall, and landed on the dirt and rocks below.

The City argued it was immune from liability under the "trail immunity" statute. This statute provides, in relevant part: "A public entity . . . is not liable for an injury caused by a condition of" a trail used for hiking or recreational purposes. (Gov. Code, § 831.4, subd. (b).) The trial court agreed with the City and dismissed Arvizu's lawsuit.

Arvizu appealed. He argued, among other things, that the trail immunity statute did not apply because he was not injured by the trail itself, but by the lack of guardrails or warnings along the retaining wall.

The Court of Appeal rejected Arvizu's arguments and upheld the trial court's decision. "We presume that there are many miles of public trails on slopes in this state that could be made safer with handrails and that handrails would perhaps enhance the safety of all trails, wherever located, that bear pedestrian traffic. But to require the installation of handrails along every public trail where it might be reasonably prudent to do so would greatly undermine the immunity's objective of encouraging access to recreational areas because the burden and expense of doing so might cause the government agencies to close them to public use."

The Court of Appeal's opinion emphasized the goal of the trail immunity statute to preserve the public's access to trails and open space. "The Legislature provided for trail immunity to encourage government entities to keep trails and parkland open to the public. . . . Now, with California's population approaching 40 million, and especially in Los Angeles County, where more than a quarter of the State's residents reside, the need to preserve access to public open space is even more pressing due to the relative scarcity of public parkland."

Arvizu v. City of Pasadena (2018) __Cal.App.5th __

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