LAND FOR RECREATION - LIMITING LIABILITY OF OWNER

Act of Feb. 2, (1966) 1965, P.L. 1860, No. 586 Cl. 68

AN ACT

Encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The purpose of this act is to encourage owners of land to make land and water areas available to the public for recreational purposes by limiting their liability.

(1 amended June 30, 2007, P.L.42, No.11)

Section 2. As used in this act:

(1) "Land" means land, roads, water, watercourses, private ways and buildings, structures and machinery or equipment when attached to the realty.

(2) "Owner" means the possessor of a fee interest, a tenant, lessee, occupant or person in control of the premises.

(3) "Recreational purpose" includes, but is not limited to, any of the following, or any combination thereof: hunting, fishing, swimming, boating, recreational noncommercial aircraft operations or recreational noncommercial ultralight operations on private airstrips, camping, picnicking, hiking, pleasure driving, nature study, water skiing, water sports, cave exploration and viewing or enjoying historical, archaeological, scenic, or scientific sites.

((3) amended July 7, 2011, P.L.254, No.47)

(4) "Charge" means the admission price or fee asked in return for invitation or permission to enter or go upon the land.

Section 3. Except as specifically recognized or provided in section 6 of this act, an owner of land owes no duty of care to keep the premises safe for entry or use by others for recreational purposes, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes.

Section 4. Except as specifically recognized by or provided in section 6 of this act, an owner of land who either directly or indirectly invites or permits without charge any person to use such property for recreational purposes does not thereby:

(1) Extend any assurance that the premises are safe for any purpose.

(2) Confer upon such person the legal status of an invitee or licensee to whom a duty of care is owed.

(3) Assume responsibility for or incur liability for any injury to persons or property caused by an act of omission of such persons.

(4) Assume responsibility for or incur liability for any injury to persons or property, wherever such persons or property are located, caused while hunting as defined in 34 Pa.C.S. § 102 (relating to definitions).

(4 amended June 30, 2007, P.L.42, No.11)

Section 5. Unless otherwise agreed in writing, the provisions of sections 3 and 4 of this act shall be deemed applicable to the duties and liability of an owner of land leased to the State or any subdivision thereof for recreational purposes.

Section 6. Nothing in this act limits in any way any liability which otherwise exists:

(1) For wilful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.

(2) For injury suffered in any case where the owner of land charges the person or persons who enter or go on the land for the recreational use thereof, except that in the case of land leased

to the State or a subdivision thereof, any consideration received by the owner for such lease shall not be deemed a charge within the meaning of its section.

Section 7. Nothing in this act shall be construed to:

(1) Create a duty of care or ground of liability for injury to persons or property.

(2) Relieve any person using the land of another for recreational purposes from any obligation which he may have in the absence of this act to exercise care in his use of such land and in his activities thereon, or from the legal consequences of failure to employ such care.

Section 8. The act of September 27, 1961 (P.L.1696), entitled "An act limiting the liability of landowners of agriculture lands or woodlands for personal injuries suffered by any person while hunting or fishing upon the landowner's property," is repealed.

All other acts or parts of acts are repealed in so far as inconsistent herewith.

Section 9. This act shall take effect immediately.

RECREATIONAL USE OF LAND AND WATER ACT

ORGANIZATIONS SUPPORTING

HOUSE BILL 544 AND SENATE BILL 494

1. Pennsylvania Off Highway Vehicle Association
2. Motorcycle Industry Council
3. Specialty Vehicle Institute of America
4. Pennsylvania State Snowmobile Association
5. Pennsylvania Motorcycle Dealers Association
6. Pennsylvania Fish and Boat Commission
7. Pennsylvania Farm Bureau
8. Pennsylvania Forest Products Association
9. County Commissioners Association of Pennsylvania
10. Pennsylvania Township Supervisors Association
11. Pennsylvania State Boroughs Association
12. Pennsylvania Federation of Sportsmen's Clubs, Inc.
13. Pennsylvania Environmental Council
14. Pennsylvania Land Trust Association
15. Department of Conservation and Natural Resources
16. Pennsylvania State Grange
17. Blue Mountain Outfitters
18. Pennsylvania Business Council
19. Recreational Off-Highway Vehicle Association

The Supply of Recreational Lands and Landowner Liability: Recreational Use Statutes Revisited

by James C. Kozlowski, J.D., Ph.D. and Brett A. Wright, Ph.D.

As the nation's population increases and the demand for recreational opportunities continues its upward spiral, the supply of recreational open space becomes an increasingly critical issue. Recognizing the inability of public lands to satisfy current demand for outdoor recreation, not to mention future needs, the President's Commission on Americans Outdoors (PCAO) suggested the need to seek alternative ways of increasing the supply of outdoor recreational opportunities.

One such recommendation was to seek the assistance of the private sector in opening more land for public recreation, since fully two-thirds of the nation's land base is in private ownership. However, downward trends in the availability of private lands for public recreation suggest that efforts to encourage private landowners to open their lands to the public will be difficult, at best. Not only are we losing valuable land to development that is close to major population centers, but we are also experiencing increasing land closures by private landowners. These trends have been monitored by a number of social researchers (e.g., Brown 1974, Holecek and Westfall 1977, Guynn and Schmidt 1984, Wright, et al. 1988) and estimates of up to 50 percent of the private lands in some states have been reported as being closed to public recreation.

Private landowners have experienced a flood of problems that can dissuade them from allowing public recreational access to their properties. These problems vary by locale, but generally include property damages, trespassing, minimal economic incentive to keep lands open and perceived landowner liability when recreationists are injured on the premises. The impact of liability is particularly perplexing given the fact that a concerted effort was made to alleviate this barrier to recreational access over 20 years ago.

State Recreational Use Statutes

In 1965, *Suggested State Legislation* by the Council of State Governments advocated a model recreational use statute. This statute was designed to encourage private individuals to open their lands for public recreational use by limiting landowner liability for recreational injuries when access is provided without charge. Research regarding private landowners and their willingness to provide recreation indicates liability is still a major barrier to increasing recreational opportunities. Now, some 23 years later, this article will again examine the legal aspects of public recreation on private lands in hopes of facilitating ways of increasing recreational access to private open space.

Under the recreational use statutes, there is no landowner liability for recreational injuries attributable to ordinary negligence, i.e., mere carelessness. To recover damages, the injured recreational user who entered the premises free of charge must prove willful and wanton misconduct on the part of the landowner. Unlike ordinary negligence, such misconduct is much more outrageous behavior demonstrating an utter disregard for the physical well-being of others.

At present, 49 states have enacted recreational use statutes (the exceptions are Alaska and the District of Columbia), based in whole or in part, upon the 1965 model. The original intent of this model legislation was to provide limited immunity to private landowners. However, the statutes also have been held applicable to public entities, including the federal government. Under the Federal Tort Claims Act, the federal government is liable for negligence "like a private individual" under the law of the state where the injury occurred. As a result, these recreational use statutes (RUS's), intended for private individuals, have uniformly been held applicable to the federal government.

In addition, the RUS is applicable to state and local governmental entities in approximately 17 jurisdictions. In some instances, the statutes are limited to recreational activities conducted on rural lands. However, some state courts have found the RUS applicable to urban lands as well.

For example, the City of Omaha has successfully raised the state recreational use statute as a defense to alleged ordinary negligence liability for injuries sustained in a public park. Given the applicability of the RUS to public entities (at least in some jurisdictions), public park and recreation systems can, once again, offer programs that they were forced to eliminate because of the perceived liability crisis.

Legislation is Not Enough

If the framework for providing private landowners with recreational immunity was developed more than 20 years ago, why is public access still an issue today? Research has shown that most landowners, as well as agency land managers, do not know that recreational use statutes exist. As a result, the statutes do not necessarily encourage private landowners to allow public access by limiting liability. On the contrary, landowners usually become aware of the insulation provided by the statute after an injury occurs and counsel raises the statute as a defense to negligence liability.

In those few instances where landowners are aware of the statute, there is a perception that the RUS does not provide sufficient immunity to act as an incentive for public access. Private landowners do not want to know if they will have a successful defense to a recreational injury lawsuit. Their concern is much more basic; they want to know: "Can I be sued?" Unfortunately, the answer invariably is "yes," with or without the limited immunity provided by the RUS. As a result, the lower landowner standard of care (from ordinary negligence to willful and wanton misconduct) imposed by the RUS will not encourage most private individuals to open their lands to public recreational use.

It could be suggested that any solution to the private recreational lands issue must address the private landowners' very real concerns about being sued. Whether you win or lose, it has been said that a lawsuit is the worst thing that can happen to an individual, except for death or serious illness. Therefore, a major challenge to increasing the amount of private recreational acreage is to somehow insulate the private landowner from the costs attendant to a lawsuit.

Since the management of public lands does not happen in a vacuum and since insufficient private opportunities have negative impacts on public land management, the burden of finding ways to encourage more private land access must fall to governmental land managing agencies. These agencies must exhibit the same degree of commitment and fervor usually associated with land acquisition programs.

As an alternative to fee simple acquisition, lease arrangements with private landowners can provide public recreational land whereby the agency agrees to defend and protect the private landowner. The private landowner may still be sued, but the public agency will hold the landowner harmless, absorbing the cost of defending the lawsuit. In this way, private landowners will feel less threatened by potential liability when they open their lands to public use. Further, agency information and education divisions need to conduct public awareness campaigns to educate private landowners to the immunity available to them under existing recreational use statutes.

A specific provision of the model legislation which has been adopted by most states preserves limited immunity for lands leased to the state or local government for recreational purposes. Any payment received by the landowner from a governmental agency for leasing the land is not considered a charge or fee within the meaning of the RUS. Thus, lease payments from public entities, unlike entry fees paid to the private landowner, would not deprive the landowner of limited immunity under the recreational use statute.

Where necessary, the recreational use statutes should be amended to be clear that such immunity applies to public entities as well as private individuals. In a recreational injury lawsuit involving private land leased to a public agency, the private landowner as well as the agency may be sued. In that case, it would be preferable that the lower standard of care

associated with the RUS be applicable to all potential defendants, public and private.

A uniform standard is desirable because the state or local agency will be more willing to enter into a lease agreement whereby the public entity agrees to defend and hold the private landowner harmless when liability must be based upon proof of willful or wanton misconduct. A lower standard of care requiring proof of willful/wanton misconduct for both the public and private parties in a lease of recreational land increases the likelihood of a summary judgment. A summary judgment dismisses or resolves a case prior to a full trial. This significantly lowers the costs attendant to litigation.

Coordinated Support Effort Needed

Attorneys defending recreational injury lawsuits tend to be jurisdiction specific. They are, therefore, not necessarily aware of the statutes of recreational immunity in other jurisdictions. As a result, recreational use statutes are being interpreted by state courts in various ways. Many of these judicial interpretations do nothing to encourage private landowners to open their lands to public recreational use.

History has shown that it is not enough to get the statutes on the books. There are presently 49 recreational use statutes, but potential landowner liability for allowing public recreational access is still an issue. No doubt, the problem has improved since 1965. However, much needs to be done to ensure that these statutes are favorably interpreted by the courts.

Yuen-Gi Yee, USDA Forest Service

Four-wheel drive motorcyclists enjoy one of the designated touring trails on the Allegheny National Forest.

It would be advantageous to the park and recreation profession to coordinate its efforts in the area of recreational injury liability. Specifically, some sort of institutional base needs to be developed to share information and resources on the overall issue of recreational injury liability as has been suggested by the PCAO. For want of a better term, this proposed think tank has been referred to as the "Recreational Law Institute."

An institute of this type is well suited for the university environment, working closely with agencies of all jurisdictions utilizing its services. One would expect the insurance industry would be interested in supporting a coordinated effort by the park and recreation field to address the problem of recreational liability. Without this coordinated and institutionalized approach, we may be back again in 20 years to explore the liability question and how it is affecting the supply of recreational opportunities.

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Rural landowner liability for recreational injuries: Myths, perceptions, and realities

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ABSTRACT: Concern about closure of private, rural lands to outdoor recreation has been documented in the research literature for several decades. While many reasons for this phenomenon have been posited, liability for recreational injuries has been identified as a particularly worrisome problem for landowners. However, landowners' perceptions of liability are not commensurate with the reality of legal risks. This article examines rural landowner liability risks through an analysis of the 50 state recreation-use statutes intended to protect landowners from legal exposure tied to injuries sustained on their land. Further, data from the 637 appellate court cases heard since 1965 involving recreational injuries were compiled and analyzed based on the characteristics of the landowner (public or private), recreation activity pursued at the time of injury, and actual liability exposure. Although the focus of this article is primarily on the liability risks of private landowners and organizations, public agencies also are discussed. Recreation-use statutes are increasingly used in government defense, and cases provide more depth in understanding the reality of landowner liability. Recommendations to agencies concerned with access to private lands and suggestions for future research are included.

Keywords: Private lands, landowners, liability, recreational access, recreational injuries

It has long been recognized that access to privately owned rural lands must play a strategic role in meeting the increasing demand for public outdoor recreation. The Outdoor Recreation Resources Review Commission (1962), perhaps the most comprehensive assessment of outdoor recreation demand ever conducted, predicted that the demand for outdoor recreation opportunities would triple by the year 2000. These demand projections were reached by 1977, 23 years earlier than expected (Resources for the Future, 1983). A decade later, the President's Commission on Americans Outdoors (1987) reiterated the strategic necessity of increasing access to and use of private lands as a partial solution for satisfying the growing demand for outdoor recreation. This strategy is still important today as public agencies with limited resources struggle to keep pace with outdoor recreation demands.

In an effort to encourage greater private sector involvement in meeting these outdoor recreation demands, a growing number of technical reports and conference proceedings have informed rural landowners of income opportunities and offered guidance on the operation of access programs (Copeland, 1998; Crispell, 1994; Kays et al., 1998; Lynch and Robinson, 1998; U.S. Department of Commerce, 1990; Yarrow, 1990). These reports universally point to the need to provide legal, financial, business, and marketing information to landowners. This need to inform landowners is most acute in the area of liability risks. If public access programs are to be successful, landowners need to understand and manage the legal risks associated with outdoor recreation enterprises.

In 1987, the National Private Land Ownership Study provided the first national assessment of the access problem. Researchers found that only 25% of the nation's private landowners granted access to people to whom they were not personally acquainted (Wright et al., 1988). Among the findings, landowners in northern states allowed greater recreational access (31%) than did owners in the South (13%). When the study was repeated in 1997, the number of landowners granting access to people with whom they had no personal connections decreased dramatically. Nationally, only 12% of the landowners allowed recreational access—a decrease of 50% from 10 years earlier (Teasley et al., 1997). Again, landowners in the North had a higher propensity (16%) to open their land than did southern owners (6.5%).

This finding has significant implications for state fish and wildlife agencies, because the majority of federal and state funding for wildlife management comes from hunting and fishing license sales and from federal excise taxes on hunting and fishing equipment (Wildlife Conservation Fund, 1996). Federal statistics indicate that the number of licensed hunters in the United States decreased by 10% between 1982 and 1998 (U.S. Fish and Wildlife Service, 1998). One of the reported reasons for this drop in license sales is the lack of access to public and private areas (McMullin et al., 2000).

Through the years, access research has identified a number of factors that keep landowners from granting access (Brown, 1974; Brown et al., 1984; Copeland, 1998; Durrell, 1968; Holecek and Westfall, 1977; Wright and Fesenmaier, 1990). Wright et al. (1988) postulated that five domains influence landowner access policies. These include: (1) landowner perceptions of users; (2) landowner objectives for the land; (3) economic incentives; (4) landowner adversity to certain uses (such as hunting); and (5) liability and risk concerns.

Liability concerns are a domain influencing landowner access decisions. The fear of being sued or being held liable for injuries sustained by recreational users has consistently been cited as a primary concern of landowners (Holecek and Westfall, 1977; Kaiser and Wright, 1985; Womach et al., 1975). Even though all states have taken significant steps to insulate landowners from liability when they grant free recreational access, liability remains a concern among landowners and a barrier to public access (Becker, 1990; Copeland, 1998).

This article examines rural landowner lia-

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bility risks through an analysis of state recreation-use statutes and appellate court cases dealing with outdoor recreation injuries, focusing primarily on private landowners and organizations. However, public agencies are mentioned because recreation-use statutes are increasingly used in government defense of injury lawsuits. Factors that influence landowner decisions to accept or restrict public access for outdoor recreation, including the perception and reality of landowner liability exposures associated with public access, also are discussed. The Lexis/Nexis computer retrieval system was used to compile recreation-use statutes and appellate court data. Statutes were analyzed against a set of landowner duty and liability parameters common to outdoor recreation and access programs. Appellate court data were analyzed based on the characteristics of the landowner (public or private), recreation activity pursued at the time of injury, and actual landowner liability exposure. Finally, recommendations are offered for public agencies and landowners interested in increasing access and contemplating public access programs.

Landowner Liability

Private landowner liability concerns are congruent with those of public park and recreation agencies vexed by the increasingly litigious nature of American society (Kaiser, 1986). As with many public policy issues, recreation liability concerns are imbued with certain myths, perceptions, and realities.

Liability perceptions. Most landowner public access studies indicate that landowners are concerned about the threat of liability and often use this as a justification to restrict public access (Brown et al., 1984; Cordell and English, 1987; Gramann et al., 1985; Wildlife Management Institute, 1983; Wright and Kaiser, 1986). Liability as a barrier to public access is a constraint also recognized by state wildlife administrators. Wright et al. (2001) found that administrators rated liability as the second-most-significant access problem facing landowners, exceeded only by concerns about trespass.

Research has clearly identified landowners' concerns about liability but has done little more than document that such liability is perceived as a problem. Lack of knowledge regarding recreation accident rates or landowner protections provided by state law contribute to this perception. Only 29 of the 50 state wildlife administrators reported that their states had legislation minimizing landowner liability, even though all states have enacted recreation-use statutes protecting landowners from liability (Wright et al., 2001).

The reality of landowner liability. Common-law tort and property rules govern landowner duties and obligations to recreational users. Under these rules, recreational users are categorized as invitees, licensees, or trespassers. These categories are important because they establish the legal obligations of landowners in their relationships with recreational users. Among the three categories, invitees receive the greatest legal protection, licensees moderate protection, and trespassers little protection.

An invitee is a person expressly or implicitly invited on the property by the landowner for a public or a business purpose (Restatement Second of Torts, §332, 1965). For example, if a hunter leases or pays an access fee to the landowner, the hunter may be classified as an invitee. Under this circumstance, the landowner owes the highest duty of care to the invitee. In layman's terms, the landowner has a duty to (1) inspect the property and facilities to discover hidden dangers, (2) remove the hidden dangers or warn the user about them, (3) keep the property and facilities in reasonably safe repair, and (4) anticipate foreseeable activities by users and take precautions to protect users from reasonably foreseeable dangers (Kaiser, 1986).

Although this is a daunting task, the landowner is not required to ensure or guarantee the safety of the invitee. Landowners only have to use reasonable efforts in fulfilling these duties to prevent an unreasonable risk of injury.

A licensee is anyone who enters the property by permission only, without any economic or other inducement to the landowner (Prosser and Keeton, 1984). Commonly, a licensee is a social guest whose use of the property is gratuitous and not economically beneficial to the landowner (Restatement Second of Torts, §330, 1965). For example, a person permitted to hunt on a rancher's land without paying a fee is a licensee. The landowner's duty of care to a licensee is the same as to the invitee, except that the landowner does not have a duty to inspect the property to discover hidden dangers. However, once a landowner becomes aware of a hidden danger, there is a duty to warn the licensee of this hidden condition. Conversely, a landowner has no duty to warn the licensee of dangers that are known, open, or obvious to a reasonable person.

The law affords the adult trespasser scant legal protection. A trespasser is a person who is on the property of another without any right, lawful authority, expressed or implied invitation or permission (Restatement Second of Torts, §329, 1965). Generally, a landowner has no duty to maintain the land for the safety of the adult trespasser, except that a landowner cannot intentionally, willfully, or wantonly injure a trespasser (Katko, 1971). Most states have adopted an exception known as "the discovered trespasser rule," requiring that landowners exercise reasonable care to not injure the discovered trespasser (Prosser and Keeton, 1984). The landowner has an obligation not to do something that would harm the trespasser. For example, if a landowner observes a trespasser entering a rifle range, that landowner has an obligation to stop firing and close the range until the trespasser is removed.

Landowner Liability Under Recreation-Use Statutes

In an effort to encourage landowners to make their lands available for public recreation use, all 50 states have adopted recreation-use statutes (Table 1). Most of these statutes are patterned after the Council of State Governments' model act (1965), which was based on previously enacted liability protection legislation in 14 states. (See dates in Table 1.) The underlying theory of the model act is that landowners protected from liability will allow recreational use of their land, thus reducing state expenditures to provide such areas.

Although the statutes vary in detail, they are all similar in limiting landowner liability and in altering the common-law duty of care. In effect, the statutes provide significantly greater liability protection for the landowner than is available under common law. As outlined in Table 1, most state statutes explicitly provide that the landowner has no duty to: (1) warn the recreation user of hidden dangers, (2) keep the property reasonably safe, or (3) provide assurances of safety to recreational users.

Only Alaska, Arizona, Massachusetts, Montana, Ohio, Oregon, Vermont, and Washington do not explicitly exempt landowners from these specific duties, but they do limit landowner liability.

Table 1. Analysis of state recreational-use statutes.

State	Year enacted	Duty to warn of hazards	Duty to keep land safe	Assure land safe for use	Liability for gross negligence/ willful misconduct	Protection retained for public agency lease payments	Protection lost if fee charged
Alabama Ala. Code § 35-15-1	1965	No	No	No	Yes	Not specified	No, if use for noncommercial purpose
Alaska Ala. Stat. § 09.65.200	1980	Not specified	Not specified	Not specified	Yes	Not specified	Yes
Arizona Ariz. Rev. Stat. § 33-1551	1983	Not specified	Not specified	Not specified	Yes	Not specified	Yes/no, only for nonprofit corp.
Arkansas Ark. State. Ann. § 18-11-301	1965	No	No	No	Yes	Yes	No, provided fees only to offset costs
California Govt. Code § 846	1963	No	No	No	Yes	Yes	Yes
Colorado Colo. Rev. Stat. § 33-41-101	1963	Not specified	No	No	Yes	Yes	Yes
Connecticut Gen. State § 52-557f	1971	No	No	No	Yes	Yes	Yes/no, if fee to harvest firewood
Delaware Del. Code tit 7 § 5901	1953	No	No	No	Yes	Yes	Yes
Florida Fla. Stat. § 375.251	1963	No	No	No	Yes	Yes	Yes
Georgia Ga. Code § 51-3-20	1965	No	No	No	Yes	Yes	Yes
Hawaii Hawaii Rev. Stat. § 520-1	1969	No	No	No	Yes	Yes	Yes
Idaho Idaho Code § 36-1604	1976	No	No	No	Not specified	Yes	Yes
Illinois § 745 ILCS 65/1	1965	No	No	No	No	Yes	Yes/no, fees for land conservation allowed
Indiana Ind. Code Ann. § 14-22-10-2	1969	Not specified	No	No	Yes	Yes	Yes
Iowa Iowa Code Ann. § 461C.1	1967	No	No	No	Yes	Yes	Yes
Kansas Kansas Stat. Ann. § 58-3201	1965	No	No	No	Yes	Yes	Yes
Kentucky Ky. Rev. Stat. §150.645; §411.190	1968	No	No	No	Yes	Yes	Yes

Table 1 Continued

Table 1. Continued

State	Year enacted	Duty to warn of hazards	Duty to keep land safe	Assure land safe for use	Liability for gross negligence/ willful misconduct	Protection retained for public agency lease payments	Protection lost if fee charged
Louisiana La. Rev. Stat. § 9:2791	1964	No	No	No	Yes	Yes	Yes
Maine Me. Rev. Stat. title 14 § 159-A	1979	No	No	No	Yes	Yes	Yes/no, fees allowed if use is noncommercial
Maryland Md. Code Nat. Res. § 5-1101	1957	No	No	No	Yes	Yes	Yes
Massachusetts Mass. Gen. Law ch. 21 § 17C	1972	Not specified	Not specified	Not specified	Yes	Yes	Yes/no, voluntary payments allowed
Michigan Mich. Comp. Laws § 324.73301	1953	No, unless known	Only reasonably safe	Not specified	Yes	Not specified	Yes/no, fees allowed for hunting, fishing and crop harvests
Minnesota Min. Stat. § 604A.20	1961	No	No	No	Yes	Yes	Yes
Mississippi Miss. Code § 89-2-1	1978	No	No	No	Yes	Yes	Yes
Missouri Mo. Ann Stat. § 537.345	1983	No	No	No	Yes	Yes	Yes
Montana Mont. Rev. Code § 70-16-301	1965	Not specified	Not specified	No	Yes	Yes	Yes
Nebraska Neb. Rev. Stat. § 37-729	1965	No	No	No	Yes	Yes	Yes/no, group rental fees allowed
Nevada Nev. Rev. Stat. § 41.510	1963	No	No	No	Yes	Yes	Yes
New Hampshire N.H. Rev. Stat. § 212.34	1961	No	No	No	Yes	Not specified	Yes/no, fees for crop picking allowed
New Jersey N.J. Stat. § 2A:42A-2	1968	No	No	No	Yes	Yes	Yes
New Mexico N.M. Stat. § 17-4-7	1973	Not specified	No	No	Yes	Yes	Yes
New York N.Y. Gen. Law § 9-103	1963	No	No	No	Yes	Yes	Yes
North Carolina N.C. Gen. Stat. § 38A-1	1995	No	Not specified	Not specified	Not specified	Yes	Yes/no, fees to cover damages allowed
North Dakota N.D. Cent. Code § 53-08-1	1965	No	No	Not specified	Yes	Yes	Yes

Table 1 Continued

Table 1. Continued

State	Year enacted	Duty to warn of hazards	Duty to keep land safe	Assure land safe for use	Liability for gross negligence/ willful misconduct	Protection retained for public agency lease payments	Protection lost if fee charged
Ohio Ohio Rev. Code Ann. § 1533.18	1963	Not specified	Not specified	No	Not specified	Yes	Yes
Oklahoma Okla. Stat. Ann. title 76 § 1301	1965	No	No	No	Yes	Yes	Yes
Oregon Or. Rev. Stat. § 105.670	1971	Not specified	Not specified	Not specified	Yes	Not specified	Yes/no, fee for firewood cutting allowed
Pennsylvania Pa. Stat. title 68 § 477-1	1965	No	No	No	Yes	Yes	Yes
Rhode Island R.I. Gen. Law § 32-6-1	1978	No	No	No	Yes	Yes	Yes
South Carolina S.C. Code § 27-3-10	1962	No	No	No	Yes	Yes	Yes
South Dakota S.D. Codified. Laws § 20-9-12	1966	No	No	No	Yes	Yes	Yes/no, nonmonetary gift of less than $100
Tennessee Tenn. Code Ann. §70-7-101; 11-10-101	1965	No	No	No	Yes	Yes	Yes
Texas Civ. Prac. & Rem. Code § 75.001	1965	No	No	No	Yes	Not specified	No, fees equal to 2x or 4x property taxes allowed
Utah Utah Code § 57-14-1	1971	No	No	No	Yes	Not specified	Yes
Vermont Vt. Stat. title 10 § 5212	1967	Not specified	Not specified	Not specified	Yes	Not specified	Yes/no, fees for firewood cutting allowed
Virginia Va. Code § 29.1-509	1950	No	No	No	Yes	Yes	Yes/no, fees for firewood cutting allowed
Washington Wash. Rev. Code § 4.24.200	1967	Not specified	Not specified	Not specified	Yes	Not specified	Yes/no, fees for firewood cutting allowed
West Virginia W.Va. Code § 19-25-1	1965	No	No	No	Yes	Not specified	No, fees up to $50/person/year
Wisconsin Wisc. Stat. § 895.52	1963	No	No	Not specified	Yes	Yes	No, fee revenue up to $2000/year allowed
Wyoming Wyo. Stat. § 34-19-101	1965	No	No	No	Yes	Yes	Yes

In addition to eliminating these specific landowner duties, all state statutes contain a general disclaimer of liability for an injury to a recreational user caused by the commission or omission of the recreational user. The New Jersey statute provides an illustrative example:

"An owner, lessee or occupant of premises who gives permission to another to enter upon such premises for a sport or recreational activity or purpose does not thereby assume responsibility for or incur liability for any injury to person or property caused by any act of persons to whom the permis-

sion is granted (N. J. State Ann. 2A.42A-3 (b)(3))."

Major exceptions. While landowners enjoy significant liability protection under these statutes, they are not without legal risks. Landowners may be liable for user injuries when they (1) willfully fail to warn or guard against a dangerous condition on their property, or (2) charge an access or use fee. These exceptions have implications for landowners seeking to generate income from public access.

Willful conduct or gross negligence. Except for Idaho, Illinois, North Carolina, and Ohio, all other state statutes contain provisions that hold a landowner liable for certain types of bad conduct (Table 1). This landowner bad conduct is expressed as acts of willful misconduct or gross negligence. For example, the Kentucky statute provides that:

"This section shall not limit the liability which would otherwise exist for willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity (Ky. Rev. Stat. 150.645)."

Consequently, a landowner aware of a dangerous situation has an affirmative duty to warn of the danger. The "discovered danger rule" requires action. However, the rule does not require the landowner to inspect the property to discover dangerous situations. For example, if a landowner discovers an abandoned well that is covered by brush, the landowner has a duty to warn guests of the location of the danger or to fill in the well to remove the hazard.

State recreation-use statutes do not generally define willful conduct or gross negligence, leaving the courts to determine what constitutes such behavior. Some states reserve "willful and malicious conduct" only for intentional or hateful acts (Moua, 1991), while other states include inaction that disregards possible harmful results (Burnett, 1982; Estate of Thomas, 1975; Krevics, 1976; Mandel, 1982; McGruder, 1972; Miller, 1976; Newman, 1993; North, 1981). An example of an intentional willful act would be if a landowner stretched a cable at neck height across a trail to deter snowmobile use, whereas willful disregard of consequences would be if a landowner knew that a cable existed and did nothing about it.

Charging a fee for access. Most recreation-use statutes do not provide liability protection when the landowner charges an access or use fee. Thirty-one states provide landowner protection only for free access. Generally, the courts have strictly interpreted this gratuitous-use requirement so that the landowner cannot charge a fee and retain liability protection (Copeland, 1970; Graves, 1982; Hallacker, 1986; Kesner, 1975; Schoonmaker, 1986; Veeneman, 1985).

During the last two decades, there has been a trend to relax the fee restriction. Nineteen states allow landowners to impose limited fees and charges for recreational use and still retain the protection (Table 1). Texas and Wisconsin allow landowners to generate significant income from recreational access and use, while the other 17 states limit fees to certain uses or cap fee amounts.

Fees for harvesting plant products. Seven states—Connecticut, Michigan, New Hampshire, Oregon, Vermont, Virginia, and Washington—specifically allow landowners to charge fees for harvesting crops (gleaning) or gathering firewood and not lose liability protection (Table 1). These states do not cap the fee amount or the amount of annual revenue that can be generated from fees. Consequently, landowners can realize substantial revenue, depending on the size of "pick your own" operations.

In addition to the seven states that allow gleaning fees, 12 others permit landowners to impose fees for other types of recreational activities, including gleaning. These states generally cap the fees or cap the total amount of revenue that can be generated. For example, South Dakota caps the fee at $100 and West Virginia at $50 per person per year (Table 1).

Governmental lease payments. Landowners often lease land to state and local governmental agencies for park and other outdoor recreational uses. To encourage this practice, 38 states do not consider lease payments made to private landowners by public agencies as fees. Landowners in those states are allowed to retain liability protection. Only Alabama, Alaska, Arizona, Idaho, Michigan, New Hampshire, Oregon, Texas, Utah, Vermont, Washington, and West Virginia do not explicitly provide this protection for landowners (Table 1). Landowners leasing land to public agencies in these states must transfer the liability risk to the public agency via the lease agreement.

Private lease agreements. Landowners in a number of states often lease land to hunting clubs or private individuals. The lease payments made by private parties to landowners are considered to be fees. This means that the free-access liability protections provided to the landowner under terms of the recreation-use statutes are lost. In contrast, governmental lease payments are not considered fees, and liability protections are retained by the landowner.

One option available to landowners in private lease arrangements is to transfer, by terms in the lease, the liability risk to renting parties or tenants. This risk-transfer language is often supplemented by a requirement that tenants purchase their own liability insurance coverage. Landowners that follow this practice can require minimum insurance policy coverage and proof of insurance.

Lawsuit Data On Landowner Liability

Nearly four decades have passed since the model state recreation-use legislation was drafted by the Council of State Governments (1965) to encourage public recreational access to private lands. This section discusses how the recreation-use statutes have been interpreted and applied by appellate courts since that time.

A total of 637 cases involving injuries or death to recreation users were identified and analyzed. The cases were nearly equally divided between public (n = 307) and private (n = 330) landowners. A distinction must be made between the filing of an injury lawsuit and a landowner being held liable for an injury. A person must file a lawsuit to establish liability, and not all lawsuits result in liability. Indeed, as this data indicates, liability was found in only about one-third of the cases. Only cases that proceeded through trial and reached an appeals court were included in the analysis. No data were included on cases settled out of court.

Litigation patterns by state. As outlined in Table 2, litigation patterns varied significantly among the states. Only Maryland, Missouri, North Carolina, Rhode Island, and Vermont did not have any cases involving the application of the recreation-use statute to a user injury.

With a few notable exceptions, private landowner litigation generally patterned state population. Not surprisingly, the larger states of California, Florida, Illinois, Indiana, Michigan, New York, Ohio, and Pennsylvania reported 161 cases (49% of all private landowner cases). However, a few of the smaller states also reported a significant number of cases. Alabama, Georgia, Louisiana, and Wisconsin reported 79 cases, or about

24% of the total. Surprisingly, Texas, the second-most-populated state in the nation and a state with 98% of its land held in private ownership, reported only two cases against private landowners.

Ten states (Alabama, California, Georgia, Illinois, Louisiana, Michigan, New York, Ohio, Pennsylvania, and Wisconsin) accounted for about 70% of all the private landowner litigation (n = 229 cases). Of these, New York reported the highest number of cases (n = 46). However, the percentage of cases imposing liability on private landowners (26%) was not higher than the national average. Michigan reported 29 cases, but only 7 of those (24%) resulted in landowner liability. Louisiana is notable for its litigation pattern. Twenty-seven cases involved private lands, and 12 of those cases (45%) imposed liability on the landowner.

Beyond these observations, few trends can be gleaned from landowner litigation patterns among states. Further analysis beyond the scope of this investigation may reveal patterns based on a state's heritage of outdoor recreation pursuits or the number of people pursuing outdoor recreation in each state.

Risks associated with different recreational activities. Clearly, the legal risk factors associated with different types of recreational activities are an important landowner consideration in allowing, restricting, or denying public access. Thirteen outdoor recreation activities were used for categorical analysis because they encompass the majority of traditional outdoor recreational pursuits. Because of the size and complexity of the cases, landowner liability determinations were not made for each of these 13 categories. The data reflect only the aggregate number of cases involving each type of recreation activity.

Water-related injuries from swimming, boating, and fishing generated the largest number of cases (n = 196, 31%) and potentially pose the greatest lawsuit risk exposure for landowners. Although lawsuit risks may be greater from water activities, it does not follow that the liability risk is also greater. These data simply indicate that more appellate lawsuits involved water than any other single recreation activity, and it should not be interpreted that landowners are more liable if they allow water-based recreation.

Over the last 30 years, motorized recreational activities have increased in popularity. This growth has resulted in an increasing number of motorized-vehicle injury cases. Injury cases from motorized-vehicle accidents (n = 82) comprised about 12% of all the appellate cases brought under recreation-use statutes. Snowmobiles were involved in 63% of these cases. Nearly two-thirds of these cases arose in six states-California, Idaho, Michigan, New York, Ohio, and Pennsylvania. More than 25% of all cases came from New York.

Hunting, an activity traditionally associated with public access, provides very little lawsuit and liability exposure for landowners. Only 15 cases involved hunting accidents, and seven of those occurred in Louisiana. These data suggest that landowners allowing access for hunting have minimal lawsuit and liability exposure.

Public agency protection. Although recreation-use statutes were originally intended to protect private landowners, the majority of states (n = 27) have extended this same protection to government agencies (Table 2). The history behind this transition is interesting in that it closely tracks the decline in sovereign immunity that once protected public agencies. Today, all states have enacted tort claims statutes allowing people to sue public agencies for personal injuries. Because many of these state tort claims statutes hold the public agencies to the same negligence standards as private landowners, the courts have extended the protection of recreation-use statutes to public agencies (Kozlowski and Wright, 1989).

Public agency landowners were held liable in 36% of 307 reported cases, and private landowners were held liable in 27% of 330 reported cases. A large majority of the public agency cases included in Table 2 involve municipal park and recreation agencies and those recreation activities associated with these city agencies.

Summary and Conclusion

The myth and perception of landowner liability appears to be greater than the actual liability risks. State recreation-use statutes provide significant liability protection for landowners. This analysis shows that while significant similarities exist across the states, important differences also are present. All states limit landowners' liability for free access, and most states also lessen landowner obligations to the recreational user. The most notable difference among states relates to the ability (or inability) of the landowner to charge access or use fees and retain liability protection. Clearly, landowners in these states have a greater ability to generate income from access and outdoor recreation activities than do landowners in states requiring free access. In free-access states, landowners are required to make a choice between income generation and liability protection. In states that permit access fees, landowners do not have to make this choice.

Despite the extensive liability protection provided landowners by state recreation-use statutes, a significant gap persists between the perception and the reality of landowner liability. Research indicates that landowners and a number of resource management professionals are not aware of the significant liability protection afforded by recreation-use statutes. If the gap between landowners' perceptions of liability and the reality of liability is to be bridged, the following three points must be considered.

1. Landowners must be made more knowledgeable regarding the degree of insulation they are afforded under state recreational-use statutes.

2. Organizations concerned with access to private lands, such as state Extension and fish and wildlife agencies, must endeavor to better understand and communicate to landowners the reality of private landowner liability exposure, rather than automatically accepting the myth of the liability crisis. Perpetuation of the liability myth exacerbates the access crisis.

3. Public agencies should consider initiating public/private lease partnerships as a means of increasing access and providing income to landowners. Thirty-eight states exempt public lease payments made to landowners from the no-fee provisions. This encourages landowners to lease their land to public agencies, receive substantial monetary payments for these leases, and retain liability protection.

Furthermore, additional research is needed in several areas before one can fully assess the impact of liability on landowners' access decisions or meaningful policies and programs developed. First, research producing a better understanding of landowners' perceptions of insurance availability, affordability, and the ability of insurance to increase access is needed. In addition, it would be desirable to determine the relative importance of liability and the various other disincentives experienced by landowners and how they collectively influence landowners' decisions. For example, some ownership objectives, such as

Table 2. Recreation injury litigation by state.

State	Number of cases against public agencies	Number of cases holding public agency liable	Number of cases against private landowner	Number of cases holding private landowner liable	Total number of cases	Hunting	Fishing	Swimming	Boating	Camping	Picnicking	Hiking	Nature Study	Horse Riding	Bicycling	Off-road Vehicles	Snowmobiling	Auto	Other
Alabama	10	2	12	3	22	1	1	8	3	-	-	-	-	-	-	-	-	-	9
Alaska	1	0	0	0	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1
Arizona	8	3	4	3	12	-	-	1	1	-	-	-	-	1	2	2	-	-	5
Arkansas	3	1	2	1	5	-	-	2	-	1	-	-	-	-	-	-	-	-	2
California	21	8	22	3	43	-	1	8	1	1	1	2	-	-	2	9	-	4	14
Colorado	2	0	2	0	4	-	-	-	-	1	-	-	-	-	-	-	-	1	2
Connecticut	5	1	6	0	11	-	1	-	-	-	-	-	-	-	-	-	1	1	8
Delaware	0	0	1	0	1	-	-	1	-	-	-	-	-	-	-	-	-	-	-
Florida	7	2	4	0	11	-	-	3	5	-	-	-	-	-	1	-	-	-	2
Georgia	5	0	18	2	23	-	1	8	-	-	-	-	-	-	1	-	-	-	13
Hawaii	6	0	2	0	8	-	-	7	-	-	-	-	-	-	-	-	-	-	1
Idaho	8	3	4	1	12	-	-	-	-	-	-	-	-	-	-	3	1	1	7
Illinois	7	2	12	5	19	-	-	11	-	-	-	1	-	1	1	2	-	-	3
Indiana	6	2	7	1	13	1	-	4	1	-	-	-	-	-	-	-	-	-	7
Iowa	1	0	3	1	4	-	-	1	-	-	-	-	-	-	-	2	-	-	1
Kansas	2	0	2	1	4	-	-	1	2	-	-	-	-	-	-	-	-	-	1
Kentucky	3	0	5	2	8	-	-	4	-	-	-	-	-	-	-	-	-	-	4
Louisiana	18	9	27	12	45	7	2	16	6	1	-	-	-	-	-	2	-	2	10
Maine	2	0	4	0	6	-	-	-	-	-	-	-	-	-	-	-	-	2	4
Maryland	0	0	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Massachusetts	7	5	1	1	8	-	-	-	-	-	-	-	-	-	1	-	1	-	6
Michigan	14	3	29	7	43	-	-	21	2	-	-	-	-	-	-	4	4	-	12
Minnesota	2	1	2	0	4	-	-	2	-	-	-	1	-	-	-	-	-	1	-
Mississippi	1	0	0	0	1	-	-	1	-	-	-	-	-	-	-	-	-	-	-
Missouri	0	0	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Montana	2	0	4	3	6	-	-	-	-	-	-	-	1	-	-	-	-	-	5
Nebraska	9	3	2	1	11	-	-	1	-	-	-	-	-	1	-	1	-	-	8
Nevada	4	0	2	0	6	-	-	2	-	-	-	1	-	-	-	1	-	-	2
New Hampshire	0	0	4	0	4	-	-	3	-	-	-	-	-	-	-	1	-	-	-
New Jersey	3	1	6	5	9	-	-	2	1	-	-	-	-	-	-	-	1	-	1
New Mexico	0	0	3	1	3	-	-	-	-	-	-	-	-	-	-	-	3	-	-
New York	35	13	46	12	81	3	2	2	1	-	-	-	3	-	1	10	17	5	8
North Carolina	0	0	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
North Dakota	3	2	1	1	4	-	-	1	-	-	-	-	-	-	-	-	-	1	1
Ohio	30	3	18	3	48	-	2	7	1	-	1	-	1	-	1	-	2	4	2
Oklahoma	2	1	1	0	3	-	-	2	-	-	-	-	-	-	-	-	-	-	-
Oregon	5	2	4	2	9	-	-	2	-	-	-	-	-	-	-	-	2	-	2
Pennsylvania	18	6	23	4	41	1	1	10	1	-	-	2	1	-	-	-	-	4	1
Rhode Island	0	0	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
South Carolina	1	0	1	0	2	-	1	-	-	-	-	-	-	-	-	-	-	-	-
South Dakota	2	1	0	0	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Tennessee	2	1	3	2	5	-	1	-	1	-	-	-	-	-	1	-	-	-	-
Texas	10	3	2	2	12	1	-	3	1	-	-	-	3	1	-	-	-	-	-
Utah	4	2	6	2	10	-	-	2	-	-	1	-	-	-	-	1	2	1	1
Vermont	0	0	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Virginia	2	0	0	0	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Washington	17	7	8	3	25	-	1a	4	1	-	-	-	-	-	-	3	2	-	2
West Virginia	1	1	2	2	3	-	-	1	-	-	-	-	-	-	-	-	1	-	-
Wisconsin	16	5	22	5	38	-	7	6	-	-	1	1	-	-	-	2	1	2	-
Wyoming	2	0	3	1	5	1	-	-	-	-	-	-	-	-	-	-	-	-	1
Total	**307**	**111**	**330**	**92**	**637**	**15**	**21**	**147**	**28**	**0**	**7**	**4**	**13**	**2**	**6**	**24**	**58**	**24**	**30**

wanting to maintain exclusive recreational use of the property for personal or familial use, may run counter to allowing public access. Finally, contingent valuation methods or similar approaches should be used to determine the level of incentives needed to overcome the disincentives experienced by landowners.

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ACTIVE And LIMITED VEHICLES
As of 07-MAR-13

		Active Vehicles			Limited Vehicles			
	County Name	ATV	Snow	Total	ATV	Snow	Total	Total
00	UNKNOWN	179	42	221	201	9	210	431
01	ADAMS	1,488	468	1,956	1,550	23	1,573	3,529
02	ALLEGHENY	7,684	860	8,544	3,473	25	3,498	12,042
03	ARMSTRONG	3,174	222	3,396	1,767	19	1,786	5,182
04	BEAVER	2,892	185	3,077	1,285	7	1,292	4,369
05	BEDFORD	1,870	122	1,992	1,503	7	1,510	3,502
06	BERKS	3,729	1,637	5,366	2,107	89	2,196	7,562
07	BLAIR	3,044	350	3,394	1,577	22	1,599	4,993
08	BRADFORD	2,116	650	2,766	1,828	44	1,872	4,638
09	BUCKS	4,120	978	5,098	1,891	122	2,013	7,111
10	BUTLER	4,800	862	5,662	1,846	47	1,893	7,555
11	CAMBRIA	4,655	794	5,449	1,890	41	1,931	7,380
12	CAMERON	212	48	260	110	0	110	370
13	CARBON	1,392	302	1,694	387	26	413	2,107
14	CENTRE	2,664	610	3,274	1,791	24	1,815	5,089
15	CHESTER	2,263	656	2,919	1,449	50	1,499	4,418
16	CLARION	1,961	287	2,248	1,121	23	1,144	3,392
17	CLEARFIELD	3,539	486	4,025	2,692	22	2,714	6,739
18	CLINTON	1,316	392	1,708	856	8	864	2,572
19	COLUMBIA	1,585	494	2,079	1,020	35	1,055	3,134
20	CRAWFORD	2,535	670	3,205	1,224	41	1,265	4,470
21	CUMBERLAND	2,077	476	2,553	1,363	27	1,390	3,943
22	DAUPHIN	1,814	680	2,494	1,343	24	1,367	3,861
23	DELAWARE	968	111	1,079	528	16	544	1,623
24	ELK	1,957	345	2,302	863	11	874	3,176
25	ERIE	5,040	2,309	7,349	1,497	140	1,637	8,986
26	FAYETTE	3,368	285	3,653	3,866	13	3,879	7,532
27	FOREST	335	112	447	108	5	113	560
28	FRANKLIN	1,802	238	2,040	1,538	17	1,555	3,595
29	FULTON	301	41	342	513	3	516	858
30	GREENE	859	9	868	1,421	1	1,422	2,290
31	HUNTINGDON	1,010	105	1,115	1,835	9	1,844	2,959
32	INDIANA	3,045	318	3,363	1,791	29	1,820	5,183
33	JEFFERSON	2,264	162	2,426	1,531	21	1,552	3,978
34	JUNIATA	537	104	641	1,202	4	1,206	1,847
35	LACKAWANNA	3,020	754	3,774	1,253	58	1,311	5,085
36	LANCASTER	5,308	1,852	7,160	2,923	94	3,017	10,177
37	LAWRENCE	1,923	227	2,150	754	15	769	2,919
38	LEBANON	1,278	854	2,132	1,056	42	1,098	3,230
39	LEHIGH	1,954	849	2,803	824	73	897	3,700

ACTIVE And LIMITED VEHICLES
As of 07-MAR-13

		Active Vehicles			Limited Vehicles			
	County Name	ATV	Snow	Total	ATV	Snow	Total	Total
40	LUZERNE	4,995	693	5,688	2,588	54	2,642	8,330
41	LYCOMING	2,922	979	3,901	3,097	55	3,152	7,053
42	MCKEAN	1,833	618	2,451	590	27	617	3,068
43	MERCER	2,717	553	3,270	767	25	792	4,062
44	MIFFLIN	571	155	726	1,458	9	1,467	2,193
45	MONROE	1,728	506	2,234	817	81	898	3,132
46	MONTGOMERY	3,173	810	3,983	1,558	64	1,622	5,605
47	MONTOUR	409	97	506	336	9	345	851
48	NORTHAMPTON	2,244	936	3,180	907	68	975	4,155
49	NORTHUMBERLAND	1,918	356	2,274	1,469	18	1,487	3,761
50	PERRY	1,079	302	1,381	1,225	11	1,236	2,617
51	PHILADELPHIA	1,026	67	1,093	1,060	3	1,063	2,156
52	PIKE	1,133	370	1,503	372	28	400	1,903
53	POTTER	1,205	684	1,889	518	33	551	2,440
54	SCHUYLKILL	3,026	635	3,661	1,708	43	1,751	5,412
55	SNYDER	747	244	991	968	18	986	1,977
56	SOMERSET	2,186	513	2,699	1,729	40	1,769	4,468
57	SULLIVAN	280	99	379	320	3	323	702
58	SUSQUEHANNA	1,470	574	2,044	847	59	906	2,950
59	TIOGA	1,718	667	2,385	1,251	41	1,292	3,677
60	UNION	609	247	856	585	14	599	1,455
61	VENANGO	2,462	322	2,784	845	16	861	3,645
62	WARREN	1,681	542	2,223	778	27	805	3,028
63	WASHINGTON	3,791	284	4,075	2,569	9	2,578	6,653
64	WAYNE	1,675	1,024	2,699	1,341	85	1,426	4,125
65	WESTMORELAND	7,348	833	8,181	4,152	33	4,185	12,366
66	WYOMING	1,062	265	1,327	639	17	656	1,983
67	YORK	4,764	1,440	6,204	2,935	79	3,014	9,218
77	PHILADELPHIA-7	2	0	2	0	0	0	2
99	OUT OF STATE	5,707	2,756	8,463	1,664	45	1,709	10,172
	Total:	161,559	38,517	200,076	96,870	2,300	99,170	299,246