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Articles

THE RECREATION USE OF LAND AND WATER ACT: *LORY v. CITY OF PHILADELPHIA*

Debra Wolf Goldstein

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Commonwealth agencies and municipalities are now afforded blanket immunity from claims brought by people injured on government owned recreational lands under *Lory v. City of Philadelphia*. This recent Pennsylvania Supreme Court decision held that Pennsylvania's Recreation Use of Land and Water Act immunizes public agencies from negligence claims, while the Political Subdivision Tort Claims Act and Sovereign Immunity Act immunizes the agencies from claims of willful misconduct. An injured plaintiff, however, can still try to abrogate that immunity by arguing that the land where the injury occurred falls outside the definition of "land" in the Recreation Act.

Whether the *Lory* holding will be extended to all public recreation facilities, or conversely, whether governments will even be able to claim immunity under the Recreation Act, are matters currently being considered by the state legislature. Each alternative answer to this issue differs in its financial and policy implications for governments and injured plaintiffs. Legislators should, however, consider Senate Bill 219 to be the approach that will encourage the provision of recreational facilities to the greatest number of people.

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