



Liability Concerns in Minnesota: Recreational Maps

Minnesota Law Can Provide a Municipality with Liability Protection For Claims Surrounding the Use of a Recreational Map

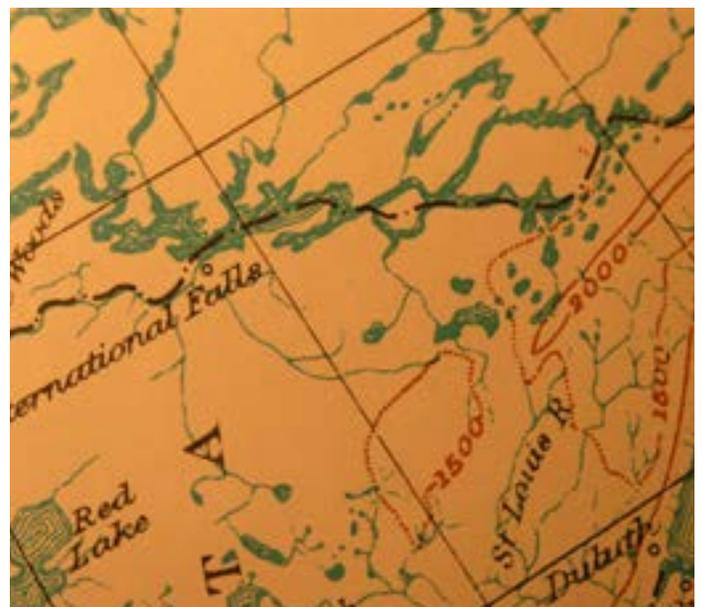
Minnesota municipalities may want to provide maps to members of the public for biking, walking, or other recreational uses. These municipalities, however, may be concerned about the liability issues surrounding the use of such maps. Generally, Minnesota law protects municipalities from liability for injury that results from inaccuracies in a map created from Geographical Information System (GIS) information.¹ Municipalities may also be protected from liability for injuries that result from other map features if the decision of whether or not to include those map features was under the particular municipality's discretion.

Q: What qualifies as a municipality?

A: For purposes of liability concerning recreational maps, a municipality includes a city, county, town, public authority, public corporation, special district, school district, or public library.²

Q: A municipality wants to provide community maps to citizens. Does Minnesota law protect municipalities regarding the accuracy of the map?

A: Yes. Minnesota law specifically protects municipalities against any claim based on alleged or actual inaccuracies of a map created with GIS





When choosing map features, balance policy considerations, such as route safety and reliability.

information. However, this protection is only available to municipalities that provide a disclaimer for the accuracy of the information in the map.³ Protection under this statute only relates to the accuracy of GIS maps, not maps based on other information.

Q: What language should be included in the disclaimer?

A: To be eligible for liability protection under the law covering GIS mapping, a disclaimer must include language about the accuracy of the information contained in the map. For example, a disclaimer could say: “[Municipality name] cannot guarantee the currency and accuracy of the map data.” The disclaimer could also include the following language:

- The data represented here is the best available for the stated purpose.

- This map is intended for recreational purposes only.
- You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map, and you should plan your route accordingly.

Q: How and when should the disclaimer be provided?

A: Disclaimers should be provided in writing on all maps intended for use by the public.

Q: Are municipalities given any other protections from liability for the routes chosen on a recreational map?

A: Yes. Municipalities may be protected from liability for a claim related to:⁴

- the routes they chose for maps;
- how the information is presented on the map; or
- other map-related features if the municipality can show that it chose to include that information based upon discretionary decisions.

Q: What are “discretionary” decisions?

A: Discretionary decisions involve the balancing of policy, economic, political, financial, safety, or legal considerations.⁵ Common policy considerations for choosing a route may include safety, health, reliability, or availability of economic resources.

Q: Can a municipality be liable for the conditions of the path shown on the map?

A: It depends. As stated above, if a municipality can show that a route was chosen as part of a policy consideration, Minnesota law should protect the municipality from liability resulting from picking a particular route for the map. However, municipalities

may have additional responsibilities to maintain certain paths, whether or not they are shown on a GIS map. So, if someone is injured because a municipality fails to maintain a path properly, the municipality may be liable for the injury.

Q: How can a municipality limit its risk of liability when creating a recreational map?

A: A municipality should:

- Include a disclaimer on all maps.
- Balance policy considerations, such as health, safety, and reliability of a path, when determining which routes to include, and document the balancing done during the decision-making process.
- Consult an attorney with specific questions of liability or immunity.

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Endnotes

- ¹ MINN. STAT. § 466.03, subd. 21. GIS is any system that captures, stores, analyzes, manages, and presents data that is linked to a location.
- ² MINN. STAT. § 466.01, subd. 1.
- ³ MINN. STAT. § 466.03, subd. 21.
- ⁴ MINN. STAT. § 466.03, subd. 6.
- ⁵ *See* Pletan v. Gaines, 494 N.W.2d 38, 44 (Minn. 1992); Malone v. Special Sch. Dist. No. 1, No. A05-202 (Minn. Ct. App. Dec. 6, 2005); Shedivy v. Ind. Sch. Dist. 279, No. C2-00-84 (Minn. Ct. App. Aug. 29, 2000).