Testimony
Elizabeth Gara
Connecticut Water Works Association (CWWA)
Before the
Judiciary Committee
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The Connecticut Water Works Association (CWWA) ***strongly supports*** the following bill that will bring parity to the recreational land use act by extending protection from liability to municipalities, political subdivisions, special districts and metropolitan districts:

- **HB-6557, AN ACT CONCERNING LIABILITY FOR THE RECREATIONAL USE OF LANDS**

Recognizing the importance of allowing access to private and public lands for recreational use, the Recreational Land Use Act adopted in 1971 to limit the liability of landowners who allow the public to access their properties for recreational activities free of charge. Unfortunately, a 1996 Connecticut Supreme Court decision, *Conway v. Wilton*, stripped Connecticut's municipalities of this protection, exposing towns and cities to increased liability costs. In addition, recent court decisions, which have resulted in multi-million dollar damage awards, have raised serious concerns about whether the cost of making these lands available to the public for recreation is too high.

Connecticut's water companies, as stewards of the state's water resources, have long supported efforts to preserve watershed lands as open space and provide recreational access when it is consistent with efforts to protect public water supplies. Open space land preservation is critical to protecting Connecticut's water resources, ecological habitats and natural beauty. It can also provide citizens with wonderful opportunities for outdoor recreation, such as hiking, biking and boating, on some of the most beautiful and pristine lands in the state

Recognizing the value of preserving water company lands as open space, the state has initiated several successful programs, including the Open Space and Watershed Land Acquisition program, conservation easements on Class I and Class II watershed land, and tax credits to encourage private water companies to donate or sell at a discount open space lands for preservation. These programs have helped to preserve hundreds of acres of pristine land as open space which has directly benefited the citizens of Connecticut as well as future generations. Many of the communities that received these lands intend to open them for recreation but may be concerned about the potential liability.

Under Section 52-557f, lands owned by private water companies are provided with limited immunity from lawsuits but lands owned by municipal water departments and regional water authorities do not have the same protections. The legislature should extend to municipalities,

1245 Farmington Ave., Suite 103 • West Hartford, CT 06107 • Tel. 860-841-7350 • gara@gmlobbying.com

political subdivisions, special districts and metropolitan districts the same liability protection it does to private landowners against lawsuits arising from recreational activities. This will encourage water companies to continue to provide opportunities to access water company lands for recreational activities.

CWWA therefore urges lawmakers to support legislation which revises the state's recreational liability act to give municipalities, political subdivisions, special districts, metropolitan districts and quasi-municipal agencies certain protections from liability from personal injury lawsuits if they open their property to the public for free recreation.

The Connecticut Water Works Association, Inc. (CWWA) is an association of public water supply utilities serving more than 500,000 customers, or population of about 2½ million people, located throughout Connecticut. Membership in the Association is open to all Connecticut water utilities: investor-owned, municipal and regional authorities. CWWA is committed to working with the state to develop policies that will ensure that Connecticut has a safe, ample supply of water to meet present and future needs.

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