



The Metropolitan District
water supply • environmental services • geographic information

Senator Coleman, Representative Fox and members of the Judiciary Committee, I am here to testify on behalf of the Metropolitan District in support of House Bill 6557, An Act Concerning Liability for Recreational Use of Lands.

The Metropolitan District ("MDC") is a specially-chartered municipal corporation that provides water, sanitary sewer, riverfront park maintenance, and other public services to its eight member towns – Bloomfield, East Hartford, Hartford, Newington, Rocky Hill, West Hartford, Wethersfield and Windsor – as well as portions of other towns within the Greater Hartford area.

The MDC owns over 25,000 acres of watershed and reservoir land in Connecticut. A vast majority of the MDC property is made available for recreational activities, such as hunting, fishing, hiking, swimming, cycling and jogging. One of the MDC's most-used recreational land is located in West Hartford, and consists of approximately 3,000 acres of open space off Albany Avenue. The MDC does not charge a fee for recreational use of this property, but it is estimated that approximately 200,000 people visit this site annually. Another significant recreational facility is a 1,900 acre site in Barkhamsted known as Lake McDonough, consisting of a 390 acre lake with four beaches and a boathouse. Over 40,000 people visit Lake McDonough on an annual basis. Of particular note is the number of children from MDC member towns that use the facility for camping and daily outings.

In May, 2010, a jury in the case of Blonski v. Metropolitan District awarded \$2.9 million in damages to a cyclist injured when she rode her bicycle into a closed gate at the West Hartford reservoir. The judgment is under appeal. Without getting into specifics, it is clear that the Blonski case has brought a renewed focus on the liability of all public entities, not solely the MDC, for injuries to individuals who use their land to recreate.

This renewed focus is not limited to proposals before and potential action by the Legislature. As a public entity funded by tax payer money, it is incumbent upon the MDC to evaluate the recreational use policy, assess its risks, and openly consider and debate all options. On July 20, 2010, the Water Bureau of the MDC held a public hearing at West Hartford Town Hall to receive public input on whether the West Hartford Reservoir should remain open to the public and if so, whether certain recreational uses should be restricted or eliminated. The public sentiment was overwhelmingly in favor of keeping the reservoir land open.

Today, MDC lands historically open to the public remain open. We have not changed our policy. However, the MDC has a duty to all of its rate payers, not just those who use our property. Each time the MDC experiences another scenario as that played out in the Blonski case, we are compelled to re-evaluate our policy. It is impossible to predict when, if ever, the number of similar damage claims will of necessity result in a dramatic shift in MDC policy. If nothing else, recent events have served to highlight the need for legislative action to provide some level of protection to avoid this undesirable, yet foreseeable, policy shift.

Although the MDC would have preferred an initial proposal sponsored by Representative Baram- House Bill 5315 – we understand that there are competing interests and that compromise is needed. House Bill 6557 adequately protects municipalities from frivolous lawsuits, while insuring that there is no absolute immunity for injuries occurring within certain improvements to this property – swimming pools, playing fields, playgrounds and tennis courts.

The MDC does not support House Bill 1232. This bill appears to erode what little protection municipalities presently enjoy under the doctrine of governmental immunity. It is a step in the wrong direction, and will lead to more litigation and costs, not less.

We urge committee members to support House Bill 6557.