

WRITTEN TESTIMONY

160 Fairfield Avenue
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April 4, 2011

Members of the Judiciary Committee,

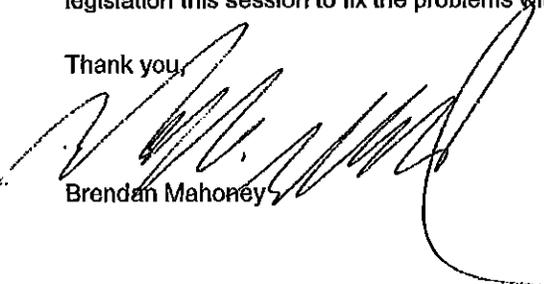
I apologize for being unable to attend the public hearing today, but I must stay at work. I am writing to lend my support to HB 6557, AN ACT CONCERNING LIABILITY FOR THE RECREATIONAL USE OF LANDS. Earlier in the year I testified in favor of SB 831, a similar bill, and I'm aware that there are several items before the general assembly this legislative session. From what I understand, each seeks to reform the municipal loophole in the recreational liability statutes. None of these proposed bills have distinguished themselves as a front runner, thus I support them all at this stage in the process.

The impetus behind the introduction of these bills was a collision between a careless cyclist traveling the wrong way on a paved path and a clearly marked gate in the Metropolitan District Commission (MDC) -owned West Hartford Reservoir. Surprisingly, a jury awarded this cyclist almost three million dollars, identifying a glaring loophole in Connecticut law that allowed careless users of public recreation amenities the right to sue even if for all rational purposes that person was at fault. This loophole does not exist for the State or private landowners who do not charge for trail use on their property.

As a mountain biker, hiker, canoeer, cross country skier and general lover of the outdoors, I am firmly in favor of my tax dollars or water rate being spent securing beautiful tracts of Connecticut for public enjoyment. And, I think it is great that the Metropolitan District Commission, unlike other water companies, leaves large portions of its land open for recreational purposes. Two of Hartford's great assets are its parks and its proximity to miles of uninterrupted mountain forests. It would be reprehensible if the City or the MDC were forced to limit their public access because of the spectre of lawsuits. More directly, it is simply unfair to limit access to public lands, such as parks, whose express purpose is to provide recreational opportunities to the public. While I believe that individuals deserve the ability to seek restitution for injuries if an entity was willfully negligent, municipalities or quasi-public agency ought to be shielded from lawsuits that can be described as frivolous at best and opportunistic at worst.

If the July public hearing in West Hartford hosted by the MDC, the supportive resolutions by the city councils of Hartford and surrounding towns and statements by numerous elected officials are any indication of support, it is nearly universal. So, committee members, I urge action on this or related legislation this session to fix the problems with Connecticut's municipal recreational liability law.

Thank you,



Brendan Mahoney