

WRITTEN TESTIMONY

160 Fairfield Avenue
Apartment 2
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January 31, 2011

Members of the Environment Committee,

My name is Brendan Mahoney and I reside at 160 Fairfield Avenue, Hartford, CT. I am here today to speak in favor of SB 831, AN ACT CONCERNING MUNICIPAL LIABILITY FOR RECREATION, presently before your committee. Several years ago, a careless cyclist collided with a clearly marked gate in the Metropolitan District Commission (MDC)-owned West Hartford Reservoir. Last summer, a jury surprisingly awarded this cyclist almost three million dollars, identifying a 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.

As a mountain biker, hiker, canoer, cross country skier and general lover of the outdoors, I love it when my tax dollars are 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. 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 to act on legislation this session to fix the problems with Connecticut's municipal liability law.

As an aside, I respectfully request that "cycling" or "mountain biking" be added as an explicitly covered activity to the language of the bill that leaves committee.

Thank you,

Brendan Mahoney

