Keep Municipal Lands Open to the Public Feb 14,2011

My Name is Charles Beristain and I live at 15 Sulgrave Road in West Hartford. I thank you for the opportunity to address the Planning and Development Committee about SB43, SB90, and HB5254. I support passage of this legislation.

I've come to visualize the problem like this:

5 contiguous parcels of land with a trail running through all the properties... one owned by a private landowner, one owned by a Utility, one owned by a Corporation, one owned by a Municipality, and one owned by the state. An accident happens on each parcel . ALL have common sense liability protection EXCEPT the Municipality ... How fair is that? The Recreational Land Use Act protects the private landowner, the Utility, the Corporation and for 25 years it protected Municipalities until a 3-2 Supreme Court decision in 1995 which took away the important Municipality protection. And the state is well protected by a completely different law (CGS section 4-160).

I think railroads should be added as an "owner" for the application of "Rails with Trails".

And I think that "bicycling" and "mountain biking" should be added to the list of recognized activities.

The Trial Lawyers Association will say that Municipalities already are protected with existing law. And this is just not true. And there is the scare tactic argument about gross negligence being protected with these proposed bills. Again, NOT true. It isn't so with private landowners, Utilities, Corporations and the State under the current law, and no one is asking for this to be added as new law. This is a direct quote from a letter to the editor of the Hartford Courant by Mike Walsh, VP of the Trial Lawyers Association:

"Suppose one of the MDC's vehicles drives directly into a bike lane and severely injures a biker as she is coming down a hill at a high rate of speed. Suppose further that the operator of the vehicle is intoxicated. The biker receives a traumatic brain injury. Her future life care costs will be in the millions. Do we really want to deprive this injured biker from being able to bring a case against the MDC?"

This is just another scare tactic ....gross negligence is not protected under ANY law that I know of nor should it be.

Open spaces are very important to Connecticut Communities, They provide places for recreational activities, support many different businesses that employ people and pay taxes and make Connecticut a place where people want to live.

Charles Beristain
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