



Farmington River Watershed Association, Inc.

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March 27, 2012

To: Eric Coleman, Gerald Fox, and Members of the Judiciary Committee

From: Eileen Fielding, Farmington River Watershed Association

Testimony in opposition to S.B. 445, An Act Concerning Liability for the Recreational Use of Land

On behalf of the Farmington River Watershed Association (FRWA), I am submitting testimony to oppose S.B. 445.

FRWA is a strong proponent of low-impact recreational access along the Farmington River corridor. The river is a recreational asset for hikers and bicyclists as well as anglers and boaters. Thanks to years of effort and investment by many towns and organizations, there are paved multi-use trails along the river in many towns, including Canton, Farmington, Avon, and Simsbury, that provide recreational and travel routes for thousands of people who walk, run, bicycle, rollerblade, and skateboard. S.B. 445 could impact any trail sections that are municipally owned, if a town feels that the burden of liability is too great and it needs to close a section of trail because it falls under the definition of paved walkway in this bill. In addition, some towns such as Farmington provide handicap-accessible fishing areas with paved pathways. Again, S.B. 445 is an incentive to shut down such facilities if liability becomes an issue.

The same concern applies to boardwalks. In Simsbury, where FRWA is based, one route of access to the river is by wooden boardwalks through a wetland. The boardwalks are frequently used by dogwalkers, joggers, and families. Again, local residents could lose an amenity that contributes to local quality of life if the town reduces its liability risk by removing the boardwalks.

While we can understand a need to protect the public by keeping towns liable for proper maintenance of paved walkways and boardwalks in a town setting, it should be recognized that pavement and boardwalks also now occur in places that are essentially trails that traverse areas of open space or provide access to open space recreation. At the very least, the language of the bill should be revised in a way that defines such trails and paths as "land" even if they happen to be enhanced with pavement and boardwalks.

Otherwise, the bill is an incentive for towns to leave trails unimproved or to remove existing improvements. This does not help public safety, and in some settings it will worsen the impact of foot and bicycle traffic on the landscape. Finally, it runs counter to the efforts and investments of many citizens over many years to make our open spaces more accessible for low-cost and healthy recreation.

Respectfully submitted,

A handwritten signature in cursive script that reads "Eileen Fielding". The signature is written in black ink and is positioned above the typed name and title.

Eileen Fielding
Executive Director