



**Testimony
Elizabeth Gara
Connecticut Water Works Association (CWWA)
Before the
Environment Committee
March 29, 2012**

The Connecticut Water Works Association (CWWA) *strongly opposes* SB-445, AN ACT CONCERNING LIABILITY FOR THE RECREATIONAL USE OF LANDS

SB-445 would begin to undo the important reform measures adopted last session that closed a loophole in the recreational use law that exposed municipalities and political subdivisions to staggering liability costs.

Recognizing the importance of allowing access to private and public lands for recreational use, the Recreational Land Use Act was adopted in 1971 to limit the liability of landowners who allow the public to access their properties for recreational activities free of charge. Unfortunately, a 1996 Connecticut Supreme Court decision, *Conway v. Wilton*, stripped Connecticut's municipalities of this protection, exposing towns and cities to increased liability costs. In addition, recent court decisions, which have resulted in multi-million dollar damage awards, raised serious concerns about whether the cost of making these lands available to the public for recreation was too high.

Fortunately, last year Connecticut took steps to protect municipalities, political subdivisions and other municipal entities by extending liability protections available to private landowners to them.

CWWA therefore opposes efforts to erode the liability protections adopted last session by excluding public beaches, boardwalks, designated spectator areas and structures, and paved sidewalks from the definition of land.

Connecticut's water companies, as stewards of the state's water resources, have long supported efforts to preserve watershed lands as open space and provide recreational access when it is consistent with efforts to protect public water supplies. Open space land preservation is critical to protecting Connecticut's water resources, ecological habitats and natural beauty. It can also provide citizens with wonderful opportunities for outdoor recreation, such as hiking, biking and boating, on some of the most beautiful and pristine lands in the state.

By eroding the liability protections adopted last session, SB-445 will undermine efforts to make these lands available for outdoor recreation. **We urge your rejection.**

The Connecticut Water Works Association, Inc. (CWWA) is an association of public water supply utilities serving more than 500,000 customers, or population of about 2½ million people, located throughout Connecticut.