



**TOWN OF WESTBROOK
CONSERVATION COMMISSION**

Mulvey Municipal Center
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JUDICIARY COMMITTEE HEARING

Thursday, March 29, 2012

Senate Bill 445

An Act Concerning Liability for the Recreational Use of Land.

The Westbrook Conservation Commission strongly opposes Senate Bill 445 because it will eliminate liability protection for significant parts many of the recreational trail systems in Westbrook and other municipalities; the wetlands and streams that must be bridged with permitted wooden walkways (read "Boardwalks) to protect water resources and provide passive community recreation

With State of Connecticut encouragement the Town of Westbrook has acquired over 170 acres of open space land that is being managed for protection water resources and passive community recreation (hiking, non-motorized biking and horseback riding). A primary reason for resident support for acquisition of open space is the availability of forests and fields for outdoor recreation and the availability of CT's Open Space Grant Programs.

All the town owned dedicated open space in Westbrook have recreational trails that require some constructed wooden walkways to bridge wetland areas and streams to protect the habitat, prevent water pollution and provide the greatest educational experience. By eliminating liability protection for wooden walkways Senate Bill 445 would, in effect, eliminate their use in trail systems and potentially reduce public access to these recreational areas in order to protect critical wetlands and waterways.

In addition, by making both "boardwalks" and "paved sidewalks" ineligible for protection under the Recreational Liability Statute (P.A. 11-211) Senate Bill 445 will unreasonably restrict the handicapped from experiencing the natural wonders of forests and fields; planning for handicapped access includes using boardwalks or paved sidewalks in open space trail systems. Senate Bill 445 unreasonably will restrict their use for this purpose.

Municipalities supported and should be able count on the complete liability protection of Recreational Liability Statute for protected open space so long as there is no use charge.

The Westbrook Conservation Commission urges the Judiciary Committee to oppose Senate Bill 445

The Westbrook Conservation Commission, established, pursuant to CT General Statutes Sec. 7-131a, by Town Meeting July 18, 1966, is a research and advisory commission for other municipal land use boards and the community. The Commission is responsible for identifying, prioritizing and recommending lands for open space acquisition, and for developing appropriate standards and limitations for use of parcels acquired to assure their continued use as Open Space. For further information please contact Tom ODell, Chairman, at 860-399-1807; todell@snet.net.