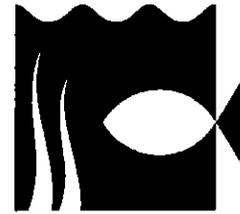




**Connecticut Fund  
for the Environment**



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Connecticut Fund for the Environment

**Testimony of Connecticut Fund for the Environment  
Before the Judiciary Committee**

***In opposition to S.B. 445, AN ACT CONCERNING LIABILITY FOR THE RECREATIONAL  
USE OF LAND***

Submitted by Jessica Morowitz, Legal Fellow  
March 29, 2012

*Connecticut Fund for the Environment ("CFE") is Connecticut's non-profit environmental advocate with over 5,400 members statewide. For over thirty years, CFE has fought to protect and preserve Connecticut's health and environment.*

CFE strongly opposes S.B. 445, An Act Concerning Liability for the Recreational Use of Land. S.B. 445 would undo the progress made last year in the effort to keep municipal recreational lands open for use and enjoyment by the public.

Last year, the General Assembly passed P.A. 11-211, An Act Concerning Liability for the Recreational Use of Lands. This was a simple bill that amended the definition of "owner" under Section 52-557f of the Connecticut General Statutes to specifically include municipalities and municipal corporations. The purpose of this was to afford municipalities the same liability protections as private landowners when opening up their land free of charge for recreational use. This is important, since municipalities and municipal entities are some of the largest open space landowners in the state. By affording municipalities such protections, we are encouraging them to open up this vast amount of land to the public to provide recreational opportunities. Without liability protection, the fear of lawsuits could result in a large amount of open space being closed off to our citizens. This protection is not all encompassing either; there are exceptions carved out of the definition of "land" for areas such as swimming pools, ball fields and courts, and playgrounds.

S.B. 445 seeks to narrow the critical liability protections given to municipalities by making the following areas, in addition to those already carved out, ineligible for protection: public beaches, boardwalks and paved sidewalks open to the public for pedestrian use. These areas are broadly defined and could impact a significant amount of recreational lands. For example, paved sidewalks would apply to bikeways and other paved multiple use trails. The exemption for public beaches is also of particular concern, since this would include municipally owned lands on Long Island Sound as well as lakes and rivers. There are already barriers (both real and perceived) to public waterfront access,<sup>1</sup> such as commercial and industrial uses, and this

<sup>1</sup> See Sound Vision: An Action Plan for Long Island Sound 2011-2020, available at: <http://www.lisoundvision.org/pdf/Sound-Vision-Final.pdf>.

bill would create new barriers. Long Island Sound is one of Connecticut's most treasured natural resources and our citizens deserve every opportunity to enjoy it.

The more areas that are exempt from liability protection, the more vulnerable municipalities will be to lawsuits and the more likely they will be to close or limit public access to recreational lands. This bill threatens to undo the achievements made last year in the effort to keep these valuable municipally owned open spaces available to the public for recreation.

For these reasons, CFE strongly opposes S.B. 445, An Act Concerning Liability for the Recreational Use of Land and respectfully requests that the Committee reject this bill.