



## State of Connecticut

### HOUSE OF REPRESENTATIVES STATE CAPITOL

REPRESENTATIVE BILL WADSWORTH  
TWENTY-FIRST ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING  
ROOM 4200  
HARTFORD, CT 06106-1591

TOLL FREE: (800) 842-1423  
CAPITOL: (860) 240-8700  
HOME: (860) 677-2784

EMAIL: [Bill.Wadsworth@housegop.ct.gov](mailto:Bill.Wadsworth@housegop.ct.gov)

MEMBER  
APPROPRIATIONS COMMITTEE  
HUMAN SERVICES COMMITTEE  
TRANSPORTATION COMMITTEE

State Representative Bill Wadsworth  
Judiciary Committee  
Public Hearing Testimony  
Thursday, March 29, 2012

Good Morning Senator Coleman, Representative Fox, Senator Doyle, Representative Holder-Winfield, Senator Kissel, Representative Hetherington and Judiciary Committee Membership:

I would like to take this opportunity to comment on Raised Bill 445, An Act Concerning Liability for the Recreational Use of Lands.

As the State of Connecticut closes in on the goal to preserve twenty one percent of its land for open space it was important to reinforce that commitment with additional protection in other areas. One of the other areas that was enacted was including municipalities, quasi-public agencies and certain special districts as owners of land entitled to immunity under the Recreational Land Use Act. This additional protection provided confidence to municipalities, quasi-public agencies and certain special districts to retain and acquire open space for preservation. If the threat of litigation is part of the decision making strategy, then the aforementioned entities may postpone or abandon the purchase of additional open space, close off access to parks, playgrounds and open space or begin to schedule use.

There is also a monetary component to this issue. Spending money on safety equipment and maintenance, obtaining additional liability insurance at additional cost and defending frivolous lawsuits at considerable cost are just a few of the financial exposures that are possible. Municipalities, quasi-public agencies and certain special districts that are self insured are exposed to an unknown liability.

There are approximately 18 miles of riverfront in the Town of Farmington. The town owns about 6 miles of that and provides unrestricted access for a variety of activities. How much of that could be considered a beach?

There are also about 10 miles of rails to trails in the Town of Farmington in addition to miles of standard sidewalks throughout town. All of this is will be presented with a new risk if Raised bill 445 is implemented.

The public has the right to utilize public land without restriction.

I urge the Committee for reject Raised Bill 445. CGS 52-557h already protects users against willful or malicious failure to guard or warn.

Thank you for you attention