

About Mike Walsh's opinion piece "Don't give MD immunity from lawsuits":

I'm not a lawyer, but I am a mountain biker with a significant amount of experience. I ride almost every day and probably have ridden at the Reservoir approximately 100 days a year for the past 12 years. I've raced mountain bikes on a local, state, national, and international level and had more than my share of podium positions. I belong to IMBA and NEMBA, the International and New England mountain biking organizations.

Mike Walsh is incorrect in his statement that the immunity laws currently on the books are adequate, because if they were adequate, this case would have been thrown out instead of going to trial. Why? Because I believe that the plaintiff in this case 100% at fault. The marked bike lane on the blacktop at the Reservoir is "one way" and there are many signs painted directly in the bike lane saying "bike lane with an arrow pointing in the direction of travel. There are 5 such signs in the section where the incident took place. Why would any responsible mountain biker ride at a high rate of speed (in fact, racing) with their head down, in an area where there are other "slower" users on the road and there is a limited line of sight because of curves in the road? That is reckless endangerment in my book. And how about his concept of requiring warning signs on roads going the "wrong way". Does that mean that our one way city streets need signage in both directions?

And where does Mike Walsh find his legal argument that says we all have a right to use the MDC property. It definitely is not a right, it is a privilege. Check around to see where else we are allowed access to properties like the Reservoir around the state or even around the country. Try to get access to the New York water supply property (like the beautiful Croton Dam area)... just not possible. What about New Britain and Middlesex water supply property... again just not possible. We are very fortunate that the MDC allows us to use the properties. The MDC has one primary responsibility when it comes to the water supply. And that is to supply clean water to eight area towns at a fair cost (The MDC is non-profit).

And what about Mike Walsh's example of the drunk MDC employee driving his/her vehicle into a bike rider? It is a specious argument. Is there anyone that is looking for that kind of immunity? Doubt it. And I can't imagine our Legislators re-writing the liability laws to protect any municipality from extreme events such as this. Just scare tactics, plain and simple.

Connecticut deserves to have liability laws that protect the Municipalities (including the MDC) in the same manner that private land owners with trails running through their property are protected, and deserves to have liability laws that are as protective as other states such as Massachusetts.

Hopefully, when the 2011 State Legislative session opens in January, this liability issue will be addressed quickly as it will be not be fiscally prudent for the MDC Board to continue to allow public access without better protection from the liability laws.

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I am a member of the MDC Recreation Advisory Committee and have been so since its inception, a member of the New England Mountain Biking Association, International Mountain Biking Association, a board member and founding member of Bike Walk Connecticut (

www.bikewalkct.org), and webmaster for www.savethemdctrails.org