

Testimony on AB 876

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Good morning. I am Lee Fahrney, Public Relations Chair for the Wisconsin Conservation Congress. I'm speaking today on behalf of the 360 Conservation Congress delegates who voted unanimously at last year's state convention to support the legislation now before you. AB876 would restore access to public lands previously declared off limits by the perhaps well-intentioned but seriously flawed legislation that forbids them from crossing railroad tracks to hunt, fish, trap or enjoy other recreational pursuits.

Perhaps the most seriously affected area by this law occurs along the Mississippi River where access to some of the best hunting, fishing and trapping areas in the state requires crossing the tracks. As a result of the restrictions wrought by this law, only boat landings or designated crossings are available, leaving vast areas inaccessible. An example of significant loss of access is the Black River Bottoms where hundreds of square miles of land that for many decades were traditionally open to recreation but are now inaccessible.

One of the arguments heard by our delegates along the Mississippi corridor regards safety to the public. However, I recently heard from one of our long-time Congress delegates who has lived in La Crosse County for 40 years. He said the only deaths or injuries he is aware of are when people have been hit by trains while under the influence of alcohol or other drugs or in an attempt to commit suicide.

Another rationale we hear is that the railroad does not want to be held liable for any injuries or death incurred while crossing the tracks. But Wisconsin has one of the strongest hold harmless laws in the country such that if someone is injured or killed while on another's land with permission, the owner is not liable.

It remains clear that when this law was passed, the unintended consequence was to deny access to these public lands by thousands of Wisconsin citizens. It seems appropriate to rectify this situation and restore access that allows transportation to flow freely while keeping Wisconsin's sportsmen and women engaged in their favorite pastimes. It is time to reverse the loss of these outdoor opportunities and restore the rights of sportsmen and women to enjoy the great outdoors as they have for hundreds of years in Wisconsin.