

## Letter to the Editor: A Plea and a Plan for Reopening the Frederiksted Pier to the General Public

**Attorney Ryan Stutzman recalls fond memories of Frederiksted Pier, sharing a romantic proposal story while urging VIPA to reopen it to the public. He calls for a law to release VIPA and the GVI from liabilities, allowing safe enjoyment of the pier**

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**Frederiksted Pier, St. Croix. By. GETTY IMAGES**

Almost 25 years ago, I bought a ring at a St. Croix jewelry shop. It had all the tiny little inset diamonds I could afford, and a short-term insurance policy. The policy, I explained to the jewelry clerk, was because I intended to put the ring on the end of a fishing line, and cast it into the ocean off the Frederiksted Pier. Then, I would hand the reel to the woman I wanted to be my wife. Yes, the clerk agreed, sea critters might mistake that little ring for something else, and run off with it.

Papers were signed and money exchanged, and I walked out with the ring in my pocket.

I could not plan the same proposal today. Fear of injury litigation caused the V.I. Port Authority to close the pier gates to the general public. Romance on the pier is dead. More on that later.

I went out on the pier with the woman and the ring a few nights after visiting the jewelry store. There were several other folks who were trying to catch real fish. Parents and children strolled and laughed up and down the long concrete promenade, stepping over and around monofilament. Once in a while a spool came to life and slid across the concrete, paying out line while its owner sprinted to set the hook. Little terns picked up bits of discarded squid bait, and the humid air rushed down the dark hills of La Grange and over the flat waters. My heart fluttered with distant Bachata music from the bars on Queen Street.

The woman I wanted to be my wife reeled up the ring and said "yes" after taking a few seconds to figure my scheme.

Who among us doesn't have memories of the pier? I have too many for this page. It is enough to say they include encounters with highly venomous jellyfish, foreign navy vessels, big tarpon, roller skating, family picnics, turtles, and tremendous storm waves.

Of course, no Sunday in Frederiksted was complete without reckless dives off the pier. I wish I knew the name of the young man I once saw take flight over the hip wall and somehow clear the pier edge.

At some point in the past year or two, the V.I. Port Authority decided that such unauthorized human activity on the pier is a liability, especially when the humans haven't disembarked from a cruise ship. The answer, figured VIPA, is to close the pier off to the fisherman, the children, the fools and the romantics. That is, "all ah we."

We lose a lot when we let fear of liabilities dictate where we can and can't go in public spaces. I would like to see the pier reopened, and it's fair trade for users like me to be held accountable for our own missteps, miscalculations, and misadventures. Alas, this fair trade will probably not happen without a nudge from the Legislature.

Some states, such as Minnesota, have laws that absolve property owners from liability when the owner allows free passage for recreational purposes, such as the snowmobile and ski trails found in that state. Such laws recognize that imposing a duty to make spaces safe is impractical and unreasonable for owners who open up their properties to the general public free of charge.

If VIPA lacks the will to reopen the pier, the Legislature should craft a law to restore public use, similar to the statute in Minnesota. I modified the language of the Minnesota statute to give the Virgin Islands Legislature a head start:

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VIPA and the Government of the Virgin Islands shall keep the Pier open to all Persons for recreational purposes without charge, but to such Persons, VIPA and The Government of the Virgin Islands:

- (1) owe no duty of care to render or maintain the facility safe for entry or use by persons for recreational purpose;
- (2) owe no duty to warn those persons of any dangerous condition, whether patent or latent; and

(3) owe no duty of care toward those persons except to refrain from willfully taking action to cause injury.

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If such a law is passed, VIPA executives will be able to sleep at night free of worry, and we can have the pier back. It will be up to us to watch out for our own safety, so that we may continue making memories on this special public asset.

Regards,

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