



City of Akron, Ohio

DANIEL HORRIGAN, MAYOR

Chairman Hambley, Vice-Chair Patton, Ranking Member Brown and members of the House Civil Justice Committee, I am Jason Segedy, Director of Planning and Urban Development for the City of Akron, and I am providing written testimony on behalf of the city in opposition of House Bill 288 ("HB 288").

HB 288 would prevent local governments from using eminent domain to acquire real property for the purpose of providing a recreational trail. This bill is not in the best interest of the City of Akron for several reasons.

First, it poses a threat to the home rule authority of Akron, and other local governments in Ohio, by preventing them from using eminent domain to acquire real property for a legitimate public purpose.

Second, and perhaps more importantly, while HB 288 defines a "recreational trail" as "a public trail that is used for hiking, bicycling, horseback riding, ski touring, canoeing, or other non-motorized forms of recreational travel," it is important to note that, in reality, there is no neat line which separates "recreational" travel from "non-recreational" travel.

One of the best examples of where this is the case is the Ohio & Erie Canal Towpath Trail, which extends from Cleveland into Tuscarawas County, and runs the entire length of the City of Akron. While the Towpath Trail is used by a wide array of people for recreational purposes - walkers, joggers, and bicyclists - it is also widely used by people traveling from "Point A" to "Point B" for non-recreational purposes.

As cities like Akron continue to make great strides in providing more mobility options for people who choose to walk or bike to get to where they are going, trails like the Towpath Trail are increasingly being used as a non-recreational means of transportation, particularly by lower-income residents without access to a motor vehicle.

Many more such trails are planned in Akron in the near future, including the Rubber City Heritage Trail and the Freedom Trail - all of which will connect neighborhoods to one another and which will allow people who choose to walk or bike for non-recreational purposes a safe and convenient means of getting around our city.

Furthermore, as more and more high-quality trails are developed in Akron and throughout Ohio, the line between what is considered "recreational" and "non-recreational" is likely to blur even further, as more people choose to walk and bike to work, to the store, to school or to

church using a trail. Additionally, in many cases these trips will be undertaken for both recreational purposes (exercise, well-being, outdoor activity) as well as non-recreational purposes.

Third, and finally, it is by no means obvious why the establishment of a "recreational" trail is any less legitimate of a public purpose than establishment of a "non-recreational" trail (or other transportation facility). The provision of trails, just like the provision of parks, is a legitimate public purpose which greatly enhances the health, well-being, and enjoyment of the citizenry.

We therefore oppose the passage of HB 288.

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