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To: Chairman Hambley and Members of the House Civil Law Committee
From: Larry Peck, Deputy Director
Date: September 24, 2019
Subject: Opponent Testimony on House Bill 288

My name is Lawrence J. Peck and I have the honor and privilege to serve as Deputy Director of the Columbus and Franklin County Metropolitan Park District ("Metro Parks"). I have been in that position for the past 28 years and before that served as Deputy Chief of Ohio State Parks for 8 years. Our park district manages almost 28,000 acres of land, 19 parks, and over 200 miles of trails throughout Central Ohio. Metro Parks is respectfully opposed to House Bill 288 as drafted and the prohibition for using eminent domain by any entity in providing a public trail.

As drafted, HB 288 could prevent our park district, any other entity with eminent domain authority, and our partners from the completion of current and planned trail systems throughout Central Ohio. "Recreational trails" are not only a vital health, wellness, and recreational amenity, but also serve as a tool in the ever-growing transportation needs and economic development of Central Ohio and other regions of the State. Most of these trails involve acquiring property rights, both fee simple or easements, from numerous land owners and involve a significant investment of taxpayer and other funds to reach completion. In many cases, recreational trails also serve as a mode of transportation for commuters and taxpayers who seek to avoid congestion on local roadways--would the language in HB 288 preclude trails that have both a recreational and a transportation purpose?

Most certainly, eminent domain, regardless of the agency involved or the public need being pursued, should be utilized only as a last resort, only when all other options have been exhausted, and only in the most extreme of situations when there is no other alternative. Eminent domain is sometimes used by both parties to help establish fair compensation for the land owner when there is agreement that the rights to the property can be transferred and HB 288 would preclude this practice as well if a public trail would be involved.

In the distant past, Metro Parks used eminent domain several times. However, in the past 25 years our park district has grown by 14,000 acres, including 500 acres acquired for recreational trail development, without utilizing or threatening eminent domain. Having the ability to utilize this tool as a last resort may be needed when it comes to the completion or final connection in a trail or trail system that involved a huge investment of public dollars.

Trail building is not a simple process and may require acquisitions and construction in phases that may take many years to complete. Having an absentee owner or just one holdout may impact projects that have been in the works for years with millions of dollars invested. As drafted, HB 288 would greatly impact existing projects and could cause other needed trail projects to never get started because of the uncertainty of ever being able to make all of the connections needed.

As with many of the other 1545 Park Districts in Ohio which are funded to a large degree on property taxes, the viability of Metro Parks is dependent on whether we keep our commitments to our taxpayers, who get to rate our performance directly at the ballot box as property tax levies are presented for vote. The disdain of most people (including myself, our Board, and our Probate Judge) for exercising eminent domain means that it is a tool that should only be used when everything else has failed and the public need is clear and convincing. We are concerned that HB 288, as drafted, will have unintended consequences in the future that will not serve the overall interests of the citizens and taxpayers of the great State of Ohio.

Thank you for your attention and I am happy to answer any questions from the committee.