



OHIO HOUSE CIVIL JUSTICE COMMITTEE

OPPOSITION TESTIMONY

HB 288

Sept. 25, 2019

Chair Hambley, Vice Chair Patton, Ranking Member Brown and members of the House Civil Justice Committee, thank you for the opportunity to write in opposition to HB 288, which threatens Home Rule authorities by interfering with municipal control over eminent domain issues.

HB 288 intends to amend the law regarding eminent domain. Specifically, it prohibits property from being taken for the purpose of providing a recreational trail. The bill defines “recreational trail” as a public trail that is used for hiking, bicycling, horseback riding, ski touring, canoeing, or other nonmotorized forms of recreational travel.

The bill’s sponsor shared with your committee that the measure would prevent the taking of land for a specific recreational trail in his district in Mahoning County. This is a local issue and should be dealt with at the local level within the existing legal framework designed to handle matters such as this.

We believe HB 288 is a violation of municipal Home Rule authority, continuing the disturbing trend of Ohio state government growing in scope and influence and eclipsing the constitutional powers granted to Ohio’s cities and villages through the principles of local control.

Municipalities rarely employ eminent domain and only do so as a practice of last resort for purposes that benefit the entire community. A project must be deemed necessary and in the public interest. When eminent domain is utilized, the property owner is compensated for the acquired land.

Additionally, the trails targeted by the bill are important, both increasing and enhancing connectivity for community. There is inherent value in the cooperation between property owners and municipalities that not only enhances the value of the community, but can also address potential public health and safety issues. For example, these trails often function as sidewalks along roadways. Without them, pedestrians and bikers could be forced onto the street, resulting in a public safety issue.

Research shows that recreational trails are one of the most popular and most used kinds of recreational infrastructure in the state. The Ohio Department of Natural Resources' 2018 Statewide Comprehensive Outdoor Recreation Plan and the in-development Walk.Bike.Ohio plan focus on the use and expansion of recreational trails as key aspects of their implementation. Additionally, there is evidence from other states that building recreational trails increases property values for the homes near those trails.

We believe it is important to preserve local control in order to ensure municipalities can build amenities that bring value to their local community, and we urge your opposition to HB 288.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'K. Scarrett', with a stylized flourish at the end.

Kent Scarrett
Executive Director
Ohio Municipal League