



**OHIO PARKS AND
RECREATION ASSOCIATION**

Woody Woodward, Executive Director

MEMORANDUM

To: Chairman Hambley and Members of the House Civil Justice Committee
From: Woody Woodward. 
Executive Director, Ohio Parks and Recreation Association
Date: September 17, 2019
Re: Opponent Testimony on House Bill 288

I regret that I am unable to be with you in committee this week. Please accept this as written testimony expressing the strong opposition of the more than 2,000 members of the Ohio Parks and Recreation Association to House Bill 288.

House Bill 288 would prevent the use of eminent domain for recreational trail projects, eliminating a last-resort tool which is utilized by parks and recreation agencies to provide a popular amenity for the people who they serve.

As compelling as the testimony from last week's witnesses was, it served to further our strong belief that this is a local issue, one which is limited to one situation in Mahoning County. (The situation in Stark County is un-related to this legislation, as the property in question was purchased by the park district from a railroad, not through eminent domain.)

During my ten year service as Executive Director of OPRA, this is the only situation of this type I have been made aware of. As the witnesses last week indicated, remedies such as mediation and court hearings exist to address the concerns they shared. If the allegations which proponents made last week prove to be correct, then we believe that their concerns can and should be addressed by the existing legal framework. Again, these situations are extraordinarily rare, and remedies for the concerns which were raised currently exist.

Much more frequently, recreational trails are developed based on significant planning, ample public input and negotiations between the agency developing the trail and impacted land owners. In rare—very rare—cases, eminent domain is utilized in order to compel an absentee landowner (frequently the owner of an abandoned rail line) to negotiate with the agency which is developing the trail. Nearly every situation I am aware of over the past ten years has ended very positively, and in many cases, residents who initially opposed the trail projects have become among the biggest supporters of trails.

Recreational trails, in fact, remain one of the most popular and most utilized aspects of Ohio's outdoor recreation infrastructure.

ODNR's 2018 Statewide Comprehensive Outdoor Recreation Plan (SCORP) provides the following evidence: Over a five-week period from February to March 2017, a SCORP survey was completed by 5,059 households with responses from all 88 Ohio counties. The survey found that Ohioans enjoyed a wide range of outdoor recreational opportunities with trail activities being the most popular with 97.5% of households utilizing a variety of trails on Ohio's public lands.¹

Based on this public input and the results of the year-long planning process, the SCORP identified as its first strategic goal, **advancing the trail network with the focus on completing long-distance trails, filling-in gaps, and building trail connections to community neighborhoods and assets.**² It is difficult to ascertain the impact that House Bill 288 would have on advancing this goal, but there would certainly be an impact. The bill would also have an impact on the Walk.Bike.Ohio plan currently being developed by ODOT.

In addition to the public benefit that trails provide, some of that support has been because of the increase in property value which accompanies the installation of a trail. A sampling of relevant research reveals the following:

- In southwestern Ohio, the Little Miami Scenic Trail is associated with higher property value in urban, suburban, and rural settings. Up to a mile away from the trail, for every foot closer to the trail, property value increase by about \$7 per foot. A home a half mile from the trail would sell for approximately nine percent less than a home adjacent to the trail.³
- In San Antonio, Texas, neighborhood trails were associated with a two percent house price premium. Trails that were surrounded by greenbelts were associated with a five percent house price premium.⁴
- In suburban New Castle County, Delaware, homes within 50 meters of bike paths commanded a four percent price premium.⁵
- In rural Methow Valley, Washington, homes within one-quarter mile of trails benefited from a 10 percent price premium.⁶
- Along a popular trail in Austin, Texas, the price premium ranged from 6 to 20 percent, depending on whether the neighborhood had views of the greenbelt surrounding the trail and whether it had direct neighborhood access to the trail.⁷ This price premium translated to roughly \$59,000 per year in additional tax revenue or five percent of the annual cost of trail construction and maintenance.⁸

Finally, House Bill 288 appears to violate HB 288 Article 1, Section 19 of the Ohio Constitution, which states:

“Private property shall ever be held inviolate, but subservient to the public welfare. When taken in time of war or other public exigency, imperatively requiring its immediate seizure or for the purpose of making or repairing roads, which shall be open to the public, without charge, a compensation shall be made to the owner, in money, and in all other cases, where private property shall be taken for public use, a compensation therefor shall first be made in money, or first secured by a deposit of money; and such compensation shall be assessed by a jury, without deduction for benefits to any property of the owner.”

In summary, House Bill 288 represents a likely unconstitutional state mandated solution to an isolated local issue. It threatens the further development of Ohio’s popular trail system. The members of OPRA strongly oppose this legislation. I would be pleased to talk with any member of the committee about this legislation at your convenience.

Notes

1 Ohio's 2018 Statewide Comprehensive Outdoor Recreation Plan, April. 2018, Page 1

2. Ibid.

3 Karadeniz, D. 2008. The Impact of the Little Miami Scenic Trail on Single Family Residential Property Values (Unpublished Master's Thesis). University of Cincinnati School of Planning.

4 Asabere, P. and F. Huffman. 2009. "The relative impacts of trails and greenbelts on home price." *The Journal of Real Estate Finance and Economics* 38(4): 408-419.

5 Racca, D. and A. Dhanju. 2006. Property Value/Desirability Effects of Bike Paths Adjacent to Residential Areas. University of Delaware, Delaware Center for Transportation Working Paper 188.

6 Resource Dimensions. 2005. Economic Impacts of MVSTA Trails and Land Resources in the Methow Valley. Methow Valley Sport Trails Association.

7 Nicholls, S., and J. Crompton. 2005. "The Impact of Greenways on Property Values: Evidence from Austin, Texas." *Journal of Leisure Research* 37(3): 321-341.

8 Crompton, J., and S. Nicholls. 2006. "An Assessment of Tax Revenues Generated by Homes Proximate to a Greenway." *Journal of Park and Recreation Administration* 24(3): 103-108.