

OHIO HOUSE CIVIL JUSTICE COMMITTEE
Testimony of Woody Woodward, Executive Director
Ohio Parks and Recreation Association
Substitute House Bill 64
May 23, 2023



Chairman Hillyer, Vice Chair Mathews, Ranking Member Galonski and members of the committee. I am pleased to be with you this afternoon to express the opposition of the more than 2,300 members of the Ohio Parks and Recreation Association to Substitute House Bill 64.

First, let me take a moment to thank Chairman Hillyer and the sponsors for the modifications made in the substitute version of the bill. While the sub bill is an improvement over the introduced version, Substitute House Bill 64 still prevents the use of eminent domain for recreational trail projects, eliminating a last-resort tool utilized by parks and recreation agencies to provide a popular amenity for the people who they serve.

In nearly fourteen years as Executive Director of OPRA, I am aware of exactly one instance where an eminent domain case involving a recreational trail was controversial. That case is currently before the Ohio Supreme Court.

While those situations are extremely rare, much more frequently, recreational trails are developed based on careful planning and significant public input. In rare—very rare—cases, eminent domain is utilized in order to compel an absentee landowner (frequently the owner of abandoned property) to negotiate with the agency which is developing the trail.

Let me share one recent example: after purchasing an abandoned 95-acre former amusement park in 2020, a northern Ohio park district attempted to purchase 1.39 acres from CSX that bisected the park. The CSX property had been abandoned for decades. The per acre cost of the amusement park was \$22,000 per acre. CSX asked for \$218,000 per acre for the sliver of land that bisected the park. Because the railroad was unwilling to negotiate price, and because the park district needed the abandoned rail line to ensure public access (including trail access) to the property, they filed for eminent domain. The case was eventually settled for a total of \$12,000, representing a significant saving of taxpayer money.

Mr. Chairman and members of the committee, this example illustrates a typical eminent domain case involving a park district and the need for parks and recreation agencies to retain this tool. In proponent testimony, one witness referred to eminent domain cases as David vs. Goliath situations. In this example, and in virtually all other cases involving eminent domain and park agencies, the park agency plays the role of David, utilizing eminent domain as a tool in order to compete with Goliath.

It is OPRA's position that eminent domain is **never** considered without first employing **every** other possible solution. Dozens of trails in Ohio have been rerouted, and some projects have been abandoned because of a reticence to use this tool.

The focus of this bill on recreational trails targets one of the most popular and most utilized aspects of Ohio's outdoor recreation infrastructure.

ODNR's most recent Statewide Comprehensive Outdoor Recreation Plan (SCORP) provides the following evidence. The SCORP included a survey that 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.

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.”

In summary, Substitute House Bill 64 represents a broad solution to one isolated local issue and threatens the further development of Ohio’s popular trail system. We would be pleased to continue to work with you, Mr. Chairman on ensuring a level playing field in eminent domain situations, but we do strongly oppose the recreational trails provision.

I would be pleased to attempt to answer any questions that members may have.