



MID-OHIO REGIONAL  
**MORPC**  
PLANNING COMMISSION

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**House Bill 64**  
**Opponent Testimony**  
**May 23, 2023**  
**House Civil Justice Committee**  
**William Murdock, Executive Director, Mid-Ohio Regional Planning Commission**

Chair Hillyer, Vice Chair Mathews, Ranking Member Galonski, and members of the House Civil Justice Committee, thank you for the opportunity to provide testimony on House Bill 64, which modifies Ohio's eminent domain law. My name is William Murdock, I am the Executive Director of the Mid-Ohio Regional Planning Commission (MORPC).

MORPC is a regional planning organization and regional council representing more than 80 local governments and partner organizations across 15 Central Ohio counties. Our communities span urban, suburban, and rural areas, comprising a broad cross-section of Ohioans. In addition to serving as both a Metropolitan Planning Organization (MPO) and Regional Transportation Planning Organization (RTPO) and advocating on behalf of our members here at the Statehouse and in Congress, we also provide a variety of programs and services for our members related to transportation, land use, data, sustainability, and economic and community development.

In recent years, we have been very fortunate to experience significant population growth in Central Ohio. But as we grow bigger, we want to also ensure we grow better. As more and more individuals choose to make Central Ohio their home, demands for public infrastructure expansion will follow. We take great pride in our region-wide collaborative approach to transportation planning, and we take very seriously our responsibility to plan for growth responsibly. Unfortunately, House Bill 64 would diminish our members' ability to respond to their constituents' needs and could significantly delay – or even halt – much needed projects.

We therefore oppose this bill, as it would significantly impede the timely and cost-effective completion of necessary public infrastructure improvements. While we appreciate the sponsors' desire to protect property owners, this bill would drastically change the balance of eminent domain law such that public improvements would be made more complicated and costly. Such a dynamic would be a disservice to both the local governments of Ohio and the taxpayers they tirelessly serve.

First, House Bill 64 tilts the scales away from elected local decision-makers by eliminating rebuttable presumptions that property takings are necessary and raising the burden of proof on local governments. These provisions could essentially end eminent domain as we know

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it, drawing out court proceedings and increasing litigation costs for our communities. Moreover, the expanded timelines for court proceedings outlined in the bill would delay projects even further.

Secondly, the bill creates a cause of action for property owners, with a burden of proof lower than that required of local governments to prove the necessity of a project. It also awards property owners with attorney's fees if they win or settle (regarding the necessity of the project) or if an agency appeal of a judgment does not prevail. Affording these additional privileges is a noteworthy departure from current law, and would further delay critical projects and increase costs to the taxpayer for public infrastructure improvements.

Finally, the bill expressly prohibits the use of eminent domain law to acquire property for recreational trail projects in most cases. At MORPC, we highly value the benefits that public trails and greenways provide our residents. Central Ohio Greenways – a MORPC committee – studies and steers one of the most robust regional trail networks in the state. These assets not only provide a healthy recreational opportunity, but an affordable and environmentally friendly commuting option and tourism attraction as well. The provisions in House Bill 64 would stifle our ability to incorporate trails into transportation planning and would likely disallow communities from expanding or otherwise enhancing this highly valued asset.

In summary, a robust and diverse public infrastructure portfolio is a critical component of any economic and community development strategy. House Bill 64 would curtail the authority of duly elected local decision-makers and leave them unprepared to provide the amenities and services their constituents demand. In this spirit, we strongly oppose House Bill 64 and urge the committee not to advance the bill in its current form.

Chair Hillyer, Vice Chair Mathews, Ranking Member Galonski, and members of the House Civil Justice Committee, thank you for the opportunity to provide testimony on House Bill 64. Please do not hesitate to contact me at [wmurdock@morpc.org](mailto:wmurdock@morpc.org) with any questions.