



May 22, 2023

Dear Chair Hillyer, Vice Chair Mathews, Ranking Member Galonski and House Civil Justice Committee Members,

On behalf of all Ohioans, I strongly encourage you to oppose the passage of Sub HB 64, which removes the ability to use eminent domain to improve quality of life for your constituents. This bill is an overreaction given that there is no problem to solve; the ORC and Ohio Constitution already include strong protections for adjacent property owners, ensuring that they receive both due process and just compensation regarding takings for public use/need, including a provision for elected officials to veto the appropriation. This legislation sets a dangerous precedent by unnecessarily limiting and curtailing a fundamental power of last resort to carry out public works projects, violating home rule and harming taxpayers. HB 64 undermines the ability of agencies or municipalities to protect public peace, health, safety and general welfare for residents.

Recreational trails – a.k.a. “linear parks” – bring significant economic, health, safety and other quality of life benefits. Banning the use of eminent domain to develop active transportation infrastructure that facilitates safe walking and biking to access essential health care, education, jobs and other critical services takes away an important tool and is counter to the interests of citizens, municipalities and agencies. The fact that a constitutional amendment to approve the Clean Ohio Recreational Trails Fund was passed by a majority in all 88 counties in 2000 and again in 2008 highlights the importance and value of trails to Ohioans – these are not “nice to-have” amenities but critical infrastructure that brings over \$2 billion in direct spending and health cost savings annually to the Buckeye State.

Most state elected officials understand that recreational trails are assets that expand smart transportation options, fuel strong businesses and create good jobs, help retain and attract talented individuals and families, enhance regional competitiveness and promote social equity. Trails create healthy, thriving communities. The majority of Ohio’s park districts and other agencies have never used eminent domain for a recreational trail. Local government bodies recognize that this approach should be exercised with great discretion, but there is a general understanding that eminent domain can be an appropriate tool in unique cases, e.g. when a property owner cannot be located or when there is no owner identified in county records, eminent domain is the most effective method to secure the property. The situation with unidentifiable landowners is not unusual in the case of recreational trails, which are often planned in remote areas and along waterways where old property lines shift and ownership documentation can be lost. Should eminent domain not be an option, the alternative is county foreclosure and a sheriff’s sale. A buyer, knowing the property is the last piece necessary to complete a linear park, could demand a price well above fair market value. A vital public use could be held hostage and public tax dollars wasted when eminent domain provides a simple and fair solution.

The **one** situation that has led to the introduction of this bill involves a trail project that has been in the works for over 35 years. Landowners are being fairly compensated for the easements required to complete this transformative project that benefits the community, region and state; the MetroPark has been responsible, transparent and fair throughout this process, emphasizing the greater public good. **It is irresponsible to legislate based on a singular situation that has upset an influential constituent.**

Thank you for your consideration & Happy Trails!

A handwritten signature in black ink, appearing to read "Brian K. Housh".

Brian K. Housh

Vice President, Ohio Trails Partnership / Midwest Policy Manager, Rails-to-Trails Conservancy