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## TESTIMONY IN SUPPORT OF SB 331

Mr. Chairman and members of the Committee, I am Doug Walker, President of the Kanza Rail Trails Conservancy Inc. We are a 501 (c)(3) not for profit Kansas Corporation which relies on donations from individuals, corporations and foundations. We are a totally volunteer organization with no paid staff. In 1996 the Union Pacific railroad railbanked a 117-mile corridor between Osawatomie and Herington. This corridor is now the Flint Hills Trail and the Kanza Rail Trails Conservancy Inc. is the current holder of the deed to the right-of-way. This trail runs through five counties and at least 10 communities.

The Flint Hills Nature Trail is a Kansas treasure. This rail banked corridor goes through eastern woodlands in Miami county, farm land in Franklin & Osage counties, and the Flint Hills in Morris and Dickinson counties. It is open to hikers, equestrians and bicyclists.

### **We are here today to support adding the Flint Hills Trail to the State Park system.**

This trail intersects the 54-mile Prairie Spirit Trail State Park in Ottawa and Landon Nature Trail near Pomona creating a network of trails over 215 miles long which eventually could go from Topeka to Humboldt and from Osawatomie to Herington.

Collaborating with the state in its ability to access federal grants, substantial upgrades have been made over the past four years. Those newly upgraded sections are comparable to or exceed anything currently existing on the KATY trail in Missouri. When completed the economic upside for these communities will be enormous.

While we are donating the trail to the State, we look forward to continuing our partnership with the State by helping maintain and promote the trail.

I would like to address some of the concerns which were brought up belatedly in the Senate and to correct some of the incorrect information which was given to Senators.

- *This bill is not about parks and walking trails. It is a land grab.*

This is FALSE. The bill simply states that *Little Jerusalem and the Flint Hills Trail be added to the State Parks system.* Nothing more, nothing less. This bill is **ONLY** about parks and walking trails.

- One Senator claimed: "We talk about upholding the rule-of-law but some reason it doesn't apply when we give consideration to our rails-for-trails.".... "Courts, including the U.S. Supreme Court have ruled against similar land grabs." **FALSE**

Trail opponents would like for you to believe this trail was illegally stolen from adjacent landowners ignoring the rule of law. That abandoned rail corridors are to revert to adjacent land owners.

**Prior to 1983**, when a railroad determined that a particular corridor was no longer profitable they would apply to the Interstate Commerce Commission (now the Surface Transportation Board) for permission to abandon the corridor. If abandonment was approved the property would revert to adjacent property owners.

**In 1983**, Congress determined it was detrimental to our national security and future rail service to allow all of these corridors to revert to the adjacent landowners. Should a railroad want to reactivate rail service it would be nearly impossible to re-acquire these right-of-ways.

To alleviate this problem, Congress amended the National Trails System Act to create the railbanking program. ***This law creates an interim step between active rail service and abandonment, - rail-banking.*** A responsible party and a railroad can voluntarily agree to put a corridor in the "bank" for future rail service. In the "interim", the corridor could be used for recreational trails. If a railroad wanted to reactivate service along the corridor, the trail is required to return the corridor to the railroad. In the 1990 (Preseault v. ICC, 494 U.S. 1 (1990) the U.S. Supreme Court upheld the constitutionality of railbanking. Railbanking is the law of the land. Ignoring that, ignores the rule of law.

The issues brought up by trail opponents are old issues that were settled in the 1990's, they are red herrings designed to distract you and raise doubts. It's not that they don't want the trail to become a State Park, they simply don't want the trail.

Whether the Flint Hills Trail becomes a State Park or not, will have no effect on its railbanked status. It will still be a trail, open to the public for walkers, bikers and equestrians and owned by the Kanza Rail Trails Conservancy Inc.

For consistent maintenance, increased law enforcement, professional management and statewide promotion, it needs to become a State Park. The Flint Hills Trail State Park will provide economic benefits to local communities and enhanced recreational opportunities for all Kansans.

Senate Bill 331 simply makes a great Kansas resource a State Park.

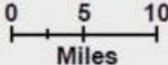
We ask that you support this bill making the Flint Hills Trail and Little Jerusalem a state parks.

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# Flint Hills Nature Trail

Prepared by the  
 Kansas Department of Transportation  
 Bureau of Transportation Planning  
 June 7, 2013



- City
- State Park
- Flint Hills Nature Trail
- Prairie Spirit Trail
- Railbanked Corridor
- Trail Concept
- Biking/Hiking Trails
- Park
- Incorporated City

