

MINUTES OF THE HOUSE TOURISM COMMITTEE.

The meeting was called to order by Chairperson Barbara P. Allen at 1:30 p.m. on February 17, 1997 in Room 522-S of the Capitol.

All members were present except: Rep. O'Neal - excused

Committee staff present: Carolyn Rampey, Legislative Research Department
Tom Severn, Legislative Research Department
Renaë Jefferies, Revisor of Statutes
Nancy Kirkwood, Committee Secretary

Conferees appearing before the committee: Rep. Laura McClure
Dick Carter - Public Information Officer, Wildlife & Parks
Thomas Warner, Manhattan - Vice Chair of Commission for Wildlife & Parks
Rep. Andrew Howell
Rep. Stanley Dreher
Gene Ramsey - Mayor of Ottawa
Vicki Cummisky - City Commissioner
Patty Snyder - Representative of Chamber of Commerce, Ottawa
Janice Hodgson - Mayor of Garnett
Katherine Dietrich - adjacent land owner
Dan Fogle - Fogle Quarry
Dale V. Crawford - President, Johnson County Bicycle Club
Charles Scoville - land owner
Jean Barbee - Executive Director, TIAK
Ed Alvis, Region 5, Park Supervisor
Cynthia Abbott - Lobbyist- Kansas Audubon Council
Charles Benjamin - Legislator Coordinator - Kansas Chapter of Sierra Club and Kansas Natural Resource Council
Dick Dilsaver- The Coleman Company

Others attending: See attached list

Chairperson Allen called the attention of the Committee to open the hearing on HB2301 - annual camping permit for state parks.

Chairperson Allen recognized Rep. Laura McClure, proponent, to the committee (Attachment 1)

Dick Carter, Public Information Officer, Wildlife and Parks, was recognized by Chairperson Allen as an opponent to HB2301 (Attachment 2).

Chairperson Allen recognized Thomas Warner, Vice Chair of Commission of Wildlife and Parks (Attachment 3).

Chairperson Allen closed the hearing on HB2301 - annual camping permit for state parks.

Chairperson Allen opened the public hearing on HB2324 concerning prairie spirit rail trail.

Rep. Andrew Howell, proponent, was recognized by Chairperson Allen to address the committee regarding HB2324(Attachment 4)

Chairperson Allen recognized Rep. Stanley Dreher, proponent, to address the committee (Attachment 5)

CONTINUATION SHEET

MINUTES OF THE HOUSE TOURISM COMMITTEE, Room 522-S Statehouse, at 1:30 p.m. on February 17, 1997.

Gene Ramsey, opponent, was recognized by Chairperson Allen. Gene voiced his opposition to **HB2324**. The City of Ottawa is a financial partner with the State in the development of the Prairie Spirit Trail, and the City has committed monies to upgrade the trail within the City limits; it has expanded an existing bike and hike trail and has expanded amenities to the trail itself (**Attachment 6**)

Chairperson Allen recognized Vicki Cummisky, opponent, to speak before the committee. Vicki stated the City of Ottawa is in the midst of unprecedented growth in which demands for infrastructure requirements and quality of life amenities are at an all time high. Significant potential for future economic development in a variety of tourism related areas clearly exists (**Attachment 7**).

Patty Snyder, opponent, was recognized by Chairperson Allen. Patty said that the City of Ottawa has seen the impact Phase I of the Prairie Spirit Rail Trail has had on businesses and on the downtown area in Garnett. Ottawa would like to continue to see this type of growth in its downtown area and feels the Prairie Spirit will provide an economic boost to Ottawa's businesses (**Attachment 8**)

Chairperson Allen recognized Janice Hodgson, opponent. Janice stated that the City of Garnett is a rural area doing everything it can to survive. This particular area does not attract major industry. The trail is attracting visitors from all over the State of Kansas and from some neighboring states. The visitors bring only good comments and "captured dollars" (**attachment 9**)

Chairperson Allen welcomed Katherine Dieterich, opponent. Ms Dieterich said it would take a fortune to convert six acres back to agricultural use, and could not think of a better thing than being together in the beautiful great out-of-doors (**Attachment 10**)

Dan Fogle, opponent, was recognized by Chairperson Allen. Mr. Fogle opposes **HB2324** as the rail trail will add recreation and tourism opportunities not only for Franklin County but also for the State of Kansas (**Attachment 11**)

Chairperson Allen welcomed Dale Crawford, opponent. Mr. Crawford appeared with a petition of 449 signatures to show their endorsement of the trail. The public demand for accessible trails, such as rail trails, is evidenced by their continued use throughout the country in urban and rural areas alike. The Wildlife and Parks Department began the Prairie Spirit Rail Trail to satisfy this need within Kansas, and to provide a greater diversity of recreational opportunity for Kansans and its tourists (**Attachment 12**).

Chairperson Allen recognized Jean Barbee. Ms Barbee stated TIAK opposes **HB2324**. Delaying either further development or designation as a part of the state park system will inhibit adequate public access to a natural resource which provides recreational opportunities (**Attachment 13**).

Chairperson Allen welcomed Ed Alvis, Region 5 Park Supervisor. Wildlife and Parks opposes passage of **HB2324**. The bill would stop the forward momentum of the project, and could result in the loss of \$107,729 already allocated for design. Economic development opportunities associated with the long range development of the trail could be delayed or lost (**Attachment 14**)

Chairperson Allen welcomed Cynthia Abbott, Kansas Audubon Council. Ms. Abbott spoke in support of the rail trail. With only 2/10ths of 1% of our state's lands available for recreation under Kansas Department of Wildlife and Parks' management, and only 3% of our state's lands held publicly in total, Kansans are not richly endowed with public opportunities to enjoy the outdoors (**Attachment 15**).

Charles Benjamin, Ph.D.,J.D., Legislative Coordinator, Kansas Natural Resource Council and Kansas Chapter of Sierra Club, testified in opposition to **HB2324** (**Attachment 16**).

Dick Dilsaver was recognized by Chairperson Allen as an opponent of **HB2324**, having no written testimony.

Chairperson Allen closed the hearing on **HB2324 - concerning prairie spirit rail trail**.

The meeting adjourned at 2:45 p.m.

The next meeting is scheduled for February 18, 1997.

HOUSE TOURISIM COMMITTEE GUEST LIST

DATE: Monday, February 17, 1997

NAME	REPRESENTING
Cynthia Abbott	Kansas Audubon Council
Amelia McIntyre	KS Dept. of Wildlife & Parks
THOMAS WARNER	VICE-CHAIR KS. WILDLIFE & PARKS COMM.
Morine Kruse	KDOC + H - Tourism
Kevin Jackson	
DALE CRAWFORD	So. Co Bicycle Club
DICK CARTER, JR	KDWP
Mike Shield	Harris News
Dan Fogle	F.C. Friend of the Trail
Jean Tyson	Ottawa - City Commissioner
Janice Hodgson	Harnett Mayor
Joyce Martin	Friends of KSRT - Harnett Chapter City of Harnett
Charles Smith	Farmer
Steve Williams	KDWP
Jim McLean	KDWP
Patricia Snyder	Aviation Develop. Chairperson - Ottawa Chamber
Maryann S. McLee	© Harlow/Franklin Co. Tourism
Jean Barber	Travel Ind Assn of KS
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ANNUAL CAMPING PERMIT;

The annual camping permit was instituted in 1982 at \$25 which allowed a permit holder to camp in any Kansas state park for unlimited nights; no daily camping fee existed. A \$2 per night charge was also instituted for the use of utility hook-ups. In 1987, the annual camp permit price was increased to \$30 and a \$2 nightly camp fee was instituted. In 1993, the annual camp permit price was increased to \$35, daily camping price increased to \$3, and utilities increased to \$4. In 1996, the annual camp permit was deleted and the daily camping permit price was increased to \$5 per night.

Prior to 1982, camping in Kansas state parks was minimal, sporadic, and directly related to the quality of fishing available. Due to the implementation of the annual camping permit and improved campgrounds, overnight camping increased to an estimated 100,000 nights by 1986. Since then, additional improvements have been made, demographics have changed; and during 1995, Kansas state parks had over 791,000 camping nights or an estimated 1,800,000 campers.

The cost to maintain a campsite in 1982 was an estimated \$100 per year. The cost to maintain a campsite in 1996 was approximately \$500 per year. The 1995 campsite occupancy rate was 54%, with an average revenue of \$1.42 per camping night or \$154 annual revenue per site. The 1996 campsite occupancy rate was 46%, with an average revenue of \$4.50 per camping night, or \$456 annual revenue per site. If the occupancy rate can be raised to 55% or above, the costs for operating campground components of parks would be recovered.

Two states have an annual camping permit for 1997: Wyoming \$25 (for residents only) plus \$25 entrance fee and only available for 6 parks; Alaska \$75 for residents, \$100 for non-residents plus \$25 entrance fee plus a \$50 boat launch fee and a \$5 dump station fee (no sewer available). New Mexico State Parks managers eliminated their annual camp permit for 1997.

An annual camp permit was recommended by KDWP staff at \$70 for the 1996 camping season. After numerous public meetings and public comment, the annual camp permit was eliminated from the Kansas state parks fee schedule by the Commission. The majority of the public comment objected to the \$70 fee.

An average of 6,000 annual camping permits were sold per year from 1982 through 1995. Two surveys were conducted from random sampling with the results showing an average usage of 22 nights per year.

A \$100 fee for the permit reflects the need to recover the cost of operating a campsite and based on the 22 nights average usage at \$4.50 per night. There is a 14-night camping permit currently available for \$50.

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Attachment 1



STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

Office of the Secretary
900 SW Jackson, Suite 502
Topeka, KS 66612
913/296-2281 FAX 913/296-6953



TO: Representative Barbara Allen, 21st District
FROM: Steve A. Williams, Secretary of Wildlife and Parks
SUBJECT: Testimony on HB 2301
DATE: February 18, 1997

HB 2301, by the Committee on Environment, is new legislation which would require the Kansas Department of Wildlife and Parks (KDWP) to establish by rules and regulations an annual camping permit. The fee for the annual camping permit would be \$100. The bill would become effective upon publication in the Kansas Register.

The KDWP, with approval of the Wildlife and Parks Commission, abolished the annual camping permit after calendar year 1995. The Commission took this action since the KDWP was one of few states that offered an annual camping permit. It should be noted that since the elimination of the annual camping permit, the Commission has been requested by the public to reinstate the annual camping permit. The Commission has been advised by the KDWP regarding the feasibility of reinstating the annual camping permit and the Commission will make a recommendation at a future meeting. It should be noted that by existing state statute regarding the KDWP, the Commission is the authorized authority to establish an annual camping permit.

The bill would require the KDWP to implement the annual camping permit upon the effective date of this bill. The KDWP is not prepared to operate with an annual camping permit during the 1997 camping season. The appropriate effective date would be January 1, 1998.

The KDWP cannot determine the total fiscal impact associated with HB 2301. In calendar year 1995, the KDWP issued 5,330 annual camping permits. If the same number of permits were issued at the proposed fee of \$100/permit, the revenue generated to the Park Fee Fund would be \$533,000. However, the reinstatement of the annual camping permit would increase expenditures for utilities. It was noted by KDWP that during calendar year 1996, when no annual camping permits were issued, the expenditures for utilities decreased by 20 percent. It can be assumed that with

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reinstatement of the annual camping permit, that expenditures by KDWP for utilities will increase.

When the Kansas Commission on Wildlife and Parks abolished the annual camping permit, it created a 14 day camping permit for a fee of \$50. Surveys conducted by KDWP indicate that the average camper stays 22 nights in state parks. Therefore, there would be an impact on the sale of 14 day permits which cannot be estimated at this time. In addition, it should be noted that if the length of stay by a camper exceeds 22 days, the KDWP would be "losing" revenue as compared to a camper buying daily permits.

The reinstatement of the annual camping permit would have an impact on the usage of state parks if the permit is utilized as before it was eliminated. The cost of utilities will increase. In addition, surveys indicate that even though the average stay for a person using an annual camping permit was 22 days, the median average number of days that a person with an annual camping permit stayed was 32 days. This average would have a long range impact on KDWP state park operations.

WP\test2301

Testimony made on House Bill 2301
Annual Camping Fee/Kansas Department of Wildlife and Parks

The Kansas Department of Wildlife and Parks Commission has been in the process of reviewing the annual camping fee. The discussions have been positive to move towards reinstating an annual camping fee at a cost of at least \$100. The agency has been supportive of this move. We anticipate voting on this fee schedule change either at our March or April Commission meeting. The Commission is going to have to seriously look at what out-of-state campers should be paying. Since we have out-of-state hunters and fishermen pay increased fees, it is probably appropriate to have a fee schedule that has out-of-state residents pay higher camping fees and park use fees and this would apply to the annual fee as well. The straight \$100 across the board annual camping fee would not be appropriate and this needs to be studied and looked at as we set this new annual camping fee.

Thomas Warner

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Attachment 3*

I am recommending that this legislature declare a 3 year moratorium on considering any funding for the Prairie Spirit Rail-Trail and on any consideration of including this trail in the state park system. I make these recommendations for the following reasons:

1. Private property rights are being confiscated in violation of landowners' rights under the 5th amendment to the United States Constitution which reads in part, "nor shall private property be taken for public use without just compensation." Railroad right-of-ways in Kansas were originally acquired by condemnation, deed or grant. Under Kansas law the railroads, regardless of how the strips for RW were acquired, never acquired title to the strips. Ownership of the strips remained with the property that the RW ran through. Upon abandonment by the railroad the strips reverted to the landowner. KSA 66-525f declares that a deed from a railroad conveying RW strips to anyone except the owner of the land from which it was originally carved is void. The State has no title to this land and never will have unless it is purchased from the landowners.

2. This reversion to the landowners along the Prairie Spirit Rail-Trail has not happened because of the federal rail-bank act passed by the U.S. Congress in the 1970's. This act developed the fiction that someday the security of the country might require rebuilding of the railroads. This allowed the railroads to remove their rails and ties and leave all of the junk for the taxpayers to clean up. In 1983, Congress enlarged the rail-bank act by a little known provision that allowed the railroads to make a deal with government agencies or non-profit corporations whereby the RW could be turned into a public trail. This was done without any notice to the landowners that their private property rights were being confiscated, their privacy invaded and their reversionary rights permanently denied, all in violation of the landowners' 5th amendment rights.

3. Court litigation over this attempted confiscation of private property is going on all across the U.S. The U.S. Supreme Court, in the widely known "Preseault case" has held that Congress has the right to rail-bank railroad RW. But, this case did not decide what happened if the RW was used for any purpose except its original grant which was for a railroad. The U.S. Court of Appeals, in a subsequent Preseault case handed down its opinion on November 5, 1996. It holds that railbanking is one thing but turning these RW over for recreational trails is quite another; that this is a taking of private property under the 5th amendment and the landowners are entitled to be paid for their land and damages. The agencies operating the trail contend that the U.S. government is responsible to pay the damages but the

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U.S contended that all damages should fall on the agency managing the trail. The court decided that the payment should be from the U.S since it was initially responsible for creating this situation. This would require Congress to appropriate billions of tax dollars for trails across the country estimated to exceed 25,000 miles. With the present downsizing mood of Congress this is not likely. Until this issue is finally settled and someone agrees to pay the damages no one knows what anyone's rights are. Our state agency may well be trespassing on private property to which it has no claim. Unless Kansas condemns these RW, claiming a public use, and appropriates the millions of tax dollars required to compensate the landowners, we will be years waiting for the courts to define the rights and obligations of the parties involved. It is estimated there are at least 68,000 landowners involved nationwide. In the meantime Kansas will be spending millions to develop, maintain and police a linear park that it has no title to.

4. Congress is now having hearings in Washington, D.C. to consider revamping the entire rail-bank and rail-trail acts. Until these hearings are over and Congress decides the future of these acts, no one knows how the projects will fare or even if they will survive. If Congress refuses to appropriate the billions required to settle with the landowners, then the state has no claim to the trail unless Kansas taxpayers are willing to pay for it. We could well have the millions of tax dollars already spent on this trail go down the drain.

5. The State may be inviting the public into an environmental hazzard of unknown proportions. I understand that this trail was exempted from any environmental studies. For over 100 years this RW was polluted by chemicals and wastes of various kinds. I am attaching a copy of a letter to a newspaper from a former railroad engineer describing the hazzards involved. The State has no idea what it is assuming in the way of liability.

6. The KDWP, manager of the trail, cannot manage the parks it already has charge of. Through misappropriation of funds, as outlined in the attached article published in the Topeka Daily Capital, taxpayers in Kansas have lost millions in taxes paid and benefits lost because the KDWP could not keep its finances straight.

For the above reasons, summarized as follows:

A. Confiscation of private property in violation of constitutional rights;

B. Ongoing litigation in the courts;

C. Uncertainty as to who, or if, anyone will be responsible for paying billions of tax dollars to landowners for damages;

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D. Pending congressional hearings are considering revamping the rail-bank and rail-trail acts. It is impossible to anticipate the outcome or how trails now in existence will be affected:

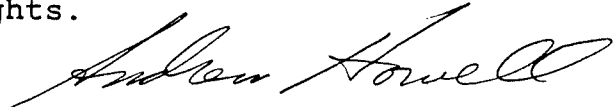
E. Potential environmental hazard to the public:

F. Inability of KDWP to manage the state parks it now has under its control:

G. Unanimous landowner opposition to the trail which confiscates their private property and invades their privacy. Over 2500 adult citizens of the counties involved have signed petitions opposing the rail-trail;

a moratorium on spending millions of tax dollars on a project as uncertain as this would be fulfilling our responsibility to the citizens of this state. Making this trail a state park only involves the State further in a project that should rank near the bottom of the priority list on matters of concern to our State.

As legislators who have sworn to uphold the Constitution, we should not be a party to passing legislation that denies our own citizens their constitutional rights.



REPRESENTATIVE ANDREW HOWELL

66-601

of-way and provides the notice of such abandonment required by this subsection shall incur no civil or criminal liability for failure to notify any person who claims, or may claim, ownership of property servient to the abandoned right-of-way, nor shall such grantee or assignee incur any civil or criminal liability for notifying any person who has no legal claim to ownership of property servient to the abandoned right-of-way. The notice required by this subsection shall not create any legal right, be construed as a warranty or guarantee, nor shall such notice impair or cloud any lawful claim, right, title or interest of any person.

(f) Any conveyance by any railroad company of any actual or purported right, title or interest in property acquired in strips for right-of-way to any party other than the owner of the servient estate shall be null and void, unless such conveyance is made with a manifestation of intent that the railroad company's successor shall maintain railroad operations on such right-of-way, and the railroad owns marketable title for such purpose.

(g) As used in this section, "railroad company" has the meaning of such term as defined in K.S.A. 66-180, and amendments thereto.

History: L. 1986, ch. 247, § 1; L. 1987, ch. 258, § 1; July 1.

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TESTIMONY
ON
RAILS FOR TRAILS

Reasons for Moratorium

A. Confiscation of private property in violation of Constitutional rights,
This violates the 5th Amendment (nor shall private property be taken for public use without just compensation).

Under Kansas law the railroads never acquired title to the strips.

B. Ongoing litigation in the courts.

There are many cases on this throughout U.S.; however, the latest is "Preseault Case" in which it was held that Government is liable for the payment to landowners for the loss of their property (Nov. 5, 1996).

This was U.S. Court of Appeals in Washington D.C. concerning a Vermont case and this may be appealed to the Supreme Court.

The Indiana Farm Bureau has recently engaged a large Washington D.C. law firm to protect Indian private property rights from these Rails-For-Trails takings.

This same law firm is contemplating filing a nation wide class action suite on behalf of all who have their property taken.

C. Uncertainty as to who, or if, anyone will be responsible for paying billions of tax dollars to landowners for damages.

D. Pending congressional hearings are considering revamping the rail-bank and rail-trail acts. It is impossible to anticipate the outcome or how trails now in existence will be affected.

- E. Potential environmental hazard to the public.

F. Problems KDWP has in managing the state parks now under their control.

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G. Unanimous landowner opposition to the trail which confiscates their private property and invades their privacy. Over 2500 adult citizens of the counties involved have signed petitions opposing the rail-trail; a moratorium on spending millions of tax dollars on a project as uncertain as this would be fulfilling our responsibility to the citizens of this state. Making this trail a state park transfers obligation to legislators from KDWP.

As legislators who have sworn to uphold the Constitution, we should not be a party to passing legislation that denies our own citizens their constitutional rights.

Rep. Stanley Dicker

Other Editors Say

Bump in the Road

There is no lack of ardor in the debate over the "rails to trails" issue. Those who favor the conversion of abandoned railway beds to public recreational uses believe strongly in their cause. Opponents are every bit as fervent in arguing for landowners' rights. Will there ever be peace?

Many states are witnessing this battle, although some have completed projects that are quite popular. In fact, the trails often have proven to be economic boons to some small communities along those trails.

In Kansas, the main engagement in this war is in the Garnett area, where 50.2 miles of former Santa Fe Railway right-of-way is being developed into the Prairie Spirit Rail Trail.

Opponents got some fresh ammunition recently from a federal appeals court in Washington, D.C. The case involved a Vermont rails-to-trail project, and the court ruled that private property had been taken illegally.

Common sense would fall on the side of the landowners. When railroads were being built, landowners granted rights of way on their property with the understanding that if the rails were abandoned, the property rights would revert to the landowners.

But in 1983, proponents of turning the rails into trails managed to convince Congress to pass the National Trail System Act, which authorized "railbanking." Instead of returning rights to property owners, the law preserved the right-of-way for public use unless or until it is reclaimed for rail use. Of course, who expects railroads ever to start putting down track where they have already taken it up?

Clearly, the 1983 law was a clever attempt to get around the original law. And it has worked. Nationally, 8,000 miles of track corridors have been converted to hiking/biking trails since 1983, with 23,000 more planned for conversion.

The recent court ruling may have thrown a barrier across the track, at least in places where there is strong opposition. And, in all fairness, it probably should.

Opponents of the trails haven't always distinguished themselves with their harsh words and inflammatory comments about those who would be using the trails. However, they seem to have a good legal argument.

So now what? The trails concept shouldn't be abandoned. At a time when hiking and biking are growing in popularity, the idea should be encouraged. But the conversions should be achieved in a way that is fair and reasonable, not confiscatory.

If the trails are a good idea—and they are—then they're worth pursuing the old-fashioned way: through the purchase of right-of-way, fair and square.

—*The Topeka Capital-Journal*

**REMARKS BY MAYOR GENE RAMSEY
TO THE HOUSE TOURISM COMMITTEE
REGARDING HOUSE BILL 2324**

February 17, 1997

Madam Chair Allen and members of the Committee, my name is Gene Ramsey and I am the Mayor of Ottawa and I am speaking to you today on behalf of the City Commission in opposition to House Bill 2324 which would impose a one year moratorium on the construction of the Prairie Spirit Rail Trail segment from Ottawa to the existing northern trailhead between Ottawa and Garnett - a project the citizens of Ottawa have been eagerly awaiting since its inception.

As you may be aware, the City of Ottawa is a financial partner with the State in the development of the Prairie Spirit Trail in that the City has committed approximately \$40,000 in local funds to upgrade the surface of the trail within the City limits.

The City has also committed an additional \$100,000 in City monies to totally reconstruct and expand an existing bike and hike trail in an abutting 30 acre City park as well as expanded amenities to the trail itself such as decorative lighting, parking, signage and other typical park improvements. The City is also considering further enhancements in a 6 block area of the trail where the original trailbed has been replaced by a paved street.

In closing, the City of Ottawa does not see any valid reason for the second phase of the Prairie Spirit Trail in Ottawa to be delayed at this point in time and would request your vote to be against House Bill 2324. Thank you for your consideration of our position.

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Attachment 6*

**REMARKS BY MAYOR PRO TEM VICKI CUMMISKEY
TO THE HOUSE TOURISM COMMITTEE
REGARDING HOUSE BILL 2324**

February 17, 1997

Chairwoman Allen and members of the Tourism Committee, my name is Vicki Cummiskey and I am the Mayor pro tem of Ottawa. I am speaking to you today on behalf of the City Commission in opposition to House Bill 2324, which would impose a one year moratorium on the construction of the Prairie Spirit Rail Trail segment from Richmond to Ottawa.

The City of Ottawa is in the midst of an unprecedented growth period in which demands for infrastructure requirements and quality of life amenities are at an all time high. The Prairie Spirit Rail Trail in Ottawa represents one part of a multi-faceted effort by the City Commission to upgrade and expand the City's recreational opportunities for residents and visitors alike. In particular we are targeting expanded activities for our youth.

Given the fact that Ottawa is the northern trailhead, coupled with the City's location on I-35 and proximity to Topeka, Kansas City and Lawrence, significant potential for future economic development in a variety of tourism related areas clearly exists.

To be perfectly honest with you, I am somewhat surprised that we are here before you today due to the fact that legislation addressing the concerns of the abutting property owners of the Prairie Spirit Trail was passed last year. As a result of this legislation, the project moved forward and is scheduled to be completely designed by the end of March with bids to be let shortly thereafter.

The City also has been actively involved with the project engineers in the design phase for that portion of the trail within the City of Ottawa. We believe this project to be on track for this year, and, on behalf of the City Commission of Ottawa, we urge your negative vote on House Bill 2324. Thank you.

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Attachment 7*

Testimony Before the House Tourism Committee
Testimony in Opposition to House Bill 2324

Patty Snyder, Chair of the Ottawa Downtown Development Committee

Madaam, Chairwoman and members of the committee, good afternoon. My name is Patty Snyder. I am appearing this afternoon on behalf of the Ottawa Area Chamber of Commerce- Downtown Development Committee and as a retailer from Ottawa.

Our Downtown Development Committee focuses on the preservation of our historic downtown buildings, renovation and the retention and attraction of businesses in downtown Ottawa. It is important to note, Ottawa is noted for its Victorian architecture. The entire 200 block of Main Street is listed on the National Register of Historic Places. We have a beautiful downtown area, that we want to share with our visitors and guests. Our City Commission is studying the Neighborhood Revitalization Act, as a tool to help us maintain and improve the attractiveness of our downtown buildings.

We have seen the impact Phase I of the Prairie Spirit Rail-Trail has had on businesses and the downtown area in Garnett. They have seen the addition of a new upscale restaurant, renovation and new ownership of a local motel, plus the opening of a Bed & Breakfast. Just eleven miles south of us the town of Princeton, is preparing to welcome a new convenience store that will have signage directing trail users to the store. They are making plans for a rest area along the trail, at Princeton. This will encourage the trail users to stop and visit their community.

Our downtown area has also gone through some recent changes. Our Hallmark store moved to a new strip mall on the south end of town, near the interstate leaving a vacant building. Other businesses are eyeing the opportunity to move to a second proposed strip mall on the south end of town. At the same time several new businesses have started in our historic downtown area. A Mexican Restaurant is moving into a downtown building right now; Internet Solutions and a new pet store have moved into the two building spaces vacated by Hallmark; Pizza Time has moved from its location on the south end of Ottawa to a storefront in the downtown area. We would like to continue to see this type of growth in our downtown area and we feel the Prairie Spirit would provide an economic boost to our businesses.

The Prairie Spirit Rail-Trail would run within one block of the downtown area and would intersect with the Flint Hills Nature Trail, being developed by the Kansas Horseman Foundation. The trail would provide a link to our community and visitors to the trail would have easy access to our downtown businesses and the historic shopping area.

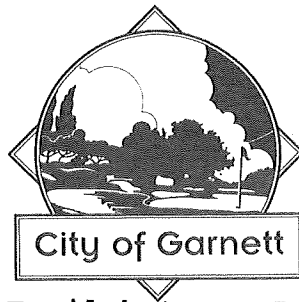
Rail-trails have proven to be wonderful drawing cards for tourists and recreation enthusiasts. It is important to our new tourism program. The Franklin County Historical Society has received a grant and will begin renovating the Old Depot Museum, this summer. They will become the trail head for the Prairie Spirit.

Rocheport, Missouri, a community of about 270 people, along the Katy Trail, was headed for tough economic times before the trail was developed. In one case an unemployed couple turned their soda stand into a restaurant/bike repair and rental store. Rocheport had struggled for years to raise money for street repairs and maintenance. A year after implementing a 1.5 cent sales tax they had \$22,000 in their coffers for street repairs. Rocheport now has several

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Attachment 8

antique stores, a large bed & breakfast and several restaurants.

Wildlife & Parks estimated there could be 135,000 users per year on the Prairie Spirit or an average of 370 per day. Even if Ottawa could draw less than a third of those people the impact would be significant. According to a marketing survey published by the Institute for Public Policy and Business Research at the University of Kansas in 1990, 100 new tourists per day could generate \$1,120,000 in retail sales and help support 7 more retail outlets. It is with this in mind, I offer my words of opposition to House Bill 2324 and any consideration to place a moratorium on construction for the second phase of the Prairie Spirit Rail-Trail.



The Prairie Spirit Rail Trail between Richmond and Welda, with Garnett as the central point, is now completed and is providing tremendous economic development and tourism results for the City of Garnett. Users are experiencing a safe place to walk, ride and bike as they enjoy all that nature has to offer.

The trail has been funded by federal gasoline taxes, motor fuel taxes, the Kansas lottery and State General Fund. It is important to note that no property taxes funded the trail development.

To date Garnett has invested \$225,000 in ISTEAFUNDS and city utility funds on infrastructure improvements, including landscaping and lighting the trail and renovation of our Santa Fe Depot which serves as a reststop and tourism information center. These projects have brought our community together, allowing people to get involved in something new and exciting. We are also seeing joint partnerships grow between the City, State, School District and private industry as well. These partnerships save each entity money as we share facilities, equipment and manpower.

A recent study conducted by K-State student Cindy Pauls, as part of her master's of regional and community planning degree, shows that gross revenues for businesses in Anderson County have increased by 17.7% and sales tax revenues for the City of Garnett increased by \$10,000 in 1996 over 1995. New businesses are locating in the downtown area, mainly because of their proximity to the trail. THIS IS ONLY THE BEGINNING!

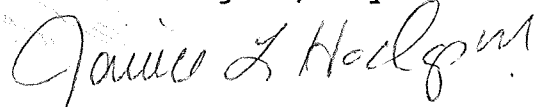
The attached sheet entitled "If There was no Prairie Spirit this Wouldn't Have Been" lists 19 various activities that have been done because of the trail. I am also attaching a copy of trail visitation information as well as a copy of our most recent **PRAIRIE SPIRIT EXPRESS** Newsletter.

I have not heard any negative comments from trail users, city residents or adjacent landowners concerning the trail operation. The Governing Body of the City of Garnett unanimously supports the completion of Phase II and encourages this committee to reject the two (2) bills proposed by Senator Tyson to place a one (1) year moratorium on construction of Phase II and a three (3) year moratorium on naming the Prairie Spirit Trail a state park.

This is the first major tourism project for this area in the State of Kansas. This is a project started by the State Department of Wildlife and Parks and the Kansas Department of Transportation. It needs to be seen to the end. Phase II has been approved and funded and it is very important that it be completed. We are a rural area doing everything we can to survive. Our particular area does not attract major industry. But the trail is attracting visitors from all over the State of Kansas and some neighboring states. They bring only good comments and "captured dollars".

I appreciate the time that you have given me to hear our comments. I represent not only the City of Garnett but the 170 members of the Friends of the Trail who spend countless hours promoting and beautifying the trail. We invite you to visit our area and enjoy Kansas' first rail trail.

Janice L. Hodgson, Mayor



Visitation

Trail visitation is estimated monthly from visitor use information obtained from permit sales, information from trail users surveyed, and percentage of permit compliance obtained through trail permit checks and trail patron contacts.

Trail permit sales and visitation are different due to the free use of the trail within the city limits of Garnett by anyone and by those who are under 16 years of age not needing a permit for trail use at any location.

1996 Trail Use By Month

January	Unknown	May	2,200	September	3,830
February	Unknown	June	3,000	October	3,770
March	1,200	July	3,200	November	1,893
April	1,800	August	4,741	December	2,071
Total 1996 visitation					27,705

Trail Demographics

A trail use fee policy was implemented in September of 1996, information gained is from September through December Sales. Self-pay permits are sold at the Richmond, Garnett, and Welda trailheads. Annual permits are sold in Garnett at the Chamber of Commerce office and at Garnett City Hall.

The following information is provided to address the two most asked questions about trail use and visitor information.

Question: Where do most trail users access the trail ?

Daily Permits sold at self-pay stations:

Garnett	78%
Richmond	13%
Welda	9%

Question: What percentage of trail users come from out of town?

Permit Sold	Annual	Self-Pay
Anderson county residents	87%	4%
Other counties in Kansas	12%	90%
Out of state	1%	6%

February 17, 1997

Proponent For The Prairie Spirit Rail Trail

1. I am not pleased with the condition of how the railroad was left when it was dismantled.
2. I'm concerned about noxious weeds as it is now. Trent McCowen, Trail Manager, assures me that will be no problem when the Trail goes through.
3. I'm in sympathy with city residents who do not have access to the wide open spaces. We should share; those of us who have been fortunate to have lived in the country. My family has always permitted fishing at our ponds----with the stipulation that no litter is left. No problems, to date.
4. Have no desire to seek remedy in the Court of Federal Claims. It would take a fortune to convert our six acres back to Agricultural use.
5. In this day and age of urging families to become closer, what better way than being together in our beautiful great out of doors. The adults could point out numerous things of interest to the children.
6. Some are concerned about litter being left on the trail. We have that problem now, along the roadsides, and no one is patrolling it. I have confidence in the Trail Manager that he will keep the trail under control.

Katherine M. Dieterich
KATHERINE M. DIETERICH
2675 Hamilton Road
Princeton, KS 66078-9065

House Tourism
2-17-97
Attachment

Dan Fogle, jr
612 E. 15th
Ottawa, KS 66067
Telephone 913-242-4244
Cell Phone 913-241-0912
February 17, 1997

Re: HB 2324

Five years ago this Labor day, Walker Hendrex and I were bicycling on old US-50 between Williamsburg and Ottawa. Even though it was a nice day and I was riding tight on the shoulder as a car approached from behind, he rear-ended me at an estimated speed of 60 mph. My bicycle and I were thrown over the top of the car. There were no cars from the opposite direction and I had checked my mirror, but the driver apparently swerved at the last minute.

While I was recuperating, I became interested in the rail-trail from Ottawa to Iola. My children and grand children need a safe place to bike, hike and jog. I have visited and biked on the Katy Trail in Missouri and biked across Kansas. My daughter and I backpacked the Timberline trail in Colorado as well as biking on other trails. And of course my wife and I walk and I ride on the Anderson County trail occasionally. My observation is that a trail becomes used more over time. As the trail matures, more bed and breakfasts, bike and backpack shops and restaurants show up.

Why should Missouri and Colorado have more trails than Kansas? Don't we have faith in our tourism? Texas has the largest bicycle ride in the U.S. every September at Odessa when more that 12,000 riders show up. I can't think of any of Kansas that isn't more beautiful than Odessa.

I personally have donated over \$3000.00 and my company has donated \$1000.00 plus 10,000 ton of crushed material for the surface of the trail worth at least \$19,000.00. The money is all in place or pledged and the engineering almost complete. The contract is expected to be done this year if this bill is not passed. This was funded and finalized in the last session. Nothing can be accomplished by a three year moratorium except the opposition hopes some of the funding will disappear and effectively kill the project. With the recent rail-banking of the line from Osawatomie to Herrington by the Horse Counsel, an east-west trail is almost certain. This could be a part of the first coast to coast trail in the U.S. The Franklin County portion of the Prairie Spirit will tie Anderson County with this east-west trail at Ottawa, making funding now even more imperative.

Much of the radical opposition to the Franklin County section has come from a handful of people from Anderson County even though their section of the trail is complete and in use. They dominated the original hearings. When I chaired a Chamber Legislative Coffee in Ottawa to discuss a number of current issues, the Anderson County radical opposition showed up trying and mostly succeeding in turning the meeting into a rail-trail debate, refusing to give up the floor at times. They load the Ottawa Hearld with negative "Letters to the Editor".

There are over 10,000 miles of rail-bank lines in the U.S. with more being added each year. The U.S. Supreme Court ruling has held up repeatedly on this issue except for a few technicalities. The issue before us is not property rights but will the trail add recreation and tourism opportunities not only for Franklin County but the State of Kansas. I believe the answer is an overwhelming yes and hope you agree by defeating this bill.

Thank You,
Dan Fogle jr.

House Tourism
2-17-97

Attachment 11

February 17, 1997

House Tourism Committee
State Capitol, Room 522-S
Topeka, KS 66612

Regarding: House Bill 2324, Moratorium on Phase II of the Prairie Spirit Rail Trail

On behalf of the Johnson County, Kaw Valley (Topeka), Lawrence, Leavenworth, and OZ (Wichita) Bicycle Clubs, thank you for the opportunity to appear before this Committee to stand in opposition to House Bill 2324. I am president of the Johnson County Bicycle Club and have been authorized to speak on behalf of the aforementioned Kansas clubs.

The public demand for accessible trails, such as rail-trails, is evidenced by their continued use throughout the country in urban and rural areas, alike. Unfortunately, the State of Kansas has lagged behind in this realization and remains one of the lowest ranked states in the country for providing public recreational and tourism opportunities. I submit an excerpt from the Rail-to-Trails Conservancy's, "Sampler of America's Rail-Trails", illustrating the 40 existing rail-trails in Iowa, to demonstrate what other regional states have accomplished. Several years ago the Wildlife and Parks Department began the Prairie Spirit Rail Trail to satisfy that need within Kansas and to provide a greater diversity of recreational opportunity for Kansans and its tourists.

The over 1,000 members of our five clubs often utilize various trails in their locale and on their many trips throughout Kansas and the country in pursuit of their preferred recreation. As proof I submit two examples of the types of bicycle excursions planned by our clubs. The first is the 1997 schedule of upcoming special events for the Leavenworth Bicycle Club in 1997. Four excursions to the KATY Trail in Missouri have been asterisked. This illustrates the desire of Kansas bicyclists to utilize rail-trails. Also enclosed is a promotional brochure for the 1997 Kansas Survival Series involving five premiere bicycling events, one organized by each of our clubs. The series, in its second year, attracts cyclist from over 15 states. Last year bicyclists from as far away as New York, California, Texas and Minnesota came to Kansas to participate.

*House Tourism
2-17-97
Attachment 12*

In order for the Prairie Spirit Rail Trail to realize its full economic benefit to the surrounding region, the entire trail must be constructed. A longer trail allows bicyclist from Kansas and other states to plan overnight excursions, generating greater tourism revenue. Currently our members and other bicyclists must travel to Missouri, Iowa or farther to enjoy the opportunities rail-trails provide. As an example, the Overland Park Leisure Services Department, with our club's assistance, is planning a multiple day excursion this June to the KATY Trail in Missouri. It would be great if these Kansans, as well as out of state bicyclists, could experience the same opportunities in Kansas, rather than having to go out of state. They would if there were facilities, such as a completed 50 mile long, Prairie Spirit Rail Trail, to visit.

During the Spring of 1996, the Johnson County Bicycle Club gathered a petition of support in the Kansas City area for the Prairie Spirit Rail Trail. The petition of 449 signatures was presented to the Franklin County Commissioners to encourage their endorsement of the trail. I submit that petition to this Committee. The Johnson County Bicycle Club and its members have also contributed approximately \$800 to the Ottawa Friends of the Prairie Spirit Rail Trail for their funding match as a further demonstration of our support.

Thank you for allowing me the opportunity to participate in the deliberations on House Bill 2324. The Johnson County, Kaw Valley, Lawrence, Leavenworth and OZ Bicycle Clubs of Kansas ask for your support of tourism and the Prairie Spirit Rail Trail by opposing House Bill 2324 and allowing the project to proceed on schedule.

Sincerely,

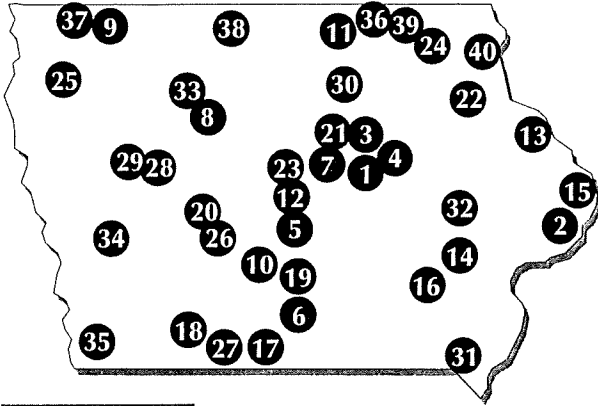


Dale V. Crawford
President, Johnson County Bicycle Club

xc: Friends of the Prairie Spirit, Ottawa Chapter
(without attachments)
Kaw Valley Bicycle Club
Lawrence Bicycle Club
Leavenworth Bicycle Club
OZ Bicycle Club

SAMPLER OF AMERICA'S RAIL-TRAILS

IOWA



Rail-Trails

- 1 Benton Preserve Trail
- 2 Brookfield Wildlife Refuge Trail
- 3 Cedar Prairie Trail
- 4 Cedar Valley Nature Trail
- 5 Chichaqua Valley Trail
- 6 Cinder Path
- 7 Comet Trail
- 8 Fort Dodge Nature Trail
- 9 Great Lakes Spine Trail
- 10 Great Western Trail
- 11 Harry Cook Nature Trail
- 12 Heart of Iowa Nature Trail
- 13 Heritage Trail
- 14 Hoover Nature Trail
- 15 Jackson County Trail
- 16 Kewash Nature Trail
- 17 Little River Nature Trail
- 18 Maple Leaf Pathway
- 19 McVay Trail
- 20 Perry to Rippey Trail
- 21 Pioneer Trail
- 22 Pony Hollow Trail
- 23 Praeri Rail Trail
- 24 Prairie Farmer Recreational Trail
- 25 Puddle Jumper Trail
- 26 Raccoon River Valley Trail
- 27 Ringgold Trailway
- 28 Russell White Nature Trail
- 29 Sauk Trail
- 30 Shell Rock River Trail
- 31 Shimek Forest Trail
- 32 Solon—Lake Macbride Recreation Trail

IOWA

- 33 Three Rivers Trail
- 34 Upper Nish Habitat Trail
- 35 Wabash Trace Nature Trail
- 36 Wapsi—Great Western Trail
- 37 Winkel Memorial Trail
- 38 Winnebago River Trail
- 39 Winneshiek County Trail
- 40 Yellow River Forest Trail



Heritage Trail/Lynn Schreiber

13 Heritage Trail

Endpoints: Dubuque to Dyersville

Location: Dubuque County

Length: 27 miles (will be 30 miles when completed)

Surface: Crushed limestone



Contacts:

Robert Walton or Carol Freund
 Dubuque County Conservation Board
 13768 Swiss Valley Road
 Peosta, IA 52068
 (319) 556-6745

A PETITION OF SUPPORT FOR THE PRAIRIE SPIRIT RAIL TRAIL

A 50 mile rail trail project from Iola to Ottawa, Kansas

We, the undersigned, support the concept of and the construction of the Prairie Spirit Rail Trail. As part of a growing population of bicyclist, we are well documented for our appreciation, support and respect of the outdoors and rail trail projects which make various areas of our country safer and more enjoyable for bicyclists and all Americans to enjoy. We strongly encourage the Franklin County Commissioners to approve the funding for and construction of their portion of the Prairie Spirit Rail Trail project from Ottawa south to its northern terminus near the Franklin County line. We look forward to the day when we may come to Ottawa, Garnett and Iola to ride, hike and enjoy the Prairie Spirit Rail Trail.

Name Address City/State

JIM NEAL	410 E 12th St KCMO	KC MO 64131
KARL KRUGLER	9646 BEUMER	LEAWOOD KS 66206
DOUGLAS BOTTORFF	2615 MARTHA TRUMAN RD	KC MO. 64137
BILL TAFT	5737 GRAND	KC MO 64113
DAVID HUBAN	5957 N. Polk	KC MO 64151
RICK McELHANY	2300 N.E. 73rd	Gladstone MO 64118
Daniel Hall	24 E. 70th St	KC MO 64113
Tim Pickell	4100 Brookridge Rd.	Fairway, MO 66205
Brian Anderson	9205 Wenden	Overland Park, KS 66202
Amber Belt	23995 Hospital Dr.	Pooler, KS 66071
John Smith	5817 CHALOTTA	K.C. MO 64110
W. J. Anderson	11529 Capbell	KC MO 64137
JEREMY SCOTT MALLIN	5546 GARFIELD	K.C. MO 64130
Julie Guemmer	1029 W Gregory	KC MO 64114
Laurie Komoski	7126 Britton	KC, MO 64114
Charlie Parrish	1009 W 70	KC MO 64113

A PETITION OF SUPPORT FOR THE
PRAIRIE SPIRIT RAIL TRAIL
(Continued)

Name	Address	City/State
Helen Bayley	4316 Warwick Blvd	KC MO 64111
Robert Brown	647 E. 61st St.	KCMO 64110
Loni Meik	647 E. 61st	KCMO 64110
Bob Ford	12511 W. 74th St	Shrewne
Pon Giersch	603 E 73 Terrace	KC MO 64131
DAVE Stittin	8004 Juniper	PV KS 66208
DAVID Holsan	5957 N. Pock	KC MO 64151

**A PETITION OF SUPPORT FOR THE
PRAIRIE SPIRIT RAIL TRAIL
(Continued)**

Name	Address	City/State
Kata Slomer	316 Northwood Lane	Lawrence KS 66044
Livia Knoch	14521 W60th	Shawnee KS 66201

A PETITION OF SUPPORT FOR THE PRAIRIE SPIRIT RAIL TRAIL (Continued)

Name	Address	City/State
John Briscoe	242 S Ferec	KC, KS
TERRY KERSHNER	14318 W. 89TH St	LENEXA KS
Mark Griffin	5648 Oakview	Shawnee KS
Steve Singer	16026 W 153 rd Ter	Olathe KS
Larry Goldman	2409 W. 104 Terr	Lenexa KS

A PETITION OF SUPPORT FOR THE
PRAIRIE SPIRIT RAIL TRAIL
(Continued)

Name	Address	City/State
Kent Lary	504 S. Grand	SEDALIA MO
Craig Kenworthy	5102 Gardner Ln	Merriam, KS
Alan Dillingham	7035 Broadmoor	Overland Park, KS
Tim Long	15407 W 81 ST	Lenexa, KS
Doug Plummer	12653 W 82 nd TERR	LENEXA KS
Frederic L. Koon	12525 Fairway	Leawood, KS 66209
Charles Sheets	8206 MONROVIA	LENEXA, KS 66215
Phil Loh	9260 Roschill #6	Lenexa, KS 66215
Jim Hamner	8820 Bell Rd	Lenexa KS 66219
Susan de Courcy	6423 Acuff Shawnee	→ KS
Marty de Courcy	6423 Acuff	Shawnee, KS
Pam L Smith	5635 Greenwood	Shawnee KS
Liz Boyer-Deide	12058 E Frontier Drive	Olathe KS
Mark T Ben	9710 W 83 Terrace	O.P., KS
Bob Malkames	8220 Barth	Lenexa, Ks
Tan Kirby	1814 Arkansas	Lawrence, KS
Craig Towerman By Tan	9241 W 131st Terr	Leawood KS 66209
Phil Muner	960 Leuk Circle	Lenexa, KS 66215
Harold Zickel	8025 Hall St	LENEXA KS 66215
Mary Sue Rose	13915 W 84th St	Lenexa, KS 66215

**A PETITION OF SUPPORT FOR THE
PRAIRIE SPIRIT RAIL TRAIL
(Continued)**

Name	Address	City/State
SUE CHIPMAN	512 ROCK CREEK W	MISSION, KS 66205
TOM SKAGGS	8906 W 75TH	PARNICVILLE
Charleen Mankamer	6519 Parkhill	Shawnee Ks 66216
Robert A. Pitts	9513 W 93 rd ST	O.P., Ks 66212
Mike Baernst	1132 Ella KE	KCKS 66142
Tom Baernst	6215 Lakewood	KCKS 66104
James J. Jepsen	10210 W 48 th St	WILLIAM, KS
Samy Mulligen	4420 W 97 th ST	Overland Park KS
Cornelius E. Newfeld	7102 Mastin	Merriam, Kansas ⁶⁶²⁰³
Cindy Hicks	16217 W 125 th Ct	Olathe KS 66062
Mark D. Hilt	16217 W 125 th Ct	Olathe, Ks 66062
Ronald R. Jorek	11507 Hausen	O. P. Ks 66210
Kalen Nelson	400 E Red Bridge	KC W 64131
Norman Don Stahl	34 FLORENTINA	PC MO 64079
Delorah Watson	3837 NW 82 nd St	KC Mo 64151
Tony H. Senggr	1501 E. 153 rd St.	OLATHE, Ks. 66062
Joe R. Northon	1112 Johnston	OLATHE KS. 66061
Diane Beckec	11962 PENN	K.C. MO. 64145
John Zeman	7817 W, 60 th St	Merriam, K.S.
Brian Hammond	9209 Kessler	Overland Park K.S.

A PETITION OF SUPPORT FOR THE
PRAIRIE SPIRIT RAIL TRAIL
(Continued)

Name	Address	City/State
JOHN GAMBER	807 W-25 APT.C	LAWRENCE, K.S. 66046
Ray W. Miskys	8330 Connell	Overland Park KS 66212
W.A. WTKA	5026 Wyan Lott	KI MO
Keith D. Cohen	8505 Juniper Lane	PV KS 66207
Wilbur Schramm	8702 W. 64 PL	MERRIAM 66202
Shirley E. Eakem	4440 Pennsylvania	KCMO
R. Brian Hall	1400 NW 43 rd St	K C MO 64116
Bill Bannan	452 NW 41 st	KC MO. 64116
John West	23167 Hospital Dr Spring Hill KS	Spring Hill KS 64083
Reith Busby	9905 E 90 th Terr	KC, MO 64138
Mark Scribner	8809 Lowell	Overland Park KS 66212
Roberta Dierks	12405 Catalina	LEAWOOD KS 66209
1 Dan Kean	2731 SW GAINSBORO	TOPEKA, KS 66614
Marian Russo	815 S. Grant	Platte KS 66066
Dr T J	12127 S Hazel	Olathe KS 66052
Rebecca Ward	8039 Darnell	Lenexa, KS 66215
Marilyn Duggan	Box 591	Pleasanton, KS.
David Deines	107 W 51 st Apt 2W	KCMO 64112
Karl Schulte	5100 Foxridge Drive Apt 1923	Mission KS 66202
Ken Chyffman	5112 Rock Creek Lane Mission KS	Mission KS 66205

**A PETITION OF SUPPORT FOR THE
PRAIRIE SPIRIT RAIL TRAIL**
A 50 mile rail trail project from Iola to Ottawa, Kansas

We, the undersigned, support the concept of and the construction of the Prairie Spirit Rail Trail. As part of a growing population of bicyclist, we are well documented for our appreciation, support and respect of the outdoors and rail trail projects which make various areas of our country safer and more enjoyable for bicyclists and all Americans to enjoy. We strongly encourage the Franklin County Commissioners to approve the funding for and construction of their portion of the Prairie Spirit Rail Trail project from Ottawa south to its northern terminus near the Franklin County line. We look forward to the day when we may come to Ottawa, Garnett and Iola to ride, hike and enjoy the Prairie Spirit Rail Trail.

Name	Address	City/State
Brenda Pedersen	1819 S. Stagecoach Dr	Olathe, KS 66062
Brenda Pedersen	1819 STAGECOACH DR	OLATHE, KS 66062
Dan Augustoff	31440 W. 97 th Terr	DeSoto KS 66018
Steve Erickson	2701 W. 103rd St.	Lenexa, KS 66205
Stephen C Best	6806 ANTIOCH RD #226	Merriam KS 66204
SCOTT CONFER	230 EDGEWOOD	WEAUSVILLE KS 66092
Floyd Ross	505 N. Clinton St.	Olathe, KS 66061
Stewart J. Buehler	29010 W 119 th	OLATHE KS 66061
Robert O'Neil	8770 Hillside Dr	Lenexa KS 66227
Kevin Tarling	8467 Carter	O.P. K.S 66212
Red Z. Ector	5012 ROBINSON	O.P. KS 66212
RICHARD S. Yang	7620 W. 63 rd ST.	O.P. KS. 66202
DALE MEADOWS	5300 W 58 th St	Roeland Park KS 66205
William Shaw	7111 Helmsley St	Shawnee KS 66216
David Terminus	11715 Chestnut	Olathe, Ksn 66061
Bob Szymula	9216 Wedd	OP KS 66212

**A PETITION OF SUPPORT FOR THE
PRAIRIE SPIRIT RAIL TRAIL
(Continued)**

Name	Address	City/State
Jim Hofmann	2600 W 135	Leawood / Kan
John Tubbert	13001 Mohawk LN	Leawood / KS.
MIKE GIMMARRO	11509 CAMPBELL	S. KC, MO
Suzanne Hastings	115N Raymore Mo	64083
Kathleen Howell	200 Huntington	Kansas City Mo 64113
Peter Nuyd	13012 Delmar	Leawood KS
Steve Kemp	904 CARNOUSTIE DR	KI MO
Dan Gillespie	80 E. MICHIGAN	Galesburg MI
Kollette Kubler	22373 Renner Rd.	Spring Hill, KS 66083
Randy Kuttel	27760 Mission Rd	Louisburg, KS, 66053
7/11/11	16272 45 TH MICHIGAN	Bloomington, MI
Matt Lindley	10904 Wraith-top 	Overland Park, KS 66214

A PETITION OF SUPPORT FOR THE
PRAIRIE SPIRIT RAIL TRAIL
(Continued)

Name	Address	City/State
Reid Day	409 E. Santa Fe T.	Kansas City
^{Bike Shop - REP} Schwinn Bicycle	1690 38th St	Boulder - CO
Alan Cardozo	10407 Mastin	OP KS 66212
Jeff Jennings	11424 W 106th St	OP KS 66214
John Linn (MEMBERS)	302 E 70th St 100th	KC MO 64113
Brian Schmitt	21215 S. School Rd	Peculiar MO 64078
JOHN WAPPEN	1054 TAMM O'SHUTTER DR.	K.C. MO 64145
James M. Reed	12900 St Andrew Rd	KC MO 64145
John Linn	13049 Mohawk	Leawood
Dave DeKnight / Gary Fisher Bicycles	11307 W 65th #102	SAWNER KS 66203
Sam Baugh	212 N. Water	Clinton, MO 64735
Carl Schulz	4419 W 71 TERRA	PRAIRIEVILLE, KS 66208
L. Leroy Taylor	2511 W 75 Pl.	Prairie Vill. Kan 66208
Stannon Borley	14018 KNOX	Overland Park, KS 66221
JACK BERTMAN	14654 S. ERASMUS HWY	OLATHE KS 66062
Jim Daviez	14809 GRANADA	LEAWOOD KS 66204
Joey Daniel	14808 Granada	leawood KS 66204
ERASMIO PADILLA	509 W. 46TH ST. Apt. 9	KS. CITY MO 64112
Ramon Padilla	509 W 46th Apt 9	KS. C. MO. 64112
DAVE SHISHIM	8004 JUMPER PKWY	PV. KS 66208

A PETITION OF SUPPORT FOR THE PRAIRIE SPIRIT RAIL TRAIL

A 50 mile rail trail project from Iola to Ottawa, Kansas

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Name	Address	City/State
Andres Paradelo	10210 HOWE DRIVE <small>LEAWOOD KS 66206</small>	LEAWOOD, KS 66206
FRANK JAKOFCICH	911 PACIFIC 1ST FLR <small>R</small>	KCMO 64105
ARIEL MENDEZ	12311 STATELINE RD.	K.C. MO 64145
Luaid Harris	11800 Armitage	K.C., MO 64134
Patricia LaMartina	11800 Armitage	K.C., MO 64134
nancy Emley <small>Emley</small>	5582 NW Crooked Rd.	Parkville MO 64152
DAVID BERNSTEIN	10425 Womall KCMO 64114	
MARK KOLAR	13345 Kimberly Cir OLATE KS 66061	
Thad Uhalen	9300 W. 175th Olathe KS 66062	
Paul Atzenweiler	7122 Walnut KCMO 64114	KC, MO 64114
Philip Wilson	8100 LOWELL DVERLAND PARK, KS. 66204	
Michael Magliano	8127 Westgate Lenora KS 66215	
<i>[Signature]</i>	5244 W. 128th Terr Leawood, KS. 66209	
R. Scott Foster	607 LESLIE DR. TUDER. MO. 64055	KC. MO 64055
Spencer Day	409 E. Santa Fe Trail	KC MO 64145
Bruce Day	409 E Santa Fe Trail	KCMO 64145

**A PETITION OF SUPPORT FOR THE
PRAIRIE SPIRIT RAIL TRAIL
(Continued)**

Name	Address	City/State
Linda Price	9212 Switzer	Overland Park, KS
Candy Price	10703 W 108 Terr	Overland Park, KS
Jeanette Price Jeanette Price	10703 W. 108 Terr.	O. P. K. S

**A PETITION OF SUPPORT FOR THE
PRAIRIE SPIRIT RAIL TRAIL**

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Name	Address	City/State
TIM LEE	16851 W 67th Terr #377	Shawnee KS
Austin Minder	345 Insley	Bonner Springs KS
COURTNEY CLENNAN	9204 ACUFF LN	LENEXA, KS
DARREL L. OCHS	5114 HAUSER	LENEXA, KS
Tim Trickett	9145 SWICKER OP KS	Overland KS
Brian Buchanan	3540 RAINBOW BLVD. 305	KC, KS
Cory J. Ziel	10328 Loc 92nd Terr.	Overland Park, KS
Marl Chathoche	7732 BLAIR	P.V. KS
Tom Gill	7411 162th	P.K. KS
Craig Pru	6626 152nd ST	O.P. KS
Imed Bognatuf	31940 W. 97th Terrace	DeSoto, KS
Eric Meyerberg	4.31 W. 99th Terr.	O.P. KS
Michael Russell	5409 Woodland	Shawnee KS
OT Hackhaus	5409 Woodland	Shawnee KS
Roy C Zehring	9419 Bluejacket	O.P. KS.
Mike Haffner	216 Arthur	Bonner Springs K.S

**A PETITION OF SUPPORT FOR THE
PRAIRIE SPIRIT RAIL TRAIL
(Continued)**

Name	Address	City/State
Shelley Davidson	3210 W. 71 st Terr	P.V. KS
Alan Hollman	13218 91 st St.	Lenexa
Steven Lee	8146 Craig	OP KS
ES POIT	RT1, 123E ^{MARCELINE MO 64658}	
Eileen Bradford	4713 N Black Swan	Shawnee KS
Robert BRADFORD	4713 N BLACK SWAIN	SHAWNEE KS
Jim Willard	7913 W 85th St	Overland Park KS
Dorothy Matthews	10216 W 80 th St, Apt 319	Cleveland Park KS
CITRALD BATEZ	1240 W. 92 nd Pl.	OVERLAND PARK, KS
Teresa Setman	1301 Apache Ct.	Olathe KS
Chad Setman	1301 Apache Ct	Olathe KS
Heath Benedicks	14812 W 117 th St	Olathe KS
Maury Dorn	8809 Lowell	Overland Park, KS
Lisa Miller	2100 W 56th	Mission Hills KS
Collette Johnson	460 W. 11 th St	K.C. MO
Stuart Spear	Stuart Spear 5112 Rosewood Dr	SM, KS
Don VanderKul	2919 Orville Ave. K.C. KS 66102	K.C. KS
Don VanderKul	"	"
Joe R VanderKul	1105 Prairie Parkville MO 64152	Parkville MO 64152
James L. Anderson	10208 Resler	O.P. KS 66212

**A PETITION OF SUPPORT FOR THE
PRAIRIE SPIRIT RAIL TRAIL
(Continued)**

Name	Address	City/State
Keith Arny	132 S. Tremont	KC KS 66101
Bin Hales		O.P. KS 66216
David Jay	6719 W 126 CT	O.P. 66209
David Long	2709 Tenny Terr	Rantoul KS 66078
Kenneth J. Jochims	18903 W 72 ST	SHAWNEE, K 66203
John Bowen	9323 Blue Sack CT	O.P., KS 66314
Phil Nelson	7745 Maple	P.V. KS 66208
Howard Vaughn	12807 MEGEE	KC MO 64145
STEVE STRECKER	4938 Holly	KL MO 64112
JASON GILK	2376 W 57 ST	SHAWNEE KS 66203
Kerrie Crites	11148 W. Tenth Terr. #20	Shawnee, KS 66204
Diane O'Neill	8770 Hillside Dr	Lenexa, KS 66221
Chris Lindsey	9218 W. 72nd #103 1910 SA	Merriam KS 66204
Ann Turner	13103 Kessler	OPKS 66213
Wynne Turner	13103 Kessler	O.P. KS. 66213
J.E. Shwartz	5413 Newton	O.P. KS 66202
De Ann	4220 Lichtenauer	Lenexa, KS
Fred Sweeney	PO Box 936	SM KS
Willie B. Bilton	8824 N. 1st	KC MO 64155 2518
Adam Capron	5440 Horton	Mission KS 66207

**A PETITION OF SUPPORT FOR THE
PRAIRIE SPIRIT RAIL TRAIL
(Continued)**

Name	Address	City/State
Chris Johnson	8522 Schweitzer RT	Lenexa / KS
SHAWN BAYOUTH	947 PINEVIEW	OLATHE KS.
JACKIE BAYOUTH	947 PINEVIEW	OLATHE, KS.
Mike Nemecek	9429 Reeder	Overland Pk KS
ROGER COWALL	2928 S. 28TH	KC, K / KS
Ronald R. Frederick	8820 Antioch	Overland Park, KS
Choo Lee	10326 Conser	Overland Park
Donald E Inbody	8413 Riggs	overland Park
Christine Shields	7218 Goodman	Overland Park
Jeff Hargaves	14520 W 83rd	Lenexa, KS
KARL Dollmann	1809 Stratford Rd	Olathe Ks 66061
Marco Herrera	221 N. 33 RD ST	Kansas City, KS.
Allen Trayer	6833 Wedd	Merriam, KS
J. Diane Trayer	6833 Wedd	Merriam, KS
Anthony Lumber	PO Box 1504	Lawrence
Cornelia E Neufeld	7102 Mastin	Merriam, Kansas 66203
Connie Reeper	7102 Mastin	Merriam Ks 66203
Mark Rump	13142 W 88 th Ct #123	Lenexa, KS 66215
Christine Reuser	6922 Woodson	Overland Park, KS 66204
Sherry Gray	132 S. Fremont	KC KS 66101

**A PETITION OF SUPPORT FOR THE
PRAIRIE SPIRIT RAIL TRAIL
(Continued)**

Name	Address	City/State
Tim S Hovey	12264 W 123 rd St	Leawood, KS
Bin Baggett	18609 S. 32 nd St	K.C., KS.
Leslie Powell	1632 S. Leggy Hollow	Olathe KS.
Ann Carter	10710 Indiana	KC MO
Rich Zimm	2224 Clark	Parsons, KS.
KEVIN OPPERMAN	10222 HASKINS	LEN KS
Linda Campbell-Laman	10208 Longwood Ave.	KC, KS 66109
Paul C Spahr	1605 W. Wabash	Olathe, KS 66061
Chris Jelle	4403 W 77 th Terrace	PV, KS 66208
Dary R Rupp	316 S. 11 th St	Leavenworth KS
Dan Hunt	10710 W 91 st TER	OPKS 66214
Dan Drake	6712 Woodward	OPKS 66204
Chris Zuehlke	C-4 Cornish Sq	Lawrence 66049 KS.
Matt Orzes	1815 N. Smith #325	Lawrence 66045
Steve Smyth	9206 W. 72 nd St #104	MERRIAM, KS 66204
Joe Holmes	7631 Pawnee	Prairie Village KS 66208
Stephen Isenty	11724 W. 68 th Terr	Shawnee KS. 66203.
CRAIG CLARK	8415 S. Warner	Lenexa, KS 66245
Ann Renee	2805 Kessler Ln	OP KS
Ted Troll	6822 Fontana	P.V., KS.

A PETITION OF SUPPORT FOR THE PRAIRIE SPIRIT RAIL TRAIL

A 50 mile rail trail project from Iola to Ottawa, Kansas

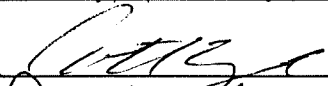
We, the undersigned, support the concept of and the construction of the Prairie Spirit Rail Trail. As part of a growing population of bicyclist, we are well documented for our appreciation, support and respect of the outdoors and rail trail projects which make various areas of our country safer and more enjoyable for bicyclists and all Americans to enjoy. We strongly encourage the Franklin County Commissioners to approve the funding for and construction of their portion of the Prairie Spirit Rail Trail project from Ottawa south to its northern terminus near the Franklin County line. We look forward to the day when we may come to Ottawa, Garnett and Iola to ride, hike and enjoy the Prairie Spirit Rail Trail.

Name	Address	City/State
Charles P. Rubin III	8909 SANTA FE DR	Overland Park, KS
Jim Jovic	132 N. Chambers	Olathe, KS
Charles P. Rubin IV	8630 Craig	Overland Park, KS
Adam W. [Signature]	5915 W 74 ST	Overland Park, KS
Chad [Signature]	7021 Russell	O.P.
[Signature]	^{Bx} 336 S. [Signature] Missions	
[Signature]	9012 Elmhurst	Overland, KS
[Signature]	6906 Stearns	Shawnee KS
B.L.G. [Signature]	10216 W 80th STREET	Overland Park, KS
Raleigh Trembly	10145 S W JORDAN RD	Wakarusa KS 66452
[Signature]	1111 N. 1700 RD	Lawrence KS 66049
Cynthia Ann [Signature]	8604 W 68th	OP KS 66204
Wes [Signature]	35848 Arlington	KC MO 64133
Cherie [Signature]	4141 Wyoming	KC MO 66111
Jessie [Signature]	9304 W. 83ST	O.P., KS. 66204
Dennis M. [Signature]	7600 Lowell	O.P. KS. 66204

A PETITION OF SUPPORT FOR THE PRAIRIE SPIRIT RAIL TRAIL

A 50 mile rail trail project from Iola to Ottawa, Kansas

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Name	Address	City/State
Edwin Alexander	8518 Riggs OP	Kansas
	1219 W. 69th St	KCMO
Doyle Bate	814 S. Esplanade	Leavenworth KS
Vaughn Support	909 Pawnee	Pack KS
Kelly Sturgeon	10572 W. 57 Terr.	Shawnee, KS. 66203

**A PETITION OF SUPPORT FOR THE
PRAIRIE SPIRIT RAIL TRAIL
(Continued)**

Name	Address	City/State
Dan Plura Duffin	11936 W 119 th #241	Olathe KS
David J. Pagny	3525 SE 35	Topeka KS
Al Sack	8808 W 132 nd Pl	OPKS 66213
William A Sack	8808 W 132 nd Pl	OPKS 66213
Frederick A Herdon	156 S LAMN	KCMO 64173
Steve Katz	12452 GRANADA	Lawrence KS 66209
Ralph Hartwell	8901 W. 115	OPKS 66210
Sharon Meyer	1450 N. Lucy Montgomery	Olathe, KS 66047
Steve Pagny	13923 ASH	O.P. / KS
Al Sack	15512 Foster	OP / KS
Tim Trinkel	9145 Switzer	OP / KS
Gina Wardle	14406 Chalet	Olathe 66062
Ben Leitner		
Ben Leitner	16113 W 125 th Pl Olathe	Olathe / KS
Mike Nappack	9429 Reed St	Olathe / KS
Bob Ades	18025 W. 182 nd Pl	Olathe / KS

**A PETITION OF SUPPORT FOR THE
PRAIRIE SPIRIT RAIL TRAIL
(Continued)**

Name	Address	City/State
Elizabeth Tracy	4430 Jarboe #3	K.C. Mo. 64111
Roberta Kerech	10332 Conser Apt 1A	OP, KS 66212
Ken R Murray	13400 W. 60 th 13400	Shawnee, KS 66216
Bruce + Peggy Johnson	13166 England	OP KS 66213
Roberta Van Horn	10237 Reeder	O.P., Ks 66214
Glenna Van Horn	10237 Reeder	O.P. Ks 66214
Tom Jackson	9809 W 110 th Apt 10	O.P.RS 66260
Lowell Greyfield	4920 Grandview	Meridian KS.
Wanda + Rob Dvorak	9119 W 131 st Pl	OP KS 66213
Jan + Mike Harmon	11014 W 95	Niangua, KS 67561
J. K. Lee	5220 W. 157 th Pl	O.P. Ks 66221
Kay Secker	4326 Northern #1134	Kc, MO 64133
Phil S Kennedy	421 W. 87 th St #17	KC. MO 64114
Heather Morris	15132 W. 147 st .	Olathe, KS 66062
Lorvy Meyer	28505 W B	Desoto, KS 66018
Scott Schlessman	1220 E SHERIDAN BRIDGE	OLATHE KS 66062
Tom Stout	2013 Cherokee Place	Olathe, KS 66062
John C. Pate	13328 W 109 th terr	Lenexa KS 66210
Karen Appleby	10605 Ballantine	OP, Ks 66214
Shea Bolin	7820 Noland	Lenexa KS 66215

**A PETITION OF SUPPORT FOR THE
PRAIRIE SPIRIT RAIL TRAIL
(Continued)**

Name	Address	City/State
Bob Custer	10310 W 70 th St.	Shawnee KS
Alexi Humphrey	12915 Long St.	O.P. KS 66213
Joe McKeyis	13006 W. 102 nd St	Lenexa, KS 66215
Donald Zalding	16311 Briarwood Ct	Olathe KS 66062
Mark Zalding	16311 Briarwood Ct	Olathe KS 66062
Phil Blum	12408 Flint	O.P. KS 66213
Max Marshall	2614 Clark Richmond	KS 66080
Elm Ching	11701 Martin	O.P. 66210
Chet Davis	3728 Cobblestone	Topeka 66610
Margaret G. Hart	11616 Larchen	O.P. 66210
Diane Ochs	8114 Mason	Lenexa KS 66214
Oliver	11433 S. PINEWOOD	olathe ks 66061
Farrell Schaff	2337 Murphy Dr. #6	Lawrence KS 66046
J. Scott McCull	1201 Cooper	OLATHE 66061
James D Byrd	7821 W 115th	OVERLAND PK. 66701
Nathalie Castaluccia	4429 W. 52 nd Terr.	Overland Park KS 66205
Shanna Butcher	9303 W. 84 th Terr	O.P. KS 66212
Tom Blumett	121 # 706 W. JACOBS PKWY	HC MO 64112
SS Brown	8700 W. 76 TERRACE	OVERLAND PARK, KS 66204-2321
Duane Douglas	1305 Lecure Dr	Olathe KS 66061

**A PETITION OF SUPPORT FOR THE
PRAIRIE SPIRIT RAIL TRAIL
(Continued)**

Name	Address	City/State
Shara Beithaupt	19280 Edgerbn Rd	Edgerton, KS. ⁶⁶⁰²¹
Connie Morgan	13015 Long	O. P. Ks. 66213
Walt Morgan	13015 Long	OP, Ks 66213
Doug Peterson	13319 W 103 rd Ter	Lenexa, 66215
Jeff	" "	" "
Lisa Fontaine	Rt 3	Jola KS 66749
Dave Fontaine	Rt #3	Jola - KS 66749
Mike Ludwig	Raytown mo.	
Kevin Cross	St. Jo. MO.	
Brian Carson	St Jo mo.	
Toy Wilson	OP, KS	
Don Doster	624 W 43 rd St.	KC MO 64111
David Swainwood	9347 2030 E. 66 th Hwy	Clarke KS 66062
Bill Sweeney	14060 Mastin St	Overland Park, KS 66221
Cam V. Hammit	14041 Knox	Overland Park, KS 66221
Scott Gregory	3507 W. 48 th St.	Shawnee Park, KS 66205
Rich Gray	130 Warner #7	Bonner Springs KS 66012
Stacy Rethel	15343 Mendota Ln	Bonner Springs KS
Timothy Znelly	168 E 116 th Wm	BECTON, MO 64012.
Wayne Gregory	3507 W. 48 th St.	Shawnee Mission KS 66205

A PETITION OF SUPPORT FOR THE PRAIRIE SPIRIT RAIL TRAIL

A 50 mile rail trail project from Iola to Ottawa, Kansas

We, the undersigned, support the concept of and the construction of the Prairie Spirit Rail Trail. As part of a growing population of bicyclist, we are well documented for our appreciation, support and respect of the outdoors and rail trail projects which make various areas of our country safer and more enjoyable for bicyclists and all Americans to enjoy. We strongly encourage the Franklin County Commissioners to approve the funding for and construction of their portion of the Prairie Spirit Rail Trail project from Ottawa south to its northern terminus near the Franklin County line. We look forward to the day when we may come to Ottawa, Garnett and Iola to ride, hike and enjoy the Prairie Spirit Rail Trail.

Name	Address	City/State
Todd Barlow	2716 W. 56	Prairie Village KS 66208
John Hart	11610 Coenen	Overland Park, KS 66210-2730
Janis Lewis	16565 W. Foxridge Dr.	Mission, KS 66202
Glenn Kolman	6010 W. 76th Pl. PRAIRIE VILLAGE KS	PRAIRIE VILLAGE KANSAS
LEE FOSTER	8716 BANNISTER TERR K.C. MO 64134	K.C. MO 64134
Scott W. Johnson	P.O. Box 763 Richmond, Mo. 64085	Richmond, Mo.
Suzanne Twigg	174 SWEETEN AVE	BELTON MO
Ruth M. Sartin	174 SWEETEN AVE	BELTON MO
Grant Minton	18212 E. 24th Ter	Independence, MO
Gary S. Kresse	12264 W 123rd St	Leawood, KS
Donna Cannon	15690 W. 141st Terrace	OLATHE, KS
Edward C. Schroeder	13113 MEADOW	LEAWOOD, KS
Barbara Kingsbury	11111 W. 120 Terr.	O.P. KS. 66213
Bobby Copeland	14918 S. Asaph Dr.	Olathe, KS 66062
Kevin Noel	1106 Ave	Rolla Mo 65401
Walt Peltz	13736 W. 82nd St.	Lenexa, KS

**A PETITION OF SUPPORT FOR THE
PRAIRIE SPIRIT RAIL TRAIL
(Continued)**

Name	Address	City/State
Clifford Muddleton	4408 W. 6th	Prairie Village, KS

**A PETITION OF SUPPORT FOR THE
PRAIRIE SPIRIT RAIL TRAIL**

A 50 mile rail trail project from Iola to Ottawa, Kansas

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Name	Address	City/State
Jack Tapp	15407 W 81 ST	Lenexa, KS
Dan Allen	4925 MISSION RD	WESTWOOD, KS
Susan Adams	5321 W. 72nd St	Prairie Village, KS
Barb Budetti	5605 W. 90 Terrace	Overland Park, KS
John Stone	9570 W. 86th	Overland Park, KS
By Ruth	6925 Woodson	OP, KS
Ralph Hays	14610 W 175	Olathe KS
John E. D.	15805 W 131	Olathe KS
Terry M. Fry	10616 W 48	SHAWNEE, KS
Mark Hall Dunlap	9324 Gooddell	OP KS
Glenda Dietz	8566 W. 108th Place	OP, KS
DAVID CONTAG	9834 HARRISON CIRCLE	KC. MO.
Dean Palos	808 Missouri	Lawrence, KS
Lantheing	5222 W. 77th Terr.	Prairie Village, KS
Kim S. Spensen	5520 K. 69th St.	Overland Park, KS
Sam L. Papil	12811 S. SUMMIT	OLATHE, KS

**A PETITION OF SUPPORT FOR THE
PRAIRIE SPIRIT RAIL TRAIL
(Continued)**

Name	Address	City/State
Steve Hey	4926 Dixie Ave	K. C. KS
Cray Patterson	13753 W 121st St	OLATHE KS
Cray Patterson	13753 W. 121st St.	OLATHE, KS
Mike Johnson	4744 Bond St	Shawnee KS
Darlene Amett	11901 W 100 Ter	Lenexa KS
Robert W. Amett	11901 W 100 Ter	Lenexa KS
Nancy Johnson	4744 Bond St.	Shawnee KS
Justin Johnson	8002 W. 151 St.	O.P., KS
John Wilhelms	9616 Greenwood Dr	OT, KS
John Wilhelms	14921 W. 150 Terr	OLATHE, KS
Wayne Byrd	5354 W. 100 Terr AA KS	Overland Park KS
Justin Siss	9212 Switzer	O.P. KS
Bryce Johnson	8932 Twilight Ln	LENEXA, KS
Kathleen Vincent Davenport	116617 W. 143rd Terr	OLATHE, KS
ALAN RICHARDSON	BOX 2274	Shawnee Mission KS

A PETITION OF SUPPORT FOR THE PRAIRIE SPIRIT RAIL TRAIL

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Name	Address	City/State
Michael J. Olin	6914 Gladstone Ave	Shawnee KS 66218
Alan R. Ramey	PO BOX 2274	Shawnee Mo 64201
Jim Doucet	16617 W 143 RD TERRACE	Olathe KS 66062
Kim Rowland	12119 SLATER	OP KS 66213
Dan Call	6665 W 87	OP KS 66212
KRANTZ, Susan	4010 Homestead	P.V. KS 66208
Smalley, Dave	4010 Homestead	P.V. KS 66208
Margaretta Blackburne	12002 West 49th ST	Shawnee, KS 66216
DOUG BEISEL	3014 W. 83RD ST	LEAWOOD, KS 66206
Scott Goddard	15015 W. 186 ST	Olathe, KS 66062
Andy Gharavi	6927 Elby	Merriam, KS 66204
W. A. M. G. S.	8180 FARLEY	O.P. KS 66212
Brian Hammond	9209 Kessler	O.P. KS 66212
Mary Ann Hammond	9209 Kessler	O.P. KS 66212
Richard Rahn	6925 Long	Shawnee KS 66216
Paul Selfers	RT1 Box 56B Kingsville, MO 64061	
Dale Crawford	1421 Willow	Olathe, KS

A PETITION OF SUPPORT FOR THE
PRAIRIE SPIRIT RAIL TRAIL
(Continued)

Name	Address	City/State
MARK FOND	5727 WESTGATE	SHAWNEE, KS
PATRICIA LONG	616 MAIN ST	LAWRENCE, KS

A PETITION OF SUPPORT FOR THE PRAIRIE SPIRIT RAIL TRAIL

A 50 mile rail trail project from Iola to Ottawa, Kansas

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Name	Address	City/State
Thomas Cochran	2709 62nd St Lawrence, KS 66048	Lawrence, KS 66048
Jim Whittaker	2434 W 4th St CY	Lawrence, KS 66047
Pete Boston	8746 Park	Lenexa, KS 66215
Gaush Gibson	21 S. 14 TH	KC KS 66102
Cheryl Brauerlich	1847 Oakland	K.C. - Ks. 66102
Carolynn Brauerlich	16 South 14th	Kc K -
Keith Philpott	13236 W 8th	Lenexa, KS
Joe Duff	6024 Alhambra	Fairway KS 66205
MIKE LITTLE	13000 E 150 HWY	KC MO. 64149
R.L. Smith	6920 N BRADWAY	SHAWNEE KS. 66226
James Anderson	10204 Keeler	O.P. KS 66212
Elizabeth Ausset	5235 Maple	Misson, Mo. 66202
J.P.H.	505 N STEVENSON	OLATHE KS 66001
Becky Little	5507 Canterbury	Fairway, KS 66205
J.J.	5507 Canterbury	FAIRWAY, KS 66205
KEN WECST.	15308 Woodson Ln.	Overland Park, KS. 66223.

**A PETITION OF SUPPORT FOR THE
PRAIRIE SPIRIT RAIL TRAIL**

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Name	Address	City/State
Mark Thomas	13740 Smoke Trail	Lenexa KS 66215
MIKE DOLD	4409 FRANCIS	KCKS 66103
Milo MacOLA FZELKO	8025 Fallett Lenexa	KS 66215
Robert Buehn	9010 Blue Jacket	Ks 66215
Donovan	4407 Jarboe	KC MO 64111
Jerry [Signature]	14012 W. 89th St	Lenexa, KS 66215
[Signature]	5025 W. 56th St.	ROGLAND PARK KS 66205
Michael McCorke	1917 W. 47th Terrace	Shawnee Mission KS 66205
Michael K. Moran	950 Leah Circle	Peru MO. 64511
Amel H. Khan	8270 Park	Desoto KS 66018
Aleg Z. Ruypp	7024 Gillette	Shawnee, KS 66216
Flyh Kirchner	14520 W. 94th	Lenexa, KS 66215
Lee Zimmerman	8832 Gallop	Lenexa, KS 66215
Shawn Cloud	10475 Deerfield	Olathe, KS. 66006
[Signature]	724 W. 46th St.	K.C. MO 64112
ANDREW "Doc" WILLIAMS	13121 RICHLAND AVE #10	BANNER SPRINGS 66012

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**A PETITION OF SUPPORT FOR THE
PRAIRIE SPIRIT RAIL TRAIL
(Continued)**

Name	Address	City/State
Shawn Moran	13213 Craig	Grandview, MO 64030
Mona Crawford	6010 OAK	KCMO 64113
John Carroll	6010 OAK	KCMO 64113
Paul Roberts	15227 Sherwood	SMKS 66224
Lynny Beall	3308 W. 68 th St.	Merriam Hills, KS 66208
Phil P. Carter	8207 Summit	K.C. MO. 64114
Mary Klenda	6705 Fairlane	KC, MO 64134
Lulu D.G.	816 Huntington Rd	KC Mo 64113
John T. Slight	10016 Howe Dr.	Leawood, KS 66209
Kelly Pawelski Jones	1505 Lowe	Columbia, MO 65203
CHRIS TURNER	9137 Holmes	KCMO 64131

A PETITION OF SUPPORT FOR THE PRAIRIE SPIRIT RAIL TRAIL

A 50 mile rail trail project from Iola to Ottawa, Kansas

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Name	Address	City/State
Bill Glenn	6911 W. 66th	Overland Park KS
Bob Clements	8540 Euclid Ave 64132 KC Mo	KC Mo 64132
Trevor Littel	? E. 29 th St	KC Mo. 64108
Michael Goodwin	1732 NE Misty St	Lee's Summit Mo 64086
GARY PAUL	2390 W. 158 th Circle	Stanley KS
ROB McVULLEN	8728 GRANDES PAS	K.C. MO 64114
Suzanne Clements	10319 Belinder	Leawood, KS. 66206
North Rofahl	2808 E 129 th Terr	Overland Park, MO
ANDY EBERSOLE	6405 BALTIMORE	Kansas City, MO 64113
Brian Gumb	6614 LORLEN Dr	Murrieta KS 66203.
Sean Kane	7404 MAIN St	K.C. MO 64114
MICHAEL MURPHY	8209 ENGLISH	LEAWOOD KS 66206
ROBERT VIRNIG	707 W 10TH #610	KC MO 64105
Richard Fruss	7620 W 63RD #109	Overland Park KS 66202
Woy Leachy	7520 Rainbow	PV KS 66208
Holly McCoy	451 W. 67 Ter	KC Mo 64113



Travel
Industry
Association of
Kansas

DATE: February 17, 1997
TO: HOUSE TOURISM COMMITTEE
FROM: Jean Barbee, Executive Director
RE: Prairie Spirit Rail Trail (HB-2324)

Jayhawk Tower
700 S.W. Jackson St., Suite 702
Topeka, Kansas 66603-3758
913 /233-9465 FAX 913 /357-6629

Madam Chairwoman and members of the committee, my name is Jean Barbee. I am the Executive Director of the Travel Industry Association of Kansas (TIAK). The legislative goals of TIAK are to support public policy which will:

- **Insure adequate public access to natural resources which provide recreational opportunities**
- **Sustain historical preservation**
- **Create an environment conducive to tourism business**
- **Provide for the promotion and marketing of tourism activities, attractions, events and businesses**
- **Assure the adequate servicing of the tourist**
- **Encourage efficiency in state government through partnerships**

TIAK opposes HB-2324. Delaying either further development or designation as a part of the state park system will inhibit adequate public access to a natural resource which provides recreational opportunities.

TIAK has supported railbanking for several years. Currently, 42 states have rail trails with a total of 4,925 miles open for walking, running and bicycling (this is 1992 information -- that number of miles has most likely increased). Our neighboring states of Missouri, Colorado, Nebraska and Oklahoma all maintain rail trails. Missouri has one of the premier systems and boasts at least 205 miles currently open for public use.

Research conducted by the University of Wisconsin Extension Service and published in January 1989 found that users on the Elroy Sparta Trail in that state spend \$25.14 per person and traveled an average of 228 miles to get to the trail. Once there, they stayed an average of 1.43 nights. Because of the proximity of the Prairie Spirit Rail trail to Missouri, the opportunity for importing new dollars and not just Kansas regional dollars is very high.

Rail trails have been shown to have a positive effect on property values. In many instances, people living adjacent to rail trails become the most frequent users and supporters of the facilities. The advantages of living near a safe, traffic-free recreational trail becomes a major selling point of property located in the vicinity of rail trails.

Those of us who have been in the business for many years of promoting Kansas as a tourist destination understand the need to "use what we have" to attract tourists. What we have are miles and miles of trails that outdoor enthusiasts are looking for.

We urge the committee to defeat this bill and pass legislation which will make the Prairie Spirit Rail Trail a part of the state park system. The issue of railbanking has already been determined by Congress and upheld by the U. S. Supreme Court. It would seem to be sound judgment, and good public policy on your part, to maintain state control over the trail by making it a state park.

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STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

Office of the Secretary
900 SW Jackson, Suite 502
Topeka, KS 66612
913/296-2281 FAX 913/296-6953



TO: Representative Barbara Allen, 21st District
FROM: Steven A. Williams, Secretary of Wildlife and Parks
SUBJECT: Testimony on HB 2324
DATE: February 17, 1997

House Bill No. 2324 would prohibit the Prairie Spirit Rail Trail being designated a state park until on or after July 1, 2000. It would also halt development of phase II until April, 1998.

The Kansas Legislature passed a joint resolution in 1991 in support of trails in general and preserving historic rail corridors in particular. Subsequently, in 1992, the Department railbanked the 50.2 mile long right-of-way which is now known as the Prairie Spirit Rail Trail. Phase I was completed and opened to the public on March 30, 1996. Phase II is now scheduled to be completed and opened this fall. A meeting was held in Ottawa on February 1, 1997 to receive public input on development of Phase II.

We understand opponents of the Prairie Spirit Trail have raised legal concerns about land ownership along and adjacent to the railbanked corridor. We have prepared a legal analysis that has been transmitted to Representative Howell and Senator Tyson. This analysis indicates that the state has no legal obligation regarding claims of reversionary rights by adjacent landowners.

The provisions of HB 2324 would cause the Department to rely more heavily on the SGF for maintenance and operation of the Prairie Spirit Rail Trail, whereas state park status would allow operation jointly out of the Park Fee Fund (PFF). Nearby state park staff and equipment could not be shared to assist with routine maintenance and special projects. The trail could not be included on maps, in travel directories or other promotional mediums available to state parks, limiting the market of users.


HB 2324 would also cause the Phase II development of the Prairie Spirit Rail Trail to be delayed until April, 1998. \$107, 729 design fees would potentially be lost or additional costs would be incurred after a year delay. Design is approximately

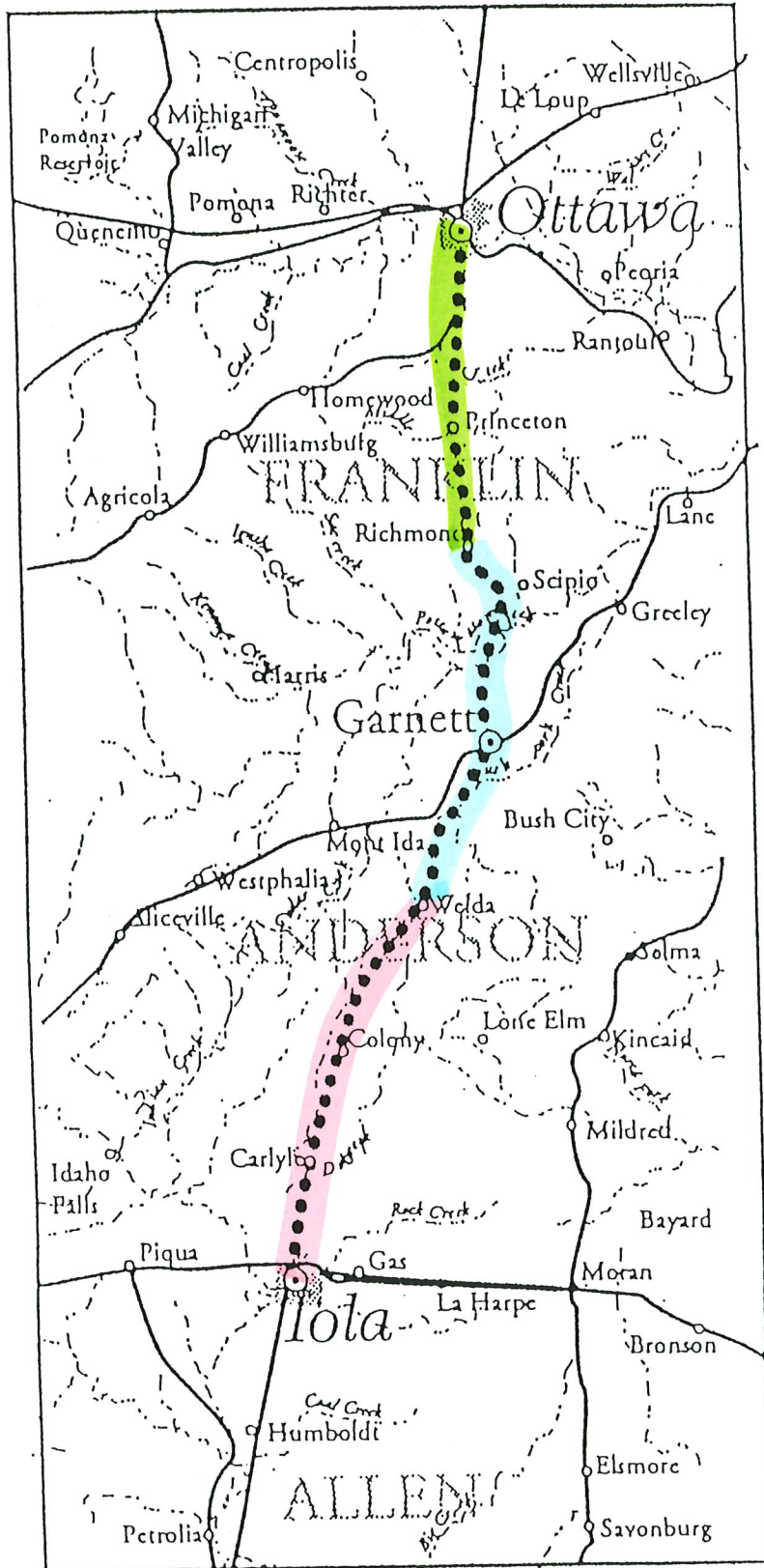
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75% complete. Projected visitation for calendar 1998 would be reduced from 115,930 to 45,580. Projected trail pass sales for calendar 1998 would be reduced from \$22,470 to \$8,747.


The bill would stop the forward momentum of the project, and could result in the loss of \$107,729 already allocated for design. Design fees could not be matched, and all of the \$808,000 ISTEAs grant funds could be lost if phase II is not eventually developed. In addition, more than \$15,000 in private donations have been received for the development of Phase II, along with additional donations of materials and services. Economic development opportunities associated with the long range development of the trail could be delayed or lost.


The Ottawa to Iola

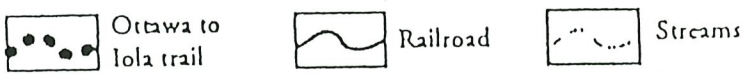
Rail - Trail 

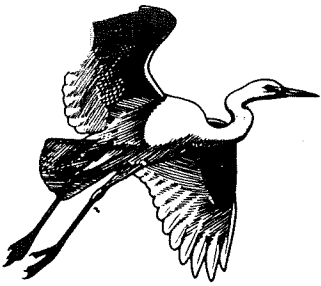


Phase 2 

Phase 1 

Phase 3 





Kansas Audubon Council

February 17, 1997
House Tourism Committee
Testimony on HB 2324

Thank you very much for the opportunity to appear before you today in opposition to HB 2324. My name is Cynthia Abbott, and I am here on behalf of the Kansas Audubon Council and the approximately 5000 Audubon members throughout the state of Kansas.

The Kansas Audubon Council strongly supports the Prairie Spirit Rail Trail, since it gives Kansans another safe place to take their families and enjoy the outdoor experience. I have tried biking with young children on our country and city roads - it is a scary proposition. I have birded from public roads - and felt both unsafe and uncomfortable. Even finding a place to take a quiet walk can be a challenge, since sidewalks are restricted to cities and towns and drivers zoom by at high rates of speed on country roads.

With only 2 /10ths of 1% of our state's lands available for recreation under Kansas Department of Wildlife and Parks' management and only 3% of our state's lands held publicly in total, Kansans are not richly endowed with public opportunities to enjoy the outdoors. Many of our citizens live in cities or towns and do not have access through families or friends to the farm and ranch land that forms such a large portion of our state. If these citizens are going to enjoy a natural setting, it is going to have to be in a public place, preferably a park. In fact, providing reasonable access to such public lands may be an excellent way of decreasing the temptation to trespass on private property. It certainly will help maintain a citizenry that knows, understands and cares about its land and the people who live on it.

According to testimony that I've heard this session, seven out of the top ten tourist attractions in this state are state parks. People enjoy getting outdoors to relax. A moratorium on further developing one of the few newly created sites to allow our citizens more public outdoor recreational opportunities seems short sighted and mean spirited. Please vote in opposition to HB 2324.

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Testimony of Charles Benjamin, Ph.D., J.D.
Legislative Coordinator
Kansas Natural Resource Council
Kansas Chapter of Sierra Club

Before the Kansas House of Representatives
Committee on Tourism
Regarding H.B. 2324

February 17, 1997

Thank you for the opportunity to testify in opposition to H.B. 2324 that would place a moratorium on further development of the Prairie Spirit Trail.

At the time this bill was introduced into the House Committee on the Environment there were two major arguments made by its proponents. The first was that there was a recent court decision that might make the state liable for reimbursing landowners for the property used by the state in creating this trail. The second argument was that there was legislation being considered by Congress that would amend the National Trail System Act.

My understanding is that there has been a recent case in Indiana involving a takings issue under Indiana law. It so this case would not apply to Kansas. The law that applies in Kansas is both Section 8(d) of the National Trail System Act Amendments, passed by Congress in 1983, that created a process called "Rail Banking," the 1990 U.S. Supreme Court decision in Preseault v. ICC, and the 1995 U.S. Court of Appeals case in Preseault v. United States. The U.S. Supreme Court upheld the Constitutionality of rail banking in Preseault v. ICC. In Preseault v. United States, the U.S. Court of Appeals again upheld the Constitutionality of rail banking. In the 1995 Preseault case, widely used by trail opponents, the Court found that in the specific instance of the Preseault case, a "taking" had occurred and the Presaults could take their case the Court of Federal claims for possible compensation. Other key points of this case decided by the Court:

- All corridors presently railbanked would remain railbanked. The Preseault decision was about compensation, not about the legitimacy of the railbanking itself.
- The Court found that responsibility for compensation lies with the U.S. government, not the trail manager, in this case the railroad or state of Vermont.
- The decision sent the case back to the Court of Federal Claims to determine the amount of compensation, if any, the Preseaults are entitled to.
- The decision focused narrowly on Vermont law, and was therefore limited to railbanked corridors in Vermont.
- The decision does not affect rail corridors in which the railroad held fee simple titles, rather than a railroad easement, to the property.
- Adjacent property owners who allege a taking of private property as a result of railbanking can only seek remedy in the Court of Federal Claims, they cannot have property returned to them, nor can they demand that the trail be closed or dismantled.

Unless the proponents of this bill have some other information to the contrary, the two Preseault cases are current law in Kansas.

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The second argument is that Congress is considering legislation to amend the Rail Banking amendments to the National Trail System Act and therefore Kansas should put the Prairie Spirit Trail on hold. The fact is that Congress considers hundreds of bills every year, very few of which actually get through both houses of Congress and are signed by the President. As Kansas legislators I am sure you can appreciate that the process of passing legislation is long and arduous and you would not be wise to advise your constituents to count on legislation that may or may not be passed in the statehouse. Similarly, Kansas should not put its plans on hold for the Prairie Spirit Trail simply because of speculation about what Congress may or may not do.

The Prairie Spirit Trail, 50 miles in length, is one of three major rail banked corridors in Kansas. The others being the Flint Hills Nature Trail, 150 miles in length and the Landon Trail, 37 miles in length. The Prairie Spirit Trail is considered by Governor Graves and the Department of Wildlife and Parks to be a pilot project for trail construction and needs in Kansas. The first state operated "rail trail" in Kansas, it is being used to test public and political support of trails in Kansas. If the Prairies Spirit Trail is a success, there may be more additions in the future. If it is not a success, the development of trails in the state of Kansas will probably end. Let's not abort this experiment prematurely based upon bad legal analysis and speculation about what might or might not happen in Washington, D.C. Instead, we should let the people of Kansas decided for themselves whether they want these kinds of trails in Kansas.

Thank you for your time and attention.