



Since 1894

To: House Committee on Agriculture
Representative Kyle Hoffman, Chair

From: Mike Beam, Sr. Vice President

Re: **Opposition to SB 331, declaring Flint Hills trail a state park**

Date: March 7, 2018

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing over 5,200 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seedstock, cow-calf and stocker production, cattle feeding, dairy production, grazing land management and diversified farming operations.

The Kansas Livestock Association (KLA) opposes SB 331 because of the designation of the Flint Hills trail state park (lines 26 & 27).

This 115 mile stretch of abandoned rail line was designated for "interim trail use", along various segments of the abandoned rail road right-of-way, by the Interstate Commerce Commission in 1994 and 1995. Later, the federal Surface Transportation Board (STB) consolidated the segments and issued a new "interim trail use" for the entire abandoned rail line and assigned the Kansas Horseman Foundation as the trail user. It's important to note that standard STB orders, including the July 25, 1997 order granting KFH as the trail user, requires trail users to assume full responsibility for management of the trail, including the payment of any and all taxes that may be levied or assessed against the right-of-way.

Landowners along this right-of-way were dissatisfied with the mismanagement of the right-of-way and recreational trail and urged the KLA and Kansas Farm Bureau to seek state legislation providing assurances that rail trail operators would be a responsible neighbor. In 1996, the Legislature passed a bill (KSA 58-3211 to 3216) that requires "responsible parties" of rail trails, among other requirements, to:

- Provide for safety along the trail
- Provide for litter control and the enforcement of laws prohibiting littering
- Prohibit hunting from the trail
- Grant easements to adjacent property owners to permit such owners to cross the trail in a reasonable manner
- Maintain existing fences between the trail and adjacent property
- Install one-half of new fences if requested by an adjacent property owner

In the 22 years since this law was passed, the Flint Hills trail has experienced different rail trail users or responsible parties. In many instances, landowners adjacent to this trail have reported the responsible parties have not fulfilled their responsibilities and our members expressed doubt the state will be able to take on the entire 115 miles of this trail and provide the safety and maintenance necessary to be a good neighbor.

In addition, it's important to know the implications of designating a state park and the siting of swine operations. KSA 65-171d (h) (2) establishes a separation distance of at least 1,320 feet from a state park for a confined feeding facility for swine with an animal unit capacity of 300 to 999. This separation distance is extended to 4,000 feet for swine animal feeding facilities of 1,000 to 3,724 animal units 5,000 feet for new swine confinement facilities with a capacity of more than 3,725 animal units. This statute also precludes expansion of existing swine facilities.

KLA is concerned the designation of a 115 mile state park would prohibit the future location of a swine facility on a quarter mile of private property adjacent to a rail trail designated as a state park. I'd contend the legislature did not envision the state park separation distance to apply to a linear park as contemplated with the Prairie Spirit Trail and proposed Flint Hills rail trail state park.

Mr. Chairman and committee members, we've met with KDWPT officials and appreciate their willingness to be a responsible trail operator and good neighbor. We've committed to them that we'll pursue discussions between KDWPT staff and our members to determine if their fears and concerns can be addressed to the satisfaction of the landowners.

In the meantime, we must appear as an opponent of SB 331.

I welcome any questions or comments.

Thank you!