

House Committee on Agriculture

RE: SB331 - Designating Flint Hills trail state park and Little Jerusalem Badlands state park as part of the state park system

**March 7, 2018
Topeka, KS**

**Presented by: Tracy Presnell
McPherson County**

Chairman Hoffman and Members of the Committee, my name is Tracy Presnell and I live in rural McPherson County. I am here today to voice my opposition to designating the Flint Hills Trail as a State Park.

There are numerous issues about the Flint Hills Trail that this committee should consider in deciding its fate.

Firstly, the Flint Hills Trails is a rail-trail. Simply put, that means it's being developed on a railroad corridor that is in the Federal railbanking program. Railbanking is a way to preserve rail corridors instead of abandoning them. Because it's railbanked, the railroad corridor on which the Flint Hills Trail is being developed is subject to return to railroad service at any time. The trail-use is very possibly only a temporary condition. A requirement of the Federal law that allows railroad corridors to be put into the railbank program and used for trails is that the corridor must be surrendered and returned to railroad service at the demand of any railroad company that may desire to operate on the right-of-way.

Also the current trail development group does not own the property on which the trail is being developed. They only own an easement and if the State decides to take on the role of the responsible party for the trail the State will not own the property either. It will simply own an easement over property owned by the fee-simple landowners. Because of its length, there could very well be hundreds of landowners.

These landowners were never compensated for the loss of their surface rights to a trail. Even though the Federal Supreme Court has ruled that a rail-trail is a compensatory taking, it is unlikely that any landowner along the Flint Hills Trail ever filed a lawsuit against the US government to receive their due payment. The State would be operating a trail over property for which the landowners were never compensated for their loss of reversionary interest. The statute of limitations has long past to file for compensation.

And the trail, after some 23 years, is only partially complete. The actual amount of trail that has been completed is not determinable from the trail website since it hasn't been updated since September of 2016 but at that time it was just over 50% finished with some 57 miles remaining to be completed. There is a considerable cost to complete development. The State spent about \$100,000 per mile on the Prairie Spirit Trail in the late 1990's. Even using that old value puts the completion of the Flint Hills Trail at more than \$5 million.

One has to ask, if the State's finances are in such dire condition does it really make any sense to take on a 23 year old unfinished project that will require more than \$5 million to complete and have considerable ongoing maintenance costs?

How is it that the State can afford to take on another expensive project when Senate Bill 330 proposes to raise many of the fees charged by Wildlife and Parks by 150 to 200%? If the State can't afford to maintain what it already has without raising fees by a considerable amount, why on earth would it take on another project?

Maybe the justification is an increase in tourism dollars. I can tell you from experience there is no tourism increase due to these railtrails. I did a study on the Prairie Spirit Trail in May of 2000 and found that trail permit sales covered less than 1/10 of the ongoing maintenance costs and the overall economic impact to the counties through which the trail passes couldn't pay the salary of a single part-time employee making for minimum wage.

I have personally visited nine, rural railtrails (4 in Texas, 4 in Kansas, 1 in Missouri) and can attest to the fact that they are not being used to any level that could possibly justify the development and maintenance costs. For miles and miles and miles there is simply no one on them. There is no reason to believe that the Flint Hills Trail is or will be any different.

This trail project is nothing but a money pit that the State cannot afford. There's no evidence that it will produce any measurable economic activity in the counties through which it passes. It's being built on a right-of-way that is temporary and subject to return to railroad service. It prevents the return of the property interest back to those that actually own the property and keeps the property out of useful production and the tax base.

I implore you to reject designating the Flint Hills Trail as a State park.