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Thank you Chairman Hayzlett, Ranking Member Wetta and the Transportation Committee for letting me speak today. I stand in support of HB 2735.

The Rail to Trail issue was a hot topic when I became an Osage County Commissioner eight years ago and is still an issue today. A recent Court of Tax Appeals decision in Marshal County to have the adjoining landowners pay property taxes on the abandoned rail-bed and a Court ruling in Miami County enforcing the current Kansas statues on trail development have brought the matter front and center again. The Kansas Board of Tax Appeals has stated that the tax issue cannot be rectified without a legislative change; the Court reasoned that a specific statue must permit taxing authorities to tax the federal trail operator.

The idea of public trails traversing through the meadows and prairies is very appealing to the general public; however the development of the trail system has not been as easy as some may have thought. After the railroads ceased operation in the eighties the Federal Surface Transportation Board chose to rail-bank the easements by authorizing "operators" to develop public trails. The State Legislature wrote very specific laws concerning the development and management of the rail-bed property, statues 58-3211 through 58-3216 are well detailed as to how local governments are to deal with trail operators. These statues pertain to fencing, weed control, littering, signage, fire hazard precautions, insurance, bonding, annual reporting, the time allowed for trail development and the procedure for closing out a trail for lack of completion.

Area landowners and local governments want regulation definition and the ability to enforce State law, as for the trail operators I believe the time has come to "use it or lose it". If the project is beyond the current operators capacity maybe Wildlife and Parks should be assigned as operators as they were for the Prairie Spirit Trail. Regardless of whether or not these trails are developed the responsibility of paying the taxes should not fall to the adjoining landowners.

Thank you for the opportunity to address you today and I would stand for questions at the appropriate time.