



OSAGE COUNTY ATTORNEY'S OFFICE

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Representative Hayzlett
Kansas House of Representatives
Chairman of the Committee on Transportation

Re: Testimony in Support of House Bill No. 2735

Chairman Hayzlett and Members of the Committee,

I am Brandon L. Jones, Osage County Attorney, and I am speaking today on behalf of the Board of County Commissioners of Osage County. Thank you for the opportunity to present testimony in support of House Bill No. 2735 concerning property taxation in relation to federally railbanked rights-of-way.

Osage County currently has several miles of federally railbanked rights-of-ways. Most of these railbanked rights-of-way have been turned over to rails-to-trails conservancies. However, since these conservancies have taken over the rights-of-way as trail operators, very little has been done to maintain or convert these railbeds to functional trails in many areas of the county. Several years have passed since the trail operators have assumed control of the rights-of-way and there does not appear to be much progress being made towards the creation of functional, passable trails in most parts of the county.

Further, the trail operators are not maintaining the railbeds and other structures in the rights-of-way in most parts of the county as the railroads once did. In Osage County there are bridges on county roads in the railbanked rights-of-way that are in need of repair or replacement. These bridges were once maintained by the railroads, now there is uncertainty as to who is to maintain these bridges. What is certain though, is that these bridges need repaired or replaced soon for the continued safe use of county roads.

Our county has also encountered problems with noxious weeds on the trails that are not being controlled. We have had problems with the illegal dumping of trash on the trails. The fences along the trails are also not being maintained by the trail operators as they are supposed to be. We have also had problems with crime on the trails. Clandestine methamphetamine lab trash has been found on the trails and we have had ATV's running up and down the trails. Finally, we have had people shooting guns and hunting unsafely from the trails.

Osage County is in hopes that some clarity can be brought to the issue of who is responsible for maintaining and paying for the maintenance of these rights-of-way and the bridges contained therein. Thank you for your time and I would be happy to address any questions you have.