



MISSOURI FARM BUREAU FEDERATION

P.O. Box 658, 701 South Country Club Drive, Jefferson City, MO 65102 / (573) 893-1400

March 6, 2015

Ms. Sara Parker Pauley, Director
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102

Dear Director Pauley:

As you know, the Surface Transportation Board recently announced its decision clearing the way for Ameren to negotiate with the Missouri Department of Natural Resources and/or other parties on the proposed conversion of the Rock Island rail line between Windsor and Beaufort to a recreational trail.

As you and I have discussed, Missouri Farm Bureau opposes this conversion based on the following policy adopted by members representing county Farm Bureaus statewide at our annual meeting:

We favor keeping the old Rock Island Line from Owensville to Kansas City as a railroad, because railroads are vital to agriculture and the economy of rural communities and are a far better choice than the tax burden of building and maintaining a trail. We oppose any effort to create a recreational trail. If efforts to stop the conversion of the rail corridor to a recreational trail fail, then we oppose state or federal taxpayer funding for conversion and maintenance of such a trail.

As it appears likely that the conversion will proceed, we are committed to assisting landowners whose farms and ranches will be adversely affected. Toward this end, we urge the department to conduct public meetings at locations along the rail corridor as soon as possible. In comments submitted in December, we urged the Surface Transportation Board to conduct public hearings at locations along the rail corridor "for the purpose of promoting transparency by providing an opportunity for those most directly affected to learn firsthand about this proceeding and have their views heard by representatives of the government agency that is conducting this proceeding."

The National Trails Act, the federal law that authorizes the federal government's taking of easements granted by landowners to the railroad, requires neither public hearings nor direct notification of landowners on whose property the easements lie. The department, Ameren, and trail advocates had been collaborating on this transaction for months before we became aware of it. Moreover, many if not most of the approximately 1000 landowners along the rail corridor learned of it even later, only because they were contacted by attorneys interested in representing landowners filing claims for compensation due from the federal government for its taking of the easements.

Unfortunately for landowners, the National Trails Act sets up nothing short of an end run around state laws protecting property rights. Missouri Farm Bureau policy calls for repealing or amending the law as follows:

If not repealed altogether, we believe that the National Trails System Act should be amended as follows:

- 1. Allow only those abandoned railroad rights-of-way which have a realistic probability of being used again someday for a railroad be approved for interim use as recreational trails;*
- 2. Require the state or other trail sponsor which receives certification for interim trail use of an abandoned railroad be held responsible for fencing, taxes, maintenance of the right-of-way, and other such costs which were required of the railroad and also be responsible for compensating the owners of the right-of-way for use of the property easement;*

3. *Require railroads to notify individual affected landowners in advance of proposed abandonment;*
4. *Require railroads to disclose to individual affected landowners the legal status of its occupancy of their tract of property;*
5. *Provide for automatic compensation to landowners whose property is taken as a result of railbanking;*
6. *Require a public comment period prior to certification or notification for interim trail use;*
7. *Require that the Surface Transportation Board evaluate and report specific findings regarding the suitability of the corridor for interim trail use prior to certification or notification for interim trail use, including safety, health, security, privacy, biosecurity and food security and the economic interests of adjacent landowners; and*
8. *Require approval by the local governing bodies in affected communities and counties as a condition for eligibility before railbanking can be authorized.*

The department actively sought the Surface Transportation Board's approval for this rail conversion and is on record as a willing trail sponsor. However, the department can and should make every effort to address the concerns of Missouri landowners whose use of their land will be disrupted by construction activities and/or by the presence of the trail for the duration of its existence.

Consequently, in addition to holding public meetings, we urge the department to set aside funding for reimbursing landowners for property damage and disruption to their use of their land, including fencing costs at a level commensurate with the actual costs of labor and materials necessary to install adequate fencing for livestock.

Finally, we oppose the use of taxpayer dollars for the trail, including federal transportation funding. The department has not yet disclosed cost estimates for construction and maintenance. Yet the department has acknowledged that this trail will be far more costly and difficult to build than the Katy Trail. "Tens of millions" for construction has been suggested by some interested parties.

In 2011 the need for more than \$200 million in improvements and repairs at Missouri state parks was cited by advocates ("State parks are in a pinch," Ted Mathys and Susan Flader). This year Governor Jay Nixon has proposed \$49 million from bond proceeds to repair and renovate state parks. Federal transportation funding was \$71 million less in each of fiscal years 2012, 2013 and 2014 than in 2011, and the Missouri Department of Transportation projects a shortfall of \$160 million annually for the next five years in the level of funding needed just to keep Missouri's roads and bridges in their present condition.

Building and maintaining the Rock Island trail will require a sustained spending commitment rivaling many of the state's most critical public infrastructure projects. If the state cannot afford to maintain our existing roads and bridges and our existing parks and trails, at the very least this project should be thoroughly vetted in a public, transparent manner. Ultimately, we believe that if the trail is to be built, it should be done with private rather than public funding.

Thank you for your consideration. If we can be of assistance or provide additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Blake Hurst". The signature is fluid and cursive, with the first name "Blake" written in a larger, more prominent script than the last name "Hurst".

Blake Hurst
President