

**Testimony of Jayne Glosemeyer  
A Landowner from Marthasville, Missouri  
Before the National Parks and Public Lands Subcommittee  
of the Resources Committee**

**October 30, 1997**

I am Jayne Glosemeyer, a landowner from Marthasville, Missouri. I came here today to tell you that the Rails to Trails Act may produce trails, but in the process it destroy things much more precious--the safety and security one has in their property and a future hope of passing down one's heritage to their children. My husband and I learned of this government policy that prevents us from using our own land by reading the sports section of the St. Louis Post-Dispatch. Landowner notification is not a provision of the Rails to Trails Act.

We own and operate a farm that has been in our family for over 100 years. My great-uncle granted and recorded an easement in 1889 to the Cleveland, St. Louis and Kansas City Railway Company, of which I hold here, allowing 12 acres to be used "for the purpose of a right of way for a railroad, and for no other purpose." Today, instead of a railroad, which my family agreed to, I now have a state park running through the middle of our farm.

A landowner group, made-up of community members, formed with me and spent over \$150,000 to fight for our property in state court, federal court, the U.S. Supreme Court and now the U.S. Court of Claims. Over 10 and a half years of my life has been spent in some form of litigation over land that I own and have the deed. This confiscation of private land for public use has left me feeling like a second class citizen.

Neither the Missouri Constitution nor Missouri State statutes have protected me. The Rails to Trails Act is a scam contrived by special interest trails groups to void state railway abandonment law in order to use my land for their purposes. Trail proponents state in a September '86 issue of The Bay State Trail Riders Assoc., Inc. 1973 (BSTRA, Inc.) that railbanking is a "myth" and a way to "get old Railroads without having to pay for them." Railroad companies welcome the effects of this law because they receive money for land they do not own nor have the rights to sell. According to the Rails to Trails Act, my legal contract with the railroad company is a useless sheet of paper! I do not understand why Congress would pass a law that negates legal contracts and renders state property law useless.

As a result of the Rails to Trails Act, I have found that I have not only lost my property rights, but I am also forced to carry an undo financial burden to provide recreational space for the general public. The Katy Trail sits 30 yards outside my front door and two feet from our livestock pens and sheds. In addition to the privacy I have lost because of the trail, I am forced to rent housing facilities for my livestock two miles from our farm. The potential for liability and disease from human contact with our livestock has caused us to move our animals and prevented us from expanding our livestock operation. Imagine owning plenty of land to operate and expand

a hog farm only to have a government program force you to rent land because the program has made your land unfit.

Now that a recreational trail exists in the railroads's place, we face significant exposure to liability arising from the uncontrolled trespass of the public, who are generally ignorant of the dangers of interfering with the breeding habits of animals. Our once peaceful farm was at risk of being sued should a trail user be injured by an animal. One afternoon, I returned home to find a woman, off of her bicycle, sitting in the shade of our shed while her child chased one of my piglets around my field. I shudder to think what would have happened to the child if my piglet had squealed and the 600 pound sow came to the rescue of her baby.

Representative Jim Ryun's bill, the Railway Abandonment Clarification Act, will honor state property law and prevent the federal preemption of state law concerning how railway abandonments are treated. Since it will remove the federal mandate regarding the treatment of abandoned railways and designation of recreational trails, I will be free to deal with the state of Missouri. As you may know, due to the lobbying efforts of the landowners along the abandoned Katy rail line, the State of Missouri struggled with the issue of whether to proceed with the Katy Trail, and with that I do not object. I do object, however, when the federal government grants to special interests groups and railroads, both non-public entities, the power and authority to claim my land as their own to do what they wish. The Railway Abandonment Clarification Act removes the federal bias that converts abandoned railways into trails over the rights of property owners. Since it is my land, I want control over how it is used. Anyone, including the State of Missouri, should consult me first to ask permission to use my land.

I support Jim Ryun's bill and encourage its immediate consideration by the committee.

I would be happy to answer any questions the subcommittee may have.