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To: Members of the Senate Local Government and Taxation Committee  
From: Seth Grigg, Executive Director  
Date: February 17, 2015  
Re: AIC Opposes Senate Bill 1044

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The Association of Idaho Cities (AIC) appreciates the opportunity to share our concerns about Senate Bill 1044 and respectfully requests that **S1044 be held in committee.**

**Senate Bill 1044 is a solution in search of a problem.** The City of Pocatello has been clear and consistent in refusing to use eminent domain and continues to pursue voluntary agreements with property owners to complete disconnected segments of the Portneuf Greenway. In other areas of the state, condemnation has rarely been used for pedestrian and bicycle facilities. Based on AIC's research, cities have only used eminent domain a few times for pedestrian and bicycle facilities:

- Eminent domain was used once early on in the development of the Boise River greenbelt and played a key role in bringing to greenbelt to fruition. Today the Boise River greenbelt is the gem of Boise's nationally recognized park and trail system, estimated to carry 65,000 trips per year.
- A couple of years ago, Garden City was requested to use eminent domain by a homeowner's association to acquire property for a greenbelt bridge across the Boise River as an alternative to avoid restrictive covenants placed on the disposal of commonly owned property.
- The City of Eagle filed a widely reported condemnation action in April 2014 over a path next to the Laguna Point subdivision, but settled with the property owners and the action never went to court.

Communities throughout Idaho have created **greenbelts** because they **are valuable amenities and economic development tools** that attract new businesses, homeowners, and tourists to our communities. The sponsor of the legislation argues that bicycle and pedestrian facilities are nice, but not truly essential in the same way that streets and roads are. To the contrary, **pedestrian and bike paths provide safe corridors that help children get to school, allow commuters access to work, provide people access to shopping and dining, and offer recreational activities.**

**Eminent domain is a process that serves to protect the interests of property owners**, ensuring they receive fair market value for their land. There are also tax advantages associated with eminent domain – property owners don't pay capital gains tax if the proceeds are reinvested in the same type of property.

Lastly, **Idahoans place a high level of trust in their elected officials** to use condemnation authority sparingly and only when no other alternatives exist. Although cities and counties are granted broad powers of eminent domain, local elected officials have a single-minded aversion to using it that demonstrates the deep respect for private property rights that is a part of Idaho's political culture. Given how rarely eminent domain has been used for bicycle and pedestrian facilities and the deep respect our elected officials have for this authority, we should trust local elected officials who are ultimately accountable to their constituents to act in the best interests of their communities.