

# Bill derailed, but lawmaker still peddling trail idea

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Tyler White, senior general attorney for BNSF Railway, discusses developing railroad lines into trails during a meeting hosted by Oklahoma state Rep. Lewis Moore Wednesday. (Photo by Brent Fuchs)

OKLAHOMA CITY – State Rep. Lewis Moore, R-Arcadia, hasn’t given up on converting railroad lines to bicycle trails.

But when he originally introduced House Bill 1725 addressing the matter – [which was later gutted](#) – he might have been overreaching.

Moore met with representatives from BNSF Railway Co. and Oklahoma Bike Summit board member Pete Kramer on Wednesday morning.

“Our rights are with the federal government,” said Tyler White, senior general

attorney for BNSF Railway. “We can’t be restricted by state law. You can do more with less, as far as I’m concerned.”

Moore’s bill outlined instructions for how railroad companies would handle rail lines, but White said that language isn’t necessary. He said if Moore was interested in developing railroad lines into trails, the bill’s language should give more protection for trail groups.

“The bill should give more power (to the trail group) to get the property rights,” he said. “It should give (the group) the power of sovereignty to negotiate the rail.”

Landowner groups have often advocated against developing the rails into trails because they are afraid trail users will damage their property. Owners’ organizations have also expressed concern that they might be held liable for accidents on the trails.

Developing railroad lines into bike trails can be a complicated process. If the line is legally abandoned in Oklahoma, then Oklahoma City and Tulsa get first rights to the line because they satisfy the state-required minimum population. In rural areas, the line would go back to the property owner.

But the railway doesn’t have to go through the legal abandonment process to be converted to a bike trail. The line can be banked, meaning the rail company could come back and activate it. The trains have not returned to banked lines, said White.

In Oklahoma, the lines were abandoned before the Rails-to-Trails Act, which created the banking process. Using the abandoned lines is a different process than banking, White said.

Kramer asked about developing trails along active railroad lines. Another BNSF representative at the meeting said that wouldn’t be possible because of liability issues. The development has been done in other states.

“(Trails along rails) has shown to be safer than people wandering through the tracks and taking wedding photographs,” Kramer said.

White said the other issue with trails along rails is that it could limit where the line goes to serve a business.

After the meeting, Moore said he is going to do more research on rails to trails. He wants to talk to Craig Moody, who handles the rails program at the Oklahoma Department of Transportation.

“It would be nice if we had (rails to trails),” Kramer said. “I know there were a lot of people in the cycling community that were excited about it.”