

Testimony of

**John Swanson, Executive Director
Northwestern Indiana Regional Planning Commission**

Before the

**U.S. House of Representatives
Committee on Transportation and Infrastructure**

Regarding

**H.R. 6706: To require Surface Transportation Board
consideration of the impacts of certain railroad transactions
on local communities, and for other purposes;
or "Taking Responsible Action for Community Safety Act" –
"TRACS".**

**Washington, D.C.
September 9, 2008**

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Thank you, Chairman Oberstar, Congressman Mica and other Members of the Committee. I would also like to thank Congressman Peter J. Visclosky for his leadership on transportation issues and for his support of transportation and other infrastructure projects throughout the Northwest Indiana region.

My name is John Swanson. I am the Executive Director of the Northwestern Indiana Regional Planning Commission, also known as NIRPC. We are appreciative that you are holding this important hearing and for the opportunity to testify on behalf of this important bill, H.R. 6707, also referred to as TRACS.

NIRPC is a Council of Governments representing 52 elected local government officials plus one State legislator appointed by the Governor of Indiana. It serves as the designated Metropolitan Planning Organization for transportation planning and programming for Lake, Porter and LaPorte Counties in northwest Indiana and we are located adjacent to the City of Chicago, and we are part of the larger metropolitan Chicago region. We are the regional planning agency that must ensure that transportation plans, programs and projects in northwest Indiana comply with all federal regulations.

Our northwest Indiana region is extremely concerned about the proposed CN acquisition of the EJ&E that is currently under consideration by the Surface Transportation Board (STB). We believe this transaction would have a negative

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impact on five major issues in our region: 1) our region's air quality; 2) the efforts to expand our commuter rail services; 3) the efforts to expand the Gary-Chicago International Airport; 4) the redevelopment of our Lake Michigan Shoreline; and 4) the quality of life in our affected communities.

This CN/EJ&E transaction would result in three to four times more trains running through our affected communities. The average train length is expected to increase from one-half mile to over a mile. During a 24-hour period total vehicle delays would increase by a factor 6 to 11 times and these idling vehicles will emit more pollutants into our air. The Towns of Griffith, Dyer, and Schererville will be bisected and unable to function safely and effectively. Impacted communities face considerable safety concerns due to an expected increase in crashes and longer routes for fire and police vehicles because of blocked crossings.

Economic development initiatives, such as the plan to redevelop the Lake Michigan lakeshore by the Cities of East Chicago, Gary, Hammond, and Whiting face new obstacles from this transaction. The STB's draft Environmental Impact Study stated that expanded commuter rail service was not "reasonably foreseeable." This is in itself an unreasonable assumption. These adverse impacts on our communities and region should be strongly considered by the STB when making a final decision ruling on the CN/EJ&E transaction.

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On behalf of our Council of Governments, I have communicated our concerns in three separate letters to the STB and I have testified on the proposed CN and EJ&E transaction before the ad hoc U.S. Congressional hearing held in Chicago on August 5th, 2008.

During the course of our communications with the STB on the issue of the proposed CN and EJ&E, we have come to understand that when the STB makes decisions on railroad transactions, it was mandated by Congress to focus on the railroad transaction would impact the railroad industry and overall transportation benefits. The STB is not required to focus as much on the impacts a transaction would have on local communities. The result is that the STB could approve a transaction that shifts the transportation and economic burdens from some communities to other communities, so long as it can be shown that over a large region, there are some positive transportation benefits.

Metropolitan Planning Organizations (MPOs), like NIRPC, are not allowed to promote transportation policies and projects that simply shift the burdens of one community or population to another, even if there may be some overall statistical benefits. Congress needs to understand that a national and regionally focused transportation problem needs to be solved in a national and regional context, not community by community or community versus community.

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Changes to railroad infrastructure and operations in northwest Indiana brought on by the CN transaction will affect the daily lives and economic well-being of our residents, workers and businesses and our entire transportation system for many decades to come. It should be in the nation's interest, as well as the railroads' interests, to have an integrated surface transportation system that benefits everyone, including residents and businesses in the local communities that will be hosting and living with railroad's business decisions for many decades, if not centuries, into the future.

When Metropolitan Planning Organizations, such as NIRPC and State Departments of Transportation, make far-reaching transportation policy decisions and decisions on which improvements we should be implement, we are required by Congressional mandate to carefully consider all the safety, transportation, environmental, economic development, and social impacts upon our public, including our local communities. We must all agree regionally and locally that improvements will benefit the entire region and will not have a negative impact on individual communities. Since States and MPOs are mandated by Congress to consider impacts on local communities when making major highway and transit decisions, the STB should also be required to give serious and meaningful consideration to impacts on local communities when making decisions on railroad

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transactions, especially those transactions that will cause major changes to the rail infrastructure and operations through those communities.

States, MPOs, and local communities are required to work together, consult each other and coordinate their decisions on highway and transit improvements. The STB should require railroads to consult with and coordinate their improvements with MPOs, not for the purpose of preventing a railroad's business decision, but to ensure that railroad decisions are coordinated and integrated with the regional network of highways, transit, airports and water ports to the best advantage for all. Railroad business decisions should not undermine the quality of life in local communities, the environment or the economic health of the entire region. The STB should require that a railroad whose transactions would have major impacts on local communities work with MPOs to ensure the minimum disruption to local communities and to maximize the regional benefits.

I believe that the TRACS bill under consideration today will significantly improve the Surface Transportation Board's capacity to make decisions on railroad transactions that will be in the nation's interest as well as in the interests of local communities and metropolitan areas. It will also help STB decision-making to be more consistent with the spirit and intent of rest of the Surface Transportation Act.

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On behalf of the communities and counties of the Northwestern Indiana Regional Planning Commission, I wish to express our support for the provisions in H.R. 6707 relating to certain railroad transactions that would require the STB to do the following:

- (1) Hold public hearings in the affected communities;
- (2) Consider the safety and environmental effects of proposed railroad transactions on local communities;
- (3) Consider the effects of proposed rail transactions on both intercity rail and commuter rail passenger transportation;
- (4) Require conditions to mitigate the effects of the transaction on local communities; and finally
- (5) Reject transactions if the adverse impacts on the public outweigh the public benefits.

That is how we have to do business and how the STB must do business.

Mr. Chairman and Members of the Committee, I appreciate this opportunity to support H.R. 6707 to require the Surface Transportation Board to consider the impacts of certain railroad transactions on local communities. I would be pleased to respond to any questions.