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PREPARED STATEMENT

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**Before the U.S. House Transportation and Infrastructure Committee Hearing
on H.R. 6707, the "Taking Responsible Action for Community Safety Act"**

September 9, 2008

Good Morning Chairman Oberstar, Ranking Member Mica and the Members of the Committee. My name is Tom Weisner and I am the Mayor of the Aurora, the second largest city in the State of Illinois. I also have the pleasure to serve as the Co-Chair of TRAC, a bi-partisan coalition of suburban municipalities and counties in the Chicagoland area, who are opposed to the proposed acquisition of the EJ&E line by Canadian National Railway.

Thank you for holding this hearing to examine legislation that would bring our nation's rail regulatory policy into the 21st Century. The current law has been on the books since the days when this country was much less populated and expanding rail capacity was a top priority. Today, millions of Americans live near rail lines across this country and we believe how rail expansion affects their quality of life should be equally considered.

Under the current interpretation of the law the U.S. Surface Transportation Board (STB) uses to review, analyze and issue a decision on rail industry mergers and acquisitions, impacted communities and residents are considered an afterthought. We've learned this the hard way. Despite the enormous impact this would have on millions of taxpayers along the EJ&E line, no study was guaranteed. Instead, President Darch and other communities had to plead our case for the STB to order a draft environmental study. I would submit there is no better example why this legislation is long overdue than this experience – not because our situation is unique – quite the contrary. The economic, environmental, safety and mitigation burden that is on the horizon

could occur in any Congressional district in Congress. It just depends on when and where the next proposed acquisition may be announced.

H.R. 6707, the TRACS Act, asks for the public interest to be fairly and fully considered before any decision is approved. I'd like to share with you some examples of how this acquisition would impact our communities and then please consider whether you would want your constituents considered if this were to happen in your district.

- As we speak, 55,000 vehicles per day travel pass a crossing in my community along the EJ&E Line. If as proposed, the number of 10,000 foot freight trains triples that will cause lengthy delays for commuters who are driving to work, taking their kids to school or businesses transporting goods and services. Further our hospital is on one side of the tracks and a third of our population is on the other. As a result, we may no longer be able to guarantee rapid emergency response. I believe everyone can agree this should not be ignored.
- School administrators are rightfully concerned about the safety of our kids crossing busier at-grade crossings where children have already tragically died under the current train volumes. They are worried that the increased noise will affect student's ability to learn, and they want answers on whether there will be increases in hazardous material transport near schools. I believe their concerns deserve to be heard and considered.
- The Draft EIS lacked a substantive analysis of the impact on property values, instead simply guessing that property values would most likely be affected in a minor way. Frankly, this is one of the most glaring errors contained in this document. An independently conducted analysis found that the average property value loss for a home in one neighborhood would be \$60,000. I'm certain not one Member of this Committee would tell their constituent that this loss was minor.
- We've seen young families and seniors chasing the American dream transform corn fields into bustling economic development engines with subdivisions, hospitals, schools

and commerce. What happens to them, now? If freight traffic increases by 400% - and let me be clear that is not a high water mark but a jumping off point – these communities will literally be split in half by freight traffic dividing residents and stalling economic development. I believe these people deserve to be considered.

- There are multiple communities along the EJ&E line that fall below the median household income level. For years they have worked hard to encourage new commerce and development to keep property values up. They will now take two steps back instead of continuing to move up the economic ladder. I do not believe their efforts should be ignored.
- Let's take into consideration the increased noise and pollutants running through these suburban neighborhoods surrounded by schools and parks. There is one community that would hold the distinction of becoming the Mecca for train traffic in the region – estimating hundreds of trains per a day. I'm not sure there is a quality of life under those circumstances.
- Canadian National told the Chicago Tribune that the bulk of the costs for mitigation would be paid for by the state and federal governments. I'm pretty sure you don't have the money to pay the hundreds of millions of dollars for mitigation and the State of Illinois has an enormous debt and can't even fix its potholes. Our communities are not opposed to profitable companies or rail expansion, but we are opposed to profitable companies becoming more profitable at the expense of our pocketbook and our quality of life.

By the end of this week, eight open houses will occur in the affected region. Thousands of residents will have attended these hearings and provided oral and written testimony outlining their concerns over one acquisition. It is our understanding that the STB is experiencing an unprecedented show of opposition to this acquisition which is further demonstrated by this hearing today – and HR 6707. Our residents want to be considered and I expect yours would too if their quality of life were threatened. I hope you agree they deserve to have their concerns balanced with those of corporations who seek to profit at the expense of the taxpayers who live, work and invest in these communities.

To be honest, this is really a matter of common sense. More trains equal more traffic, more congestion, more pollution and more infrastructure needs. However, the current process does not allow for a common sense approach and solution. On one hand, you have thousands of residents pleading their case to the STB while Canadian National threatens to pursue legal action because the deal has not been approved under their timetable?

In my estimation, what completely eclipses the rhetoric is this simple fact – if you attended an open house on the north end of the EJ&E Line and an open house on the south end of the EJ&E you would hear the same exact story. Increased traffic congestion, parents concerned about the safety of their children and the air they would breathe, physicians testifying that delaying an ambulance is a life and death matter, first-time homeowners frustrated that their property values will plummet and outrage by taxpayers that they are going to have to foot the bill for this lose-lose situation. And, if an acquisition like this was proposed in your district you would hear the same concerns.

H.R. 6707 represents an opportunity to recognize the shortcomings of the current process and update it to consider the paradigm that exists today. The federal government does not need to expedite mergers and acquisition to jump-start rail activities – those days are long over. The federal government needs to strike a balance that weighs the quality of life of the affected residents with the needs of a more efficient rail system. And as I said earlier, this experience really showcases the need to update the current law.

Thank you for your time and consideration.