

**The Honorable Melissa L. Bean**  
**Illinois 8<sup>th</sup> District**

Testimony on H.R. 6707, *The Taking Responsible Action for  
Community Safety Act*

House Committee on Transportation & Infrastructure  
September 9, 2008

Chairman Oberstar, Ranking Member Mica, Members of Committee, thank you for inviting me to testify today in strong support of H.R. 6707, *The Taking Responsible Action for Community Safety Act*. I want to commend Chairman Oberstar's leadership on this bill and look forward to working with the committee.

Last month, during a field hearing I held in Chicago with my colleagues, we heard testimony from the Illinois Department of Transportation and Chicago Metropolitan Agency for Planning who expressed their serious concerns about the STB review process. The process's narrow focus on a transaction in the private sector disregards existing transportation plans, investments, and input from local and federal officials.

How is it that a transaction initiated by and for the benefit of a foreign company and their shareholders would allow those shareholders upside to be paid for by the American taxpayers?

How is it that an environmental impact statement can acknowledge an egregious burden on American communities, but offer few or no solutions?

Why is it that a private company can pre-empt regional planning and transportation priorities that have been worked on by all levels of government in a bipartisan fashion?

I got involved in reviewing the STB's mission and decision process because of a local transaction impacting communities in my district; however, unless the mandate of the STB is either clarified, communities your own districts across could face the same challenges.

The current process has historically put the interests of industry over those of American families and taxpayers. This doesn't have to be the case. As noted by the board's most recent decision, the STB has the ability to deny an acquisition on environmental grounds. Toward that end, I hope they use the CN/EJ&E case to set that precedent.

However, *The TRACS Act* would clarify their obligations as a federal agency to protect the interests of the taxpayer who fund them. The impact on a local shipper, while important, shouldn't outweigh the impact on communities and the citizens who live there. This bill will require that public impact concerns are given equal consideration to those of commerce.

The STB would be required to consider public impact including:

- Local Communities
- Public Safety
- Grade crossing safety
- Hazardous materials transportation
- Emergency Response
- Noise Pollution
- Socioeconomic Impacts
- Commuter Rail

That is not how it appears to be working currently.

I speak to you today not only on behalf of my Eighth District constituents, but as a mom who crosses those tracks to get to my daughters school, the grocery store, the post office, almost anywhere.

There are well over 40 communities along the EJ&E in Illinois and Northwest Indiana whose families will experience a 400 to 900 percent increase in freight train traffic. That is why there is strong bipartisan

opposition to this deal.

Last November, I requested an environmental impact statement be prepared. Unlike the standard review performed by the STB, the EIS process gives local residents a forum to raise their concerns. Over the last several months, thousands of residents have shown unprecedented levels of involvement culminating in over 5,000 residents attending a recent hearing held in my Congressional District.

The intent of an EIS should be to balance priorities between issues of commerce and transportation with concerns regarding safety, quality of life, and economies of American communities.

Regrettably the draft environmental impact statement seemed to endorse allowing a private company to destroy local communities' quality of life, safety and economies, while expecting those communities to pick up the tab.

The EIS fails both in scope and solutions. Specifically:

- Placing an egregious tax burden on local communities by expecting them to fund the vast majority of mitigation costs for a project they do not want and would not benefit from. CN has offered \$40 million towards mitigation, which is laughable considering costs are projected at well over \$1 billion and that is for selected grade separations only.
- Fails to provide other options or review existing alternatives. We should not seek to move a problem, but instead solve a problem.
- Identifies 11 communities who would be cut off from their police, fire, and EMS providers, while offering no solutions to ensure the safety of our communities.
- Disregards the severe impact a 400 to 900 percent increase in freight traffic would have on the quality of life in our neighborhoods due to:
  - Dead locked traffic
  - Increased emissions and pollution
  - Noise levels
  - Safety—for instance the EIS expects 28 percent increase in highway/rail accidents
  - Thousands of children standing waiting in freezing cold Chicago winters while waiting for two mile long trains to go by so they can cross the tracks to get to school.
  - Economic Burden: lost businesses, lost property value, and a decrease in municipal revenues while the tax burden will increase.

The reason we need this bill is after review, if the adverse impact on communities are significant or outweigh the potential benefits to commerce, then the STB would be required to disapprove or mitigate accordingly.

*The TRACS Act* is a commonsense solution that will create equity between the railroads and the business needs they serve and the communities and American taxpayer who we serve.

Thank you and I yield back the balance of my time.