

1 SCOPING MEETING FOR THE PROPOSED CANADIAN
2 NATIONAL RAILWAY COMPANY ACQUISITION OF THE
3 ELGIN, JOLIET AND EASTERN RAILWAY COMPANY
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9 STATEMENT OF:
10 MIKE VAN POUCKE
11 SEPTEMBER 9, 2008
12
13

14 WEST AURORA HIGH SCHOOL
15 1201 West New York Street
16 AURORA, ILLINOIS
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22 REPORTED BY: Laura E. Locascio, 084-004079
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1 MR. VAN POUCKE: I wanted to offer
Page 1

2 some comments on the proposed CN
3 acquisition of the EJ&E rail line. There's
4 a takings clause in the U.S. Constitution
5 that when government takes action that
6 results in a loss to a private citizen, the
7 government is required to pay just
8 compensation to that individual.

9 Here we have a case where the
10 STB is considering approving an action that
11 will have great impact on many individuals'
12 families living up and down the current
13 EJ&E railroad line.

14 The draft EIS concludes that
15 there will be economic -- loss of economic
16 value to the families living within 250
17 feet of the EJ&E line.

18 Certainly many of us believe
19 that there will be property losses to
20 families far beyond the 250 feet. However,
21 given that all parties essentially agree on
22 the lowering of values should the CN
23 proposal be approved, it would seem that
24 either the Federal Government or through

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1 its required mitigation efforts should in
2 some fashion require the Canadian National
3 Railroad to compensate the families who are
4 living in the homes along the EJ&E for the
Page 2

5 adverse impacts caused by the CN
6 acquisition of the EJ&E.

7 It may be unrealistic to
8 compensate them through direct financial
9 compensation. But there can certainly be
10 measures taken to compensate these
11 individuals and families through measures
12 such as sound walls and upgraded crossings
13 that will allow for quiet zones that could
14 be necessary, should the CN proposal be
15 approved by the STB.

16 Yes, some of these measures may
17 be very expensive. But there are benefits
18 and burdens involved in doing business here
19 in the U.S. There will be benefits to the
20 CN through increased efficiencies and
21 corresponding profits.

22 However, the Canadian National,
23 should this proposal be approved, should be
24 required to over the years pay for these

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1 mitigation efforts to at least compensate
2 the homes along the EJ&E for the adverse
3 effects.

4 It would seem to be the American
5 way in general, but also law under the
6 takings clause of the U.S. Constitution.
7 And we ask that the STB, should it be

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8 inclined to approve this proposal, require
9 the mitigation of noise, vibration and
10 sound effects from the added trains to
11 assist families along the EJ&E.

12 (END OF STATEMENT.)
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