

Congress of the United States
Washington, DC 20515

May 30, 2006

Mike Cox, Attorney General
State of Michigan
G. Mennen Williams Building, 7th Floor
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909


Dear Attorney General Cox:

We write to you regarding a question of law on eminent domain. A proposed intermodal rail facility is currently being considered in Erie Township, Michigan which is located in the district we represent. There have been several press reports that eminent domain will be used by the railroad corporation. Many of our constituents are confused and worried as to the use of eminent domain. Please answer the following questions to clarify the law regarding eminent domain.

1. When railroads wield eminent domain power, is that based upon federal or state statutory authority? What are the parameters of this power?
2. Please specify the steps that are needed for a railroad to acquire property through eminent domain?
3. Are there legal remedies an individual may exercise should one challenge the taking of their property?

It is important that the citizens of Erie Township have the opportunity to express their concerns regarding this project and that their concerns are taken into account as to the proposed project. It is equally important that as the process moves forward it is fair, open and transparent so that all who are interested are able to have their views and concerns considered. Your answers will help clarify the process as to the eminent domain power, who will be wielding it and the process of condemnation. We look forward to your answers to these questions.

Sincerely,



John D. Dingell
Member of Congress



Debbie Stabenow
United States Senator



Carl Levin
United States Senator



Kathy Angerer
Michigan State Representative