



WISCONSIN LEGISLATURE

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Lawmakers Support Budget Provision Limiting Eminent Domain Power for Railroads

Madison- Rep. Amy Loudenbeck (R-Clinton) and Rep. Mark Spreitzer (D-Beloit) announced their support for a provision in the state budget that strengthens property rights.

The provision requires the legislature to enact a law, prior to a railroad company utilizing eminent domain authority for any property acquisition that exceeds 100 feet in width, which states that the legislature finds that the acquisition is “necessary” and serves the public interest.

Generally, under current law a railroad may acquire property by eminent domain when a corporation is not able to acquire the property at an agreed upon price.

Loudenbeck and Spreitzer worked together to provide a mechanism for public and legislative input for such large-scale railroad land acquisitions utilizing eminent domain after the Great Lakes Basin Transportation, Inc. (GLBT) submitted an application to construct and operate a 261-mile rail line through portions of Wisconsin, Illinois, and Indiana. The proposed project would be built on a 200-foot wide right of way along its mainline corridor.¹

“This is a victory for the people of Wisconsin who can rest assured knowing their representatives are dedicated to protecting their interests, property, and way of life. I was proud to work with Rep. Loudenbeck in a bipartisan fashion at the request of our constituents to accomplish this common good,” said Rep. Spreitzer.

“For many, owning a home and land is emblematic of the American dream. Wisconsin residents deserve to know there will be additional scrutiny and review to determine the necessity and public benefit of proposed rail projects. The use of eminent domain, particularly by private entities, should be extremely limited in both frequency and scope. This new provision will ensure that the Legislature makes a determination on proposed land acquisitions using eminent domain are in the public interest,” said Rep. Loudenbeck.

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¹ <http://www.greatlakesbasin.net/features>