



THE BECKHAM GROUP

TRIAL LAW 300636

May 19, 2020

The Honorable Ann D. Begeman, Chairman
The Honorable Patrick J. Fuchs, Vice-Chairman
The Honorable Martin J. Oberman, Member
Surface Transportation Board
395 E Street SW
Washington, DC 20423

Via e-filing ENTERED
Office of Proceedings
May 19, 2020
Part of
Public Record

Re: STB Finance Docket No. 36025; Texas Central Railroad & Infrastructure, Inc. & Texas Central Railroad, LLC – Petition to Reopen

Dear Chairman Begeman, Vice Chairman Fuchs and Member Oberman:

Along with co-counsel Richard Streeter, our law firm represents Texans Against High Speed Rail, Inc. (“TAHSR”) in the referenced proceeding. Our law firm also represents hundreds of affected landowners along the proposed high-speed rail project’s Dallas to Houston corridor. One such landowner we represent is Jim Miles, the plaintiff in the ongoing eminent domain litigation against Petitioner Texas Central Railroad & Infrastructure, Inc. (“Texas Central”).

On May 12, 2020, Texas Central notified the Board of a recent decision by the Court of Appeals for the Thirteenth District of Texas reversing a final judgment in favor of Mr. Miles, in which the trial court had declared that Texas Central is not a railroad or an interurban electric railway under Texas law.

Mr. Miles has notified the Texas Supreme Court of his intention to appeal the Thirteenth Court of Appeals’ ruling. As shown in the attached correspondence from the Texas Supreme Court, the appeal has been docketed as Case Number 20-0393. Mr. Miles’ deadline to file his Petition for Review is July 22, 2020.

Contrary to statements made in its recent letter to the Board, Texas Central **cannot** exercise the power of eminent domain to survey or condemn property at this time. A final decision must first be reached by the Texas Supreme Court as to whether Texas Central qualifies as a railroad or an interurban electric railway under Texas law.

Respectfully submitted,

/s/ Patrick McShan

Cc: All parties of record



THE SUPREME COURT OF TEXAS
Post Office Box 12248
Austin, Texas 78711

FILED
20-0393
5/13/2020 7:10 PM
tex-42965297
SUPREME COURT OF TEXAS
BLAKE A. HAWTHORNE, CLERK

(512) 463-1312

May 13, 2020

RE: Case Number: 20-0393

Style: MILES v. TEX. R.R. & INFRATRUCTURE, INC.

Dear Counsel:

Today the Supreme Court of Texas granted the Motion for Extension of Time to file Petition for Review in the above-referenced case. Petition for Review is due to be filed in this office **July 22, 2020**.

Sincerely,

A handwritten signature in black ink that reads "Blake A. Hawthorne".

Blake A. Hawthorne, Clerk

by Haley Marlow, Deputy Clerk