



Surface Transportation Board
Washington, D.C. 20423-0001
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Office of the General Counsel

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Office of Proceedings

Meeting under Section 5, STB Reauthorization Act July 17, 2020

February 5, 2019

Part of
Public Record

Present: Members Begeman, Fuchs, and Oberman
Staff Jessica Caine, Rachel Campbell, Anika Cooper, Allison Davis, Ellen
Erichsen, Amanda Gorski, Danielle Gosselin, Kim Hillenbrand, Ted Hunt,
Craig Keats, Barbara Miller, Neil Moyer, Lisa Novins, Valerie Quinn, Amy
Ziehm, Scott Zimmerman

Topic: Docket No. 36025, Texas Central Railroad and Infrastructure, Inc., and Texas
Central Railroad, LLC – Petition for Exemption – Passenger Rail Line Between Dallas
and Houston, Tex.

Summary of the Matters Discussed, Prepared by General Counsel Craig Keats:

This proceeding involves a project by Texas Central Railroad and Infrastructure, Inc. and Texas Central Railroad, LLC (Texas Central), to build a 240-mile rail line between Dallas and Houston, Tex. In an earlier ruling, the Board found that the proposed rail line, as described, would not be within the Board's jurisdiction, as it would be an entirely intrastate line that would not be part of the interstate rail network. Texas Central has asked the Board to reopen the proceeding and find that, in light of substantially changed circumstances, including a through ticketing agreement entered into with the National Railroad Passenger Corporation (Amtrak), the line would be part of the interstate rail network and, accordingly, be subject to the Board's jurisdiction and licensing authority. Various parties opposed Texas Central's position.

Staff and Board Members discussed the following issues:

1. The configuration of the proposed rail line and of nearby other rail facilities.
2. The findings and conclusions in the earlier Board decision in the matter.
3. The various indicia of interstate and intrastate rail lines under agency precedent.
4. The nature of Board jurisdiction and preemption.