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Surface Transportation Board

Finance Docket No. 36025

RE: Texas Central Railroad Petition to Reopen

ENTERED
Office of Proceedings
May 21, 2018
Part of
Public Record

I am writing this letter in opposition to the recently reopened STB filing Docket #FD_36025_0 by Texas Central Railroad and Infrastructure, LLC. I am a landowner who is directly impacted by this project in Waller, Texas. I have witnessed the heavy handed "Bullying" tactics used by Texas Central and have followed their "smoke and mirror" marketing approach which I will expand on below.

Heavy Handed "Bullying" Tactics

I am a US Veteran who served in both Iraq and Afghanistan in the Global War on Terrorism and purchased acreage in Waller County to build a home in the country on. In early 2016, Contract Land Staff (Texas Central's Agent) requested permission to survey my land. I asked for proof of eminent domain authority and they could not supply me with this so I denied them access. On July 1, 2016, I received a letter from Texas Central threatening to take legal action by referring me to their law firm Jackson Walker LLP if I refused to sign their revised survey letter. Then on September 2, 2016, I met with Jaylon Jacobsen with Contract Land Staff (Texas Central's contractor) and they explained to me that I could either accept the options offer or my land would be seized by eminent domain. As a veteran this infuriated me as I felt that I was being threatened and I decided that I would get involved to keep others from feeling the same way that I did that day. Apparently, I am not the only one.

In March of 2018, concerned sheriffs from those affected counties; Sheriff Glenn Smith from Waller County, Sheriff Don Sowell from Grimes County, Sheriff Travis Neeley from Madison County, Sheriff Kevin Ellis from Leon County, Sheriff Dennis Wilson from Limestone County, Sheriff Charles Edge from Ellis County, Sheriff Jeremy Shipley from Freestone County, and Sheriff Elmer Tanner from Navarro County, formed a law enforcement coalition to address public safety concerns anticipated with the operation of a 200 mph bullet train across their counties.

"For well over four years now, Texas Central has been working in Texas to advance their project and within the Draft Environmental Impact Statement published by the Federal Railroad Administration there was a generic section on public safety, prior to the publication of this document, not one sheriff's office had ever been contacted by Texas Central or the FRA to coordinate public safety aspects of this project as it relates to our counties," said Sowell. "Only after they learned about us having this sheriff's meeting a couple weeks ago, did I receive, and

my colleagues receive, an email with an attachment of numerous pages of a study. That did give us some information."

In my opinion public safety should be the number one priority in any infrastructure project and the fact that eight county sheriffs have to form a coalition to get Texas Central's attention about not only public safety but all emergency response teams in the affected counties should be of the highest concern to the Surface Transportation Board. The Draft Environmental Impact Statement was entered into the Federal Register during the Christmas Holidays on December 22, 2017 and the public had until March 9, 2018 to submit comments. This allowed the public less than 80 days to digest and provide feedback on a 5,647-page document that was years in the making. Worse yet, there was little to no input from the counties in between Houston and Dallas that could seriously impact public safety. The sheriffs definitely have a valid concern given the DEIS does not include modeling based on the new traffic caused during its estimated five years of construction and the DEIS accepts a 10% increase in emergency response times with no mitigation plan.

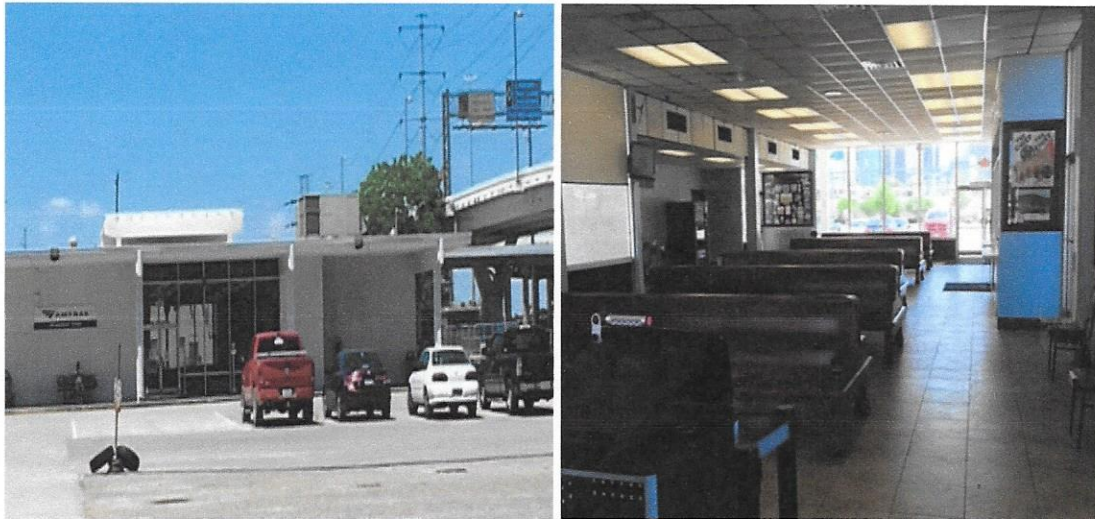
Smoke and Mirrors:

Shortly after the July 2016 STB ruling, Texas Central released the below statement.

"We were glad the STB ruled as quickly as they did because that allows us to set the path forward and if they had any uncertainty it could have impacted the project's timeline," said Holly Reed, Texas Central's managing director of external affairs. The company expects construction to start in 2017 and rides to start as soon as 2021." "STB oversight has things that are positive and negative for the project based on either direction that it would decide, so getting a timely decision was important," Reed said.

Now here we are in 2018 and Texas Central still has not proved that they are a railroad and in fact lost the summary judgment case against Calvin House and were denied the right to survey the House Estate. Texas Central does not meet the requirements under Texas Law Senate Bill 18 to be an actual railroad and not one government entity has classified them as a railroad in the State of Texas. Then in 2017, the Texas Legislature passed SB-977 which prohibits the use of state funds for high-speed rail. It has become clear and evident that Texas Central does not have the power of eminent domain which is why they are now making a last-ditch effort to obtain the power of eminent domain by trying to become an Interstate project by obtaining through ticketing with Amtrak so they can become a part of the Interstate Railway. I have lived in Houston almost my entire life and never knew that we even had an Amtrak station so when I heard the announcement about the ticketing agreement, our family decided to go to the station and see it for ourselves. We went in the middle of the afternoon and there were only

two people in the station, one employee and one customer. It was certainly not what I expected and was extremely small as pictured below. According to Amtrak's website there are only five short term and five long term parking spots available.



On February 5, 2018, within hours of the FRA's Harris County Public Comment meeting the Mayor of Houston and Texas Central representatives announce that the Northwest Mall would be the location of the Houston station. The FRA's point of contact, Kevin Wright, had to formally announce at the beginning of the meeting that although the mayor and Texas Central had picked the station location, it was up to the FRA to choose a station.

Below are some other highlights that I wanted to bring to the Board's attention

- Lack of transparency on ridership calculations as their secret ridership report states that they will have 7.2 million riders per year. The Reason Foundation and TXDOT place the ridership between 700,000 and 2.7 million per year.
- In April 19, 2016, Texas Central's Tim Keith stated in the STB filing that the total cost of civil construction and the core system was estimated to be 10 billion dollars. This has now bloomed to an estimated \$18 billion according to the DEIS and estimated to be 20 million by the Reason Foundation's report. In the last FRA public comment meeting in Houston on March 5th 2018 still advertised the project cost at the original 10 Billion. The fact that the cost has almost doubled and the first ground has not even broken should throw up red flags to all those concerned.

- The DEIS was completed without a “physical foot on the ground” survey due to the fact that Texas Central never proved that they had eminent domain authority and could not enter onto property along the route. The DEIS is fatally flawed to include:
 - a. A **\$50 BILLION** error that Texas Central claims would be received on a retail sales tax on ticket sales. The State of Texas does not levy sales tax on transportation.
 - b. Table 3.14-22 in the DEIS states that the average one-way ticket cost is \$199. We pointed this out to Texas Central on their public forum and Texas Central states that this is the latest in the rumors spread by the opposition. How can they dispute what is in the document that they paid to have created?

Table 3.14-22: Annual Ticket Revenue Impacts for all Build Alternatives

Mode	HSR	Car*	Air*	Bus	All Modes
Build Market Share	21%	73%	3%	2%	100%
No-Build Market Share	0%	89%	9%	2%	100%
Average Trip Price (2016\$)	\$199	***	\$199	\$25	



Karen Smith Hale So she can pay approximately \$199 each way each day to commute to teach classes. That is \$2000 per week just for the train if she teaches 5 days a week and she still has to pay for transportation from Roans Prairie to A&M and pay to park her car at the home station. I didn't realize professors made enough to afford that, or is she independently wealthy and teaching as a hobby?!!

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Texas Central - The Texas Bullet Train Hi Karen, that figure for ticket prices is one of the latest rumors making the rounds online. Ticket prices will be based on a variable, demand-based model, that will fluctuate based off of how far in advance you purchase, what day you're looking to ride, what time of day, what class of service you're interested in (first, business, coach, etc), what discounts you're eligible for (are you a frequent rider? Are you traveling with your family? Are you a veteran? a student?), and a variety of other factors.

On the high end, tickets will be competitive with the cost of an airline ticket, but on the low end, they will be competitive with the cost of driving. There is no one price point to describe the multitude of fare options that will be offered; there will be ticket prices offered to accommodate all travelers, regardless of budget!

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We urge the Board to reject Texas Central's strong-arm tactics and use of smoke and mirrors in their marketing materials. The public deserves to scrutinize the data and calculations rather than the window dressings that Texas Central is providing. The request before you to make this a part of the Interstate Railroad is laughable at best and is a desperate move to obtain eminent domain authority that was denied at the state level. As a Veteran and land owner, I beg the board to peel back the layers on this project and take a cold hard look at the data and the true lack of public need. We appreciate your serious consideration of this matter.

Links:

<http://www.madisonvillemeteor.com/stories/rural-sheriffs-stand-united,29699>

<http://offthekuff.com/wp/?tag=surface-transportation-board>

<https://www.amtrak.com/stations/hos>

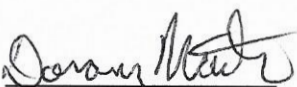
<https://www.fra.dot.gov/Page/P0700>

<https://www.texastribune.org/2018/02/05/bullet-train-developers-pick-northwest-mall-houston-station-location/>

<https://onedrive.live.com/?authkey=%21AM8FLGwaix4kZY8&cid=0C3F4FBBD378E95F&id=C3F4FBBD378E95F%21108&parId=C3F4FBBD378E95F%21106&o=OneUp>

<https://www.fra.dot.gov/eLib/details/L19202>

I certify that I have this day served copies of the document upon the Parties of Record in this proceeding, by U.S. Mail or E-mail.

Signature 

Donovan Maretick

Date 5/21/2018

CC: All Parties of Record.