

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Finance Docket No. 36025

**TEXAS CENTRAL RAILROAD AND INFRASTRUCTURE, INC. &
TEXAS CENTRAL RAILROAD, LLC-
AUTHORITY TO CONSTRUCT AND OPERATE-
PASSENGER LINE BETWEEN DALLAS, TX AND HOUSTON, TX**

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REPLY IN OPPOSITION TO REQUEST FOR ORAL ARGUMENT

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Rail, Inc.***

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Texans Against High Speed Rail, Inc. (“TAHSR”) submits this Reply in Opposition to the Request for Oral Argument submitted by Petitioners Texas Central Railroad and Infrastructure, Inc. & Texas Central Railroad, LLC (collectively “TCR”) as follows:

TCR filed its Petition to Reopen nearly a year ago, on May 4, 2018. At that time, TCR did not request oral argument, as no such argument is necessary for the Board to correctly determine—as it did in 2016—that it lacks jurisdiction over TCR’s proposed project (the “Project”). In its Request for Oral Argument, TCR failed to identify any intervening factual changes that would justify its sudden request for oral argument, and there are none. Rather, TCR is merely using its Request for Oral Argument as a vehicle to regurgitate its prior arguments.

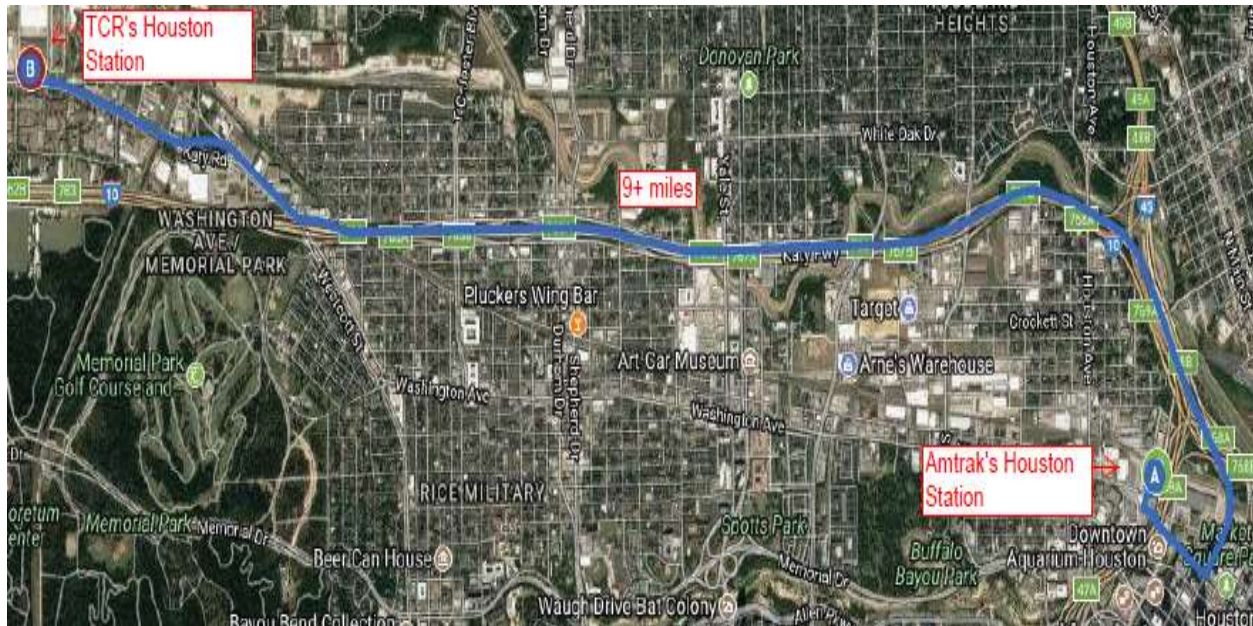
TAHSR stands on its prior arguments, as set forth in its Reply in Opposition to Petition to Reopen. Simply put, TCR’s “paper bridge” with Amtrak is merely an unenforceable “agreement to agree” that does not constitute substantially changed circumstances.¹ Moreover, even if TCR’s alleged agreement with Amtrak were enforceable, it is undisputed that the Project remains a closed, intrastate system, incapable of establishing a physical connection with any rail line that is part of

¹ TAHSR’s Reply in Opposition to Petition to Reopen (submitted May 31, 2018), p. 12-15.

the interstate rail network.² As such, regardless of any alleged agreement with Amtrak, the following jurisdictional obstacles remain: (1) TCR's proposed Dallas station location is over 1.2 miles from Amtrak's Dallas station; and (2) TCR's proposed Houston station location is over nine miles from Amtrak's Houston station. In other words, passengers holding a "through ticket" in Dallas or Houston would find themselves stranded miles from any connecting rail service.



² TAHSR's Reply in Opposition to Petition to Reopen (submitted May 31, 2018), p. 7-12.



Over the past eleven months, TCR has done nothing to address this glaring jurisdictional dilemma—the lack of *any* connection between TCR and Amtrak service in Dallas *or* Houston. Likewise, nothing that TCR might say during oral argument will change these undisputed facts.

For these reasons, TAHSR respectfully requests that the Board deny TCR’s Request for Oral Argument, as no such argument is necessary for the Board to correctly determine—for a second time—that it lacks jurisdiction over the Project.³ Alternatively, if the Board were to grant TCR’s Request for Oral Argument, TAHSR respectfully requests that any hearing(s) on TCR’s Petition to Reopen be held in Texas along the proposed Dallas to Houston corridor so that affected landowners, citizens, and their counsel may fully participate.

³ In its prior decision denying jurisdiction over the Project, the Board found that “[i]t is undisputed that the Line would provide only intrastate passenger service between Dallas and Houston.” In addition, the Board noted that “[TCR] makes clear that the Line would not directly connect, nor would it be feasible to directly connect, with Amtrak.” In rendering its decision, the Board articulated the principle that “[w]hether an intrastate rail passenger service is part of the interstate rail network is a fact-specific determination based on the totality of circumstances” and “no one factor is controlling.” Nothing has changed in the past three years to call these findings, or the principles on which they were based, into question.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I have served all parties of record in this proceeding with this document by United States mail or by e-mail on April 4, 2019.

/s/ Richard H. Streeter

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