

Surface Transportation Board (STB)
Finance Docket No. 36025 RE: Texas Central Railroad Petition to Reopen
Letter of "Objection" by Glenn A. Mannina to Reopen the STB's July 18, 2016 Decision
Dated: May 16, 2018

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May 18, 2018
Part of
Public Record

This is to advise that I, as a Private Property Landowner in Two (2) Texas Counties (Montgomery and Leon Counties, Texas) am 100% Against the Texas Central Partners/Railway proposed High Speed Rail between Houston and Dallas, TX.

For the record, I hereby "Object", due to lack of supportive evidence of such a right or need (As Supported by the following statements in this Objection Letter), to Texas Central Entities' Request for Reopening and request immediate "Denial" by the STB for the Texas Central Entities to be awarded a reopening of their previous April 19, 2016 Petition filing for STB Jurisdiction Consideration AND for Exemption from STB Oversight and certain rules and regulations. I find it extremely interesting that Texas Central made many press releases and social media advertisements immediately following the July 18, 2016 STB Denial that they were extremely happy the STB ruled Texas Central was not qualified to be under the STB Jurisdiction and Oversight stating further they did not want Federal Government Oversight to slow their project down. Now, Texas Central today, almost two years later and with very little land actually purchased for this project, is asking for the STB to reopen the aforementioned Jurisdiction request while also asking for Project & Construction Approval as part of an Interstate Rail Network, all based on a recent simple speculative "Through Ticketing Arrangement" with Amtrak. It is beyond any competent or legal rationale how a simple ticketing arrangement could turn a company who cannot even prove they are a railroad in the state of Texas (Further explained below) to now be qualified as part of an Interstate Rail Network.

Pursuant to 49 U.S.C 1322© and 49 C.F.R 1115.4, Texas Central Railroad and Infrastructure, Inc. (TCRI) and Texas Central Railroad, LLC (TCRR) petition to reopen the referenced FD #36025 based on the changed circumstances, I see no new evidence nor analytically based rationale for this filing to be reopened. Additionally, I see no new justification or action taken from the aforementioned Texas Central Entities that would eliminate ALL of those required criteria elaborated on in the STB July 18, 2016 Decision statement and that would support in any way the Texas Central Entities to become magically a part of an Interstate Rail Network. Based on the STB July 18, 2016 Decision, the STB comments below clearly never intended that ONLY a Through Ticketing Arrangement utilizing a very small antiquated Amtrak depot downtown Houston, TX, while having to use shuttle vehicles to relocate extremely few passengers to the depot, and nothing else, would support such a ridiculous unsubstantiated finding that this project is a part of an Interstate Rail Network thereby allowing the taking of private property under Eminent Domain (ED) power as well as approval of the Project and Construction. Texas Central would want to make people believe that there is actually a market for the public to travel from Dallas to Houston, then to be shuffled in Houston traffic to the downtown Amtrak Depot, then wait at least 45 minutes (required to be ahead of any departure) to catch the Sunset Limited to New Orleans, La. for a 9.5 hour Amtrak train ride, not to mention the cost of such a trip vs. flying or driving. I contend there will exist very little to no market for this type of travel even between two adjacent states.

For reference, the following is a pertinent portion of the STB July 18, 2016 Decision filing. The STB stated:

“The Board finds that it does not have jurisdiction over the proposed Line as described in the petition, because it would not be part of the interstate rail network. It is undisputed that the Line would provide only intrastate passenger service between Dallas and Houston. **What Texas Central characterizes as its proposed “connections” to Amtrak are not sufficient to make the proposed Line part of the interstate rail network.** Texas Central makes clear that the Line would not directly connect, nor would it be feasible to directly connect, with Amtrak. (Surreply 7-8.) Rather, Texas Central states that passengers would have the “ability to connect” to the existing Amtrak station in Dallas by walking a half mile from the prospective Line station location. (Surreply 9.) In Houston, Texas Central proposes the use of an intermediate bus service to “connect” Line passengers to the existing Houston Amtrak station, located approximately seven miles from the prospective Line station site. (Surreply 11.) The proximity of a planned station near interstate transportation but with no concrete plans today for through ticketing **and no direct connection to Amtrak or any other interstate passenger rail carriers does not make a proposed intrastate passenger service part of the interstate rail network.** See All Aboard Fla.-Operations LLC, FD 35680, slip op. at 3-4. **This is true, regardless of Texas Central’s argument that direct physical connections to the track of Amtrak or other rail carriers would be impractical in this case due to the distinct track technology Texas Central proposes to use.”**

When comparing to the findings of another High Speed Rail project, the STB went on to say, “In contrast, the proposed Line here would not share the same stations and track with Amtrak; rather its passengers would “connect” with Amtrak by walking a half mile from the Line station in Dallas, and by taking a seven-mile shuttle bus service in Houston. **The attenuated “connections” described in the petition are not sufficient to make the Line part of the interstate rail network.** See All Aboard Fla.-Operations LLC, FD 35680; Napa Valley Wine Train—Pet. for Declaratory Order, Docket No. FD 36025 57 I.C.C.2d 954, 964 (1991) **(finding no jurisdiction over a passenger excursion train with no direct connection with Amtrak, whose customers would rely on an intervening bus service to reach the excursion train).**”

An important point to be made here relative to the primary basis for the Texas Central Entities’ request for reopening, that is the “Through Ticketing Arrangement”, this agreement actually turns out to be purely “Speculative” at this point in time. Texas Central fails to mention that the location of the Houston Station has NOT been approved by the Federal Railroad Administration (FRA). In fact, when the Mayor of Houston surprisingly, prematurely, and incorrectly announced that the selected Texas Central HSR Station location was the NW Mall area (One out of Three Proposed Locations), thereby interfering with the NEPA process, the FRA that very night in the 1st Harris County DEIS Public Hearing meeting in Cypress, TX, made it abundantly clear in their first address to the audience that the FRA had not made the determination yet of the Houston HSR Location and all three proposed locations were still being considered. Important here, and as pointed out by Texas Central, the NW Transit Center is adjacent to only the NW mall location, therefore, it can be speculated how a change in the Houston HSR Station location might significantly change the ticketing arrangement or movement of passengers. Therefore, the “Through Ticketing Agreement”, the only rationale used by Texas Central for request to reopen, not only represents only a portion of the requirements needed per the STB to truly become a part of the Interstate Rail network, but also is in fact still based on a “Speculative” business basis. This is in addition to the fact the FRA

has not yet issued neither a FEIS nor a Record of Decision (ROD) on Texas Central's HSR Project.

For completeness on the topic of Continuous and Solid Connectivity, Texas Central submitted data in the DEIS that is currently under review with the FRA. In that submittal there is clearly no connection of Texas Central's proposed tracks going into or near Amtrak's rail network.

Also, Texas Central does not today meet the Texas state requirements for State Eminent Domain (Texas Central was unable to prove they are an "Operating RR" nor to prove ED powers in accordance with State Requirements by Losing in the "House" Summary Judgement Lawsuit Against Texas Central), thus this Texas Central request to reopen their filing with the STB is clearly misrepresenting their position and status of this Project before the STB in order to gain the authority of Eminent Domain from the STB. Additionally since 2014, Texas Central has not proven Economic Viability (FRA removed this requirement of proving Economic Viability following the Stage 1 Screening and was therefore not required in the DEIS issuance to the Public), General Public Need/Use, or Public Necessity.

The physical location, the size, and the condition of the Houston Amtrak Station are evidence that there is absolutely no Public Necessity nor Need/Use for continuous train travel in this area. The fact that Amtrak saw no demand for over twenty three (23) years between Houston and Dallas speaks volumes to the fact that ridership on Texas Central's proposed HSR will be problematic to say the least. Adding Amtrak to the picture is of no value from a business or economic aspect (other than more of a drain on Taxpayers) as Amtrak is already a Subsidized Rail Network. Additionally, I contend the Texas Central's proposed passenger shuttle plan between stations is an interruption of rail service, and since it is not done by rail, should be disqualified as part of an interstate rail network.

HISTORICAL PERSPECTIVE FOR THE RECORD REFERENCING TEXAS CENTRAL ENTITIES:

1. Texas Central has not legally Proven it is a qualified Railroad under Texas State Requirements to any Landowner nor in the Courts.
2. Texas Central is Unwilling or has been Unable to prove to any Landowner that they possess Eminent Domain powers. Stating "That is a Legal Question" is Unacceptable.
3. Texas Central was extremely happy with the previous July 18, 2016 Decision by the STB they did not possess Jurisdiction over the Texas Central HSR.
4. Texas Central stated they did not want to see Federal Government Oversight as it would slow their project down.
5. Texas Central has advised the public they will obtain Project Funding through Private Investors (Currently around 1% of the total Project Investment), Japanese Banks and Private Investors, NO GRANTS BUT YES, they will seek funding through available US Taxpayer Funded Railroad Loans.
6. The HSR Project Cost has grown over the years from \$10B to \$12B to \$15B and now stated in the DEIS, \$18B, and to potentially as reported by the Reason Foundation to being ultimately over \$20B.
7. Neither Texas Central nor any Government Agency has proven General Public Need, Use, or Necessity for sure for the Dallas to Houston HSR. .

8. Texas Central has told the Public they will only use Eminent Domain (Which they have not proven to any Landowner) as a Last Resort. However, Texas Central after my Denial to allow a survey of my property, has threatened me with a legal injunction (August 16, 2016 at 4:00 p.m. via Contract Land Services, a Texas Central Representative) stating they had ED and RR powers to survey my property (The Route is currently 300' OFF of my property). Additionally, in my presence, testimony was given by a Landowner to a Texas State Legislator in March, 2017 that Texas Central in their First Negotiation Discussion regarding Land Purchase, Texas Central offered a "Take it or leave it Offer" while stating they had the right to condemn the property should they not accept their offer. That is all considered by me as "Abuse of Eminent Domain Power" that has yet to be proven in Courts or to the Public as being in the possession of Texas Central.
9. Regulations to cover trains using speeds in excess of 150 mph have yet to be written or approved by the FRA.
10. Most of the land required for the 240 mile Texas Central HSR is NOT under Texas Central Control and Environmental Studies such as soils sampling will not be able to be performed due to lack of access of the land by Texas Central.
11. Texas Central's Claim of having land purchase options contracts for 30% of the entire route is unfounded as they use Incorrectly "Parcels or Tracts" of land as a Unit of Measurement. Only the measurement of Land Distance (miles) to Lay Track on out of the required 240 miles is accurate in describing progress of land option contracts.
12. **Below are just a few Subjects that are of grave concern as a result of Review of the FRA Draft Environmental Impact Statement (DEIS) just a couple of months ago, all of which were submitted as comments by me to the FRA during the Public Comments Period. I understand the Federal Railroad Administration would remain the lead agency for Environmental Review purposes, while the STB may act as a cooperating agency while also being responsible for issuing Construction Authority and Providing Economic Oversight:**
 - a. The FRA eliminated the "No Build" alternative throughout the document based on outdated Traffic studies on I-45 that are in Full Contradiction to not only today's ACTUAL traffic, but also more recent traffic studies performed by Amtrak showing there are no traffic issues between Dallas and Houston, TX.
 - b. The FRA DEIS eliminated from the Stage 1 Screening the Criteria of "Economic Viability". Do you think it is fair to force on the Public the huge emotional, Unsafe, and Life Changing impacts of this Project that will forever Scar the Texas Landscape and Landowner's property without requiring TCRR to prove "Economic Viability"?
 - c. The Reason Foundation Studies found the Texas Central HSR Project Ridership estimates were Overstated and the Project Costs were Understated. Please refer to this study.
 - d. The HSR Noise Level used for design and Noise studies/analysis is ALL INCORRECT with Three Important Noise Design Criteria totally omitted (Simulation Speed, Two vs. One Trains, Slapping Sound).
 - e. The FRA does not specifically require TCR to use Noise Abatement structures under specific criteria. Does anyone think it is not necessary along 290 in front of AND down the middle of Subdivisions all up and down the HSR route?
 - f. Using TCR's own numbers, The Sales Tax Revenue Claims of \$15B-\$39B to the State Plus \$12B Local would take several Hundred years to accumulate based on Texas Central's OWN ridership and DEIS ticket pricing quotes. BUT additionally, this is a totally false claim anyway by Texas Central because there is NO Sales Tax applied to Transportation Tickets in Texas.

- g. The Emissions Reduction Claim by removing Cars with the HSR is FALSE as they falsely doubled the number with their wrong calculation. (7.2 M Riders per year of single trips but they use 478 RT miles vs. the 239 one way miles)
- h. The Gasoline Savings Claim is FALSE due to them using the same calculations for Emissions to determine the Gasoline Savings.
- i. The destruction via disturbed Private Land per the DEIS has increased from 3000 acres to now 8000 acres.
- j. Prior to the release of the DEIS, the Federal Department of Transportation was advised via a US Texas Representative that data existed showing some Surveys were performed on Private Property clearly marked with "No Trespassing" signs Without Owner Prior Approval. So the DEIS clearly includes survey data that was Illegally Obtained without landowner permission.
- k. Emergency Response Times not modeled with the New Traffic from 5 Years of Construction AND ALL of the Road changes. The DEIS Accepts over 10% Increase in ER times without Mitigation.
- l. The Road Changes have increased tremendously additional Land being taken from Private Landowners due to the new ROW requirements w/More homes being destroyed. Modifications will be done to around 240 miles for the proposed HSR Route.
- m. Federal Energy Regulatory Commission (FERC) and Pipeline and Hazardous Material Safety Administration (PHMSA) NOT even mentioned in the DEIS although there will be interference with many pipelines.
- n. Hazardous Waste Sites along 290 are not specifically addressed.
- o. Due to inability to access most of the land, the FRA used old lineal and environmental studies or maps. Homes and Apartment complexes are not shown on maps so what else is missing.
- p. The HSR Route will pass extremely close to Texas Schools where there has been no contact with School Districts and also will pass through Churches including requiring the destruction of Church Cemeteries that existed for a very long time.
- q. Pipelines missing from Alignment Sheets including along 290. What else is missing?
- r. No mention of Fencing that must be built for liability issues and to hold livestock along 126 miles of Access Roads that will be turned into Public Roads and County maintained Forever.
- s. Should TCRR somehow obtain Eminent Domain which they do not have today, there are no Environmental criteria or restrictions on TCRR should they decide to condemn up to a Four (4) mile swath along the route for the use of other landowners' Dirt they may want to steal from the Landowner.
- t. No Risk Management System is being applied to the HSR crossing of Transmission Lines and Pipelines, in fact, not required of TCRR on any other Risk Topics.
- u. There is no mention of the County Permit requirements by many counties in order for the HSR to cross or use any County ROW, but the FRA allows TCR to change drastically County Road Alignments without any County Approval mentioned.
- v. The HSR traveling at 205 mph, and the subsequent HSR Vertical and Horizontal Deviation Restrictions along with a North-South Terrain has led to the huge explosion of Disturbed Existing Roads and New Road ROW Acreage being taken including roads being closed and rebuilt OVER the HSR along with a huge amount of additional County Maintenance cost. The Texas Central premise of an N-S Route being Relatively Flat for the HSR Speed is a TCRR Fatal Flaw.
- w. No Rescue at Heights or Emergency Response planning is mentioned for very remote areas without access roads.

- x. FRA disregarded a Court Decision and simply assumed TCRR is a Railroad?
- y. No Abandonment Requirements mentioned exists at all.
- z. Water for the Construction Sites AND watering of all roads for dust mitigation, Air Quality, is assumed to be Available at the Construction Sites. Bad Assumption.
- aa. Very important Spring Fed Creeks are wrongly located on environmental maps.

The STB Decision of July 18, 2016 was: "Based on the record, the Board concludes that the construction and operation of the proposed Line would not be part of the interstate rail network and is therefore not subject to the Board's jurisdiction under § 10501. Accordingly, this proceeding will be dismissed for lack of jurisdiction, and the petition for clarification will be denied as moot. It is ordered:"

I believe the STB made the correct determination on July 18, 2016. Based on the lack of evidence that Texas Central's HSR has a direct connection into Amtrak's rail network, I petition the Board to come to the same conclusion now and "Deny" Texas Central's request to reopen or modify their previous filing.

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.

/s/Glenn A. Mannina
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