

Chairman Daniel R. Elliott, II
Vice Chairman Deb Miller
Member Ann D. Begeman
Surface Transportation Board
395 E. Street, S.W.
Washington, DC 20423

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RE: Finance Docket No. 36025

Request Petitions made on behalf of Texas Central Railroad and Infrastructure, Inc. & Texas Central Railroad, LLC to be **REJECTED**.

Board Members,

I approach and respectfully request the below statements for consideration. I am submitting on behalf of myself. These are my views and here are my reasons why you should reject Texas Central Railroad and Infrastructure, Inc. & Texas Central Railroad, LLC (TCR) petitions. My concerns come from the standpoint as a landowner in Harris County, TX who will be impacted by this proposed high speed rail project.

Texas Central Railroad and Infrastructure, Inc. & Texas Central Railroad, LLC (TCR) is not providing an essential service but rather "*an alternate choice for transportation*". Since TCR is only "an alternate choice", why should they be granted greater powers than other industries that provide an essential service? Why should TCR even be allowed the right of eminent domain? Is it fair for an industry providing "an alternative" to be allowed to bypass the restrictions that are observed by industries that do provide essential services to the community?

TCR proclaimed last year on their website that they would not be owning nor operating this project. They have since changed this statement as they seek ownership of private lands through powers of eminent domain. Could it be possible that after this project comes to completion that TCR will hand off its owner and operator authority to another entity that doesn't have the powers of eminent domain to acquire the land necessary?

Are TCR's intentions for the community purely beneficial? It is hard to know, as they do not appear to be a good possible future neighbor. For example, in my residential community that backs up to the proposed rail, not all homeowners were sent written notification to the Open House meetings, so only few had a voice in the process. TCR and their affiliates should be required to improve their community outreach approach by sending every landowner and business within a two mile radius of this proposed project, individually addressed letters to new Open House meetings to help foster positive community involvement and buy in. Open House meetings should be given well in advance and at locations familiar to residents so that landowners have the ability to attend.

TCR should be required to establish a final route, wait for necessary approvals to come through, identify the affected area of actual and immediate use, provide a list of affected landowners, provide a solid business case and proof of use for condemning any land outside of the area of immediate use, and not be allowed to condemn for future use. By implementing this standard, it could foster better relationships with landowners and build trust within the affected communities.

TCR promotes its project as good for the environment, yet they wish to go around or be exempted from **environmental studies** that would be required of other organizations. Does this make sense? TCR should have to go through the complete process for the Environmental Impact Statement (EIS). Does TCR have something to lose by completing the EIS?

No one can be sure of the real future cost to the environment, to the relocated families, to businesses and residents living within one-mile radius of the project.

TCR's risk taking and timelines is not a sound reason for Surface Transportation Board to change the rules so that TCR may "blaze a trail" through Texas. Since TCR would be introducing a "first of a kind deployment of infrastructure in the U.S.", this would be the time to follow all necessary steps, procedures, guidelines and regulations that have been established and not be granted exemption from nor expedite any process.

It would be irresponsible for TCR to be given exemption status for 49 U.S.C. 10101 just because they feel the necessary application process is "cumbersome". These requirements are put in place to protect the general public, to protect the government and to keep industries in compliance.

When an industry is the first to introduce new technologies, they should be required to go through all necessary approvals, rules and regulations. It would be a huge dis-service to the communities, landowners, cities, counties, the state and the environment to allow TCR to subvert the process because of their timelines and choices to take on risks and not to mention as they stated "it is cumbersome". The Surface Transportation Board has a responsibility to the general public to not take on these risks but to follow the guidelines as established for the greater good.

Is the TCR project fiscally sound? A similar project in California has skyrocketing costs and delayed completion dates.

The airline industries have approximately 3.5 million ridership between the Dallas and Houston which is in decline, according to TCR's and TxDOT's studies. TCR projects 400 passengers per train that will travel to Houston 34 times a day and the same number returning to Dallas every day of the year, which totals about 9.9 million ridership. TCR's projected 9.9 million ridership is questionable at best.

Various members directly associated with TCR have also made conflicting statements about the cost of tickets.

What if this project eventually fails? Are there **contingency funds** to dismantle it and then restore the properties to original condition? Who will be responsible for this proposed project failure? TCR has made conflicting statements including one of TCR's own engineers at an Open House meeting at the Tin Hall in Cypress TX who said, "they would just walk away".

What kind of noise nuisance would this project introduce in the environment? Is it in compliance with state requirements of noise levels? Who will be responsible to regulate future compliance to the noise statutes? TCR has not made any commitments to a maximum noise decibel level, nor has any reports been made available to determine the noise decibel for each mile of speed the train will traverse and the affected areas in which the noise would carry. TCR is very careful not to publish what noise abatement alternatives are available in areas of residential impact.

What will be the impact to surrounding neighborhood home values? Is it fair that homeowners should take a loss on their investments?

There are no details available of the exact location of the facilities to be located in Houston. One proposed location would impact local residents and daily commuters who already travel the heavily congested 610 and 290 highways, not to mention the increase congestion it will cause to surrounding neighborhoods. There is no available information about the amount of property needed for parking lots and other necessary facilities.

If TCR does reach just half of the ridership goals, this certainly will increase congestion on 610/290 where they suggest is one of their stops. How will the extra traffic be relieved? Who will be responsible for the cost to relieve the extra traffic? The tax payers!?! There are more questions than answers.

TCR has a responsibility to be a good neighbor and to foster good relationships with the communities they will directly and indirectly affect. This includes an environmental responsibility. Being a good neighbor means “**an honest intention to abstain from taking any unconscientious advantage of another, even through technicalities of law, together with the absence of all information, notice, or benefit or belief of facts which render transaction unconscientious**”, according to Black’s Law Dictionary 4th edition. By giving TCR this extended right, would TCR be exercising the ability to be a good neighbor? Could they affectively practice good faith negotiations?

When a private company wants to use the public process of eminent domain, they should be required by the laws set forth to comply with **full disclosure and transparency**.

Because Texas Central Railroad and Infrastructure, Inc. & Texas Central Railroad, LLC is using the powers of eminent domain, I am asking under the freedom of information act for full disclosure for the publics’ benefit that TCR and their affiliates to published and make available ALL their ridership studies, financial statements, projections of profit, true project costs/budgets, pre-approved clauses and provisions used in the negotiating process with landowners and condemnation forecasting, along with all studies of safety, community impact, noise decibel levels for each mph of speed, noise abatement alternatives, vibration impacts, electrometric fields and separations. I also petition that fees and cost associated with the request to be waived.

I humbly ask the Surface Transportation Board to **reject** the petitions made by Texas Central Railroad and Infrastructure, Inc. & Texas Central Railroad, LLC and all of its affiliates. They should be required to follow and comply with all regulations including 49 U.S.C. 10101, 49 U.S.C. 10901 and ongoing regulation under Subtitle IV of Title 49. I also petition the Board to require TCR and their affiliates for full disclosure, transparency and provide a response to the questions and concerns stated herein.

Respectfully submitted,



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