

**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**

REPLY IN OPPOSITION TO PETITION FOR EXEMPTION

My name is Carol Bush. I serve as the County Judge of Ellis County, Texas. I have reviewed the Petition for Exemption filed by Texas Central Railroad and Infrastructure, Inc. & Texas Central Railroad, LLC (“TCR”). I have also reviewed various other materials pertaining to the proposed construction of the 240-mile-long high speed rail between Houston and Dallas, Texas (the “Project”) I am a duly authorized representative of Ellis County and am authorized to file this Reply on its behalf.¹ We request the Board to deny TCR’s Petition and require TCR to file a full application disclosing all information related to its Project.

**CONCERNS REGARDING IMPACT ON COUNTY ROADS AND RESPONSIBILITY FOR
DAMAGES AND DESTRUCTION OF COUNTY PROPERTY**

Part of my duties include oversight of county roads. As the Board is aware, the Project’s final route has not yet been determined. Therefore, while I want to address some of the more basic deficiencies in TCR’s Petition, I expressly reserve the right to file further comments if and when the final route is disclosed.

¹ This Reply incorporates by reference the arguments and evidence set forth in the Reply to Petition for Clarification filed by Ellis County.

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There are several fundamental questions and concerns that the Board must consider at this juncture. First, I am concerned that roads in my county could be permanently shut down by TCR's Project. This would result in lengthy detours, disruption of emergency medical services, and public inconvenience. The existing surface transportation infrastructure serves the public well. New roads around this Project will increase the County's cost.

Second, even if none of our roads are shut down, why should my County be forced to pay exorbitant amounts to fund a road endeavor in order to: 1) cross TCR's "closed system"; or 2) widen an existing crossing at some time in the future? TCR's Project will freeze the county road system.

Finally, we are not at all convinced that there will be any net benefit to Ellis County from TCR's Project. But certainly, the Project will result in substantial adverse impacts to landowners, citizens, roads, the environment, and the overall rural lifestyle in Ellis County.

TCR'S REBUTTAL

Ellis County filed a reply to TCR's Petition for Clarification, including two sections relating to TCR's planned actions which will amount to eminent domain abuse. Section VI was titled "Eminent Domain Abuse," and Section VII was titled "Unnecessary Eminent Domain Cases Clog the Court System." The "Rebuttal" filed by TCR in support of its Petition for Clarification does not address and of the concerns of Ellis County. Nowhere in its Rebuttal does TCR address the concerns of landowners who will have to retain lawyers and expensive expert witnesses for cases that may never even happen. TCR does not address Ellis County's concerns about unnecessary eminent domain cases clogging the courts either.

To reset the context, TCR's Petition for Clarification argues that due to its own financing concerns, TCR wants clearance from the Board to start the eminent domain cases ahead of

schedule. Simply put, TCR wants a ruling to influence Texas state court judges. Nothing in the Texas eminent domain law relating to the administrative phase of the case allows a condemnor to get the case started, put a cloud on the title of the landowners, and then take a break at its own leisure. Despite the misleading language in its Rebuttal, TCR is clearly trying to have the Board weigh in on matters of state law.

CONCLUSION

The Board should reject TCR's bare-bones Petition for Exemption. The Project certainly cannot be said to embrace or enhance the public convenience and necessity.

By: /s/ Carol Bush
County Judge – Carol Bush
Ellis County, Texas

May 31, 2016

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.

By: /s/ Carol Bush