

Case Title: TEXAS CENTRAL RAILROAD AND INFRASTRUCTURE INC., INC. & TEXAS CENTRAL RAILROAD,
 LLC-PETITION FOR EXEMPTION-PASSENGER RAIL LINE BETWEEN DALLAS, TX AND HOUSTON, TX

DOCKET NUMBER FD 36025

TO: SURFACE TRANSPORTATION BOARD

395 E. Street, S.W.

Washington, DC 20423-001

May 13, 2016

COPY TO ALL PARTIES OF RECORD



ENTERED
 Office of Proceedings
 May 23, 2016
 Part of
 Public Record

Surface Transportation Board (And All Parties of Record)

This is to advise that WE (My Wife and I), as Private Property Landowners in Two (2) Texas Counties (Montgomery and Leon Counties, Texas) are 100% against the Texas Central Partners/Railway/(TCP/TCR) proposed High Speed Rail between Houston and Dallas, TX (including Landowners and Officials in Eleven (11) Texas Counties). Furthermore, WE ask for your intervention, in support of Private Property Rights for every Landowner in the State of Texas, to **DENY TCP/TCR** from being granted exemptions by the Federal Surface Transportation Board (STB) including a major exemption from railroad regulations as well as taking away Landowner's rights to "Due Process" by allowing TCP/TCR to begin condemning land before the Federal Railroad Administration's completes its EIS and before an Approved Route is selected. The filings, made available by the STB, reveal that Texas Central is requesting an exemption from 49 U.S.C § 10901, which governs the authority to construct and operate a railroad in the United States. In a second filing, Texas Central is seeking a "clarification" that its project will be exempt from SB 18, the Texas landmark law limiting Eminent Domain abuse. For your information, we have three (3) electrical power lines and five (5) O&G pipelines on my two properties, so we do understand the private property landowner rights and the negative impact the TCP/TCR high speed rail will have on the Texas landscape.

To be more specific, here are additional reason WE 100% oppose the construction of the TCP/TCR High Speed Rail:

1. TCP/TCR has done everything possible to ignore the concerns of Texas Landowners, including written requests provided directly in TCP/TCR Open Houses. STB might ask TCP/TCR for all copies of written comments on record from those meetings and a copy of all of their responses to Landowner Questions.
2. I (Glenn Mannina) gave personally to Mr. Robert Eckels, at that time President of TCR, four (4) pages of questions in April, 2015 at a Madisonville, Texas TCR Open House. In front of 10+ other Landowners, Mr. Eckels promised to provide me answers to my four pages of questions within 3-4 weeks. Neither he nor TCP/TCR has ever responded to my list of questions. I reached out to Mr. Eckels by Email and by his personal Cell phone with no response. I have the witnesses of this exchange ready to say what they witnessed.

3. Requested by Texas Leon County Commissioners and Judge (**Refer to "the Jewett Messenger" newspaper article dated Wednesday, December 23, 2015 Titled "Texas Central Railway execs provide high speed rail update)**, TCP/TCR has been unwilling to prove through proper documentation their ability to use Eminent Domain. Every Eminent Domain granted company who has crossed our property since we have owned it has provided the proper documentation of the actual entity granting the Eminent Domain along with Condemnation rights/processes and Landowner Bill of Rights.
4. The route that TCP/TCR is targeting was in December, 2015, **NOT SELECTED by the Texas Public Utilities Commission for a new Cross Texas Transmission Project** due to that route having more negative environmental impact than one much further to the west. The TP&W agreed and supported not selecting this route now being targeted by TCP/TCR for the high speed rail.
5. TCP/TCR's claim that paralleling existing ROW causes less environmental impact is 100% false. TCP/TCR will not be within any existing ROW and will destroy as much native virgin Texas habitat as if it were in the middle of nowhere and not near any existing utility corridors.
6. The petitions by TCP/TCR circumvent the regulatory process and private property Landowner Bill of Rights eliminates the Landowner's right of "Due Process" by using short cuts w/no public comment period prior following the EIS and Route Selection but prior to any activity towards land condemnation.
7. TCP/TCR has no problem taking private property it does not even need for its project so long as the steady stream of funds from its Japanese partners keep flowing in. It would be devastating to Landowners and would result in the uselessness of Texas Land if TCP/TCR is allowed to condemn Texas Land immediately resulting in Land Not Being Used for their project. This would be nothing less than a "Land Grab" by a For-Profit Private Company authorized by the Federal Surface Transportation Board to take property from Texas landowners immediately.
8. The people of Texas fought long and hard to protect our property rights after the Kelo decision. Governor Perry and the Texas legislature worked together to enact SB18 specifically to provide Texans with protections against the abuse of Eminent Domain for private gain. TCR's filing is an attempted end run around Texas law. It is my opinion that Texas "States Rights" regarding Texas SB 18, prevention of Eminent Domain abuse, is extremely relevant to the Landowners' opposition argument.
9. Liability issues would result for the Surface Transportation Board should you allow TCP/TCR to forgo long standing regulations for design, construction, and operation of their project, including safety regulations, should there be a mishap caused by one of those regulations not being followed.
10. The TCP/TCR project is 100% within the State of Texas. The project stations have no direct connection to any other national or international transportation points of departure or arrival (airports or other trains).
11. The TCP/TCR is a perfect example of Eminent Domain Abuse as it certainly is not in the National Interest or for National Security of the US. It is being used by a "For-Profit" company and will be used by a very select few of people who will be able to afford the tickets and who do not want to take any other mode of transportation (air, automobile) between just two cities all within the State of Texas.
12. Eleven (11) Texas Counties, most ALL of those which are directly affected counties, are on the Record Opposing the TCP/TCR High Speed Rail Project.
13. TCP/TCR has used illegal tactics towards Landowners in addition to illegal defacing of Texas roads for their EIS Survey activities.
14. This TCP/TCR project will be devastating to the lives of many Texans, will cause the removal of century old family cemeteries, will destroy land passed down from generation to generation, is not environmentally sound, will destroy the natural virgin Texas habitat, will ruin the hunting rights of many Texans, and will not be safe as there are many wild feral hogs in the path of the rail. There has been no fence ever found in the State of Texas that will stop the movement/travel of a 300# wild feral hog, even if they have to go up an embankment to break through it. This train moving at

205 mph will be destroyed if it hits a low center of gravity 300# wild feral hog, and no Warning System will be fast enough to prevent the collision.

15. It is my understanding from TCP/TCR Open House information that the high speed rail uses electricity that will be produced by the burning of Fossil Fuels; therefore, TCP/TCR's claim regarding greenhouse gases is a false claim.

If TCP/TCR is granted these two petitions, TCR could confiscate the property of landowners – even those not in the pathway of the track – as well as be exempt from most federal requirements for railroad construction. I ask that the Federal Surface Transportation Board Deny TCP/TCR their two April 19, 2016 Petitions and provide Texas Landowners what they deserve, that is, the due process of Landowners side of the argument through public comment and without the potential taking of land that would be totally wasted by TCP/TCR.

Glenn and Anne Mannina

Private Property Landowners in Montgomery & Leon Counties, Texas

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CERTIFICATE OF SERVICE: We, Glenn and Anne Mannina on May 13, 2016, served All Parties of Record (by way of regular mail) a copy of this filing, Ref. Docket Number FD 36025.

Signatures:


Glenn A. Mannina


Anne S. Mannina

PARTIES OF RECORD:

Atkins, Raymond A

Barton, Joe

Booth, Karyn A.

Floyd, Kathryn Kusske

Lannon, Mathew

Pedigo, David

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Streeter, Richard H.