



SIDLEY AUSTIN LLP  
 1501 K STREET, N.W.  
 WASHINGTON, D.C. 20005  
 +1 202 736 8000  
 +1 202 736 8711 FAX

ratkins@sidley.com

BEIJING	HONG KONG	SAN FRANCISCO
BOSTON	HOUSTON	SHANGHAI
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ENTERED  
 Office of Proceedings  
 July 8, 2016  
 Part of  
 Public Record

Rachel D. Campbell  
 Director, Office of Proceedings  
 Surface Transportation Board  
 395 E Street, SW  
 Washington, DC 20423

Re: STB 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*

Dear Ms. Campbell,

I am writing today in response to Texans Against High Speed Rail, Inc.'s ("TAHSR's") Reply in Opposition to Texas Central Railroad and Infrastructure, Inc. and Texas Central Railroad, LLC's ("Texas Central's") Motion for Leave to File Response to Replies. In its most recent submission, TAHSR complains that it has been prejudiced because certain highly confidential material that TAHSR has been "hounding" Texas Central for was filed under seal. *See, e.g.,* TAHSR Reply in Opposition at 2.

Texas Central believes that TAHSR's Reply is without merit and will not burden the Board with more arguments. But we feel compelled to point out that, while TAHSR complains about prejudice due to a lack of access to confidential material, it has declined to execute the Board-prescribed confidentiality Undertakings.

TAHSR has thus made a tactical choice not to take the simple step needed to access that information, preferring instead to preserve its ability to complain about Texas Central's supposed lack of transparency. In contrast, Texas Central provided counsel for Delta Troy unredacted versions of Texas Central's filing because they signed the necessary Undertakings. TAHSR has not. On its Facebook page, TAHSR states that it is reluctant to sign the Undertaking because doing so would force its attorneys to agree to be sued personally "if they disclose any of the information in

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the documents.”<sup>1</sup> Of course, TAHSR attorneys would not be sued (or otherwise sanctioned) if they comply with the terms of the Board’s Protective Order. In short, any prejudice to TAHSR based on lack of access to highly confidential material in the record is self-inflicted.

Sincerely,



Raymond A. Atkins

RAA:caj  
cc: All Parties of Record

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<sup>1</sup> TAHSR, *This is no longer a David vs. Goliath fight* (June 27, 2016), available at <http://www.texansagainsthsrc.com/this-is-no-longer-a-david-vs-goliath-fight/>. See also TAHSR Facebook Page, Post from June 9, 2016 at 9:29pm, available at [www.facebook.com/TexansAgainstHSR/](http://www.facebook.com/TexansAgainstHSR/) (“Texas Central also wants TAHSR volunteers and our attorneys to sign statements agreeing that we can be PERSONALLY sued if we release any of the information to the public.”) (emphasis in original).