



Lawmakers Take Action to Derail Bullet Train between Dallas and Houston

AUSTIN, TX - Today, a group of key state lawmakers filed a slate of legislation to push back against Texas Central Railway's controversial proposal to construct a high-speed rail line between Dallas and Houston. Senators Birdwell (R-Granbury), Creighton (R-Conroe), Kolkhorst (R-Brenham), Perry (R-Lubbock), and Schwertner (R-Georgetown) joined with Representatives Ashby (R-Lufkin), Bell (R-Magnolia), Cook (R-Corsicana), Schubert (R-Caldwell), and Wray (R-Waxahachie) to file a total of 18 bills addressing a number of concerns ranging from protecting landowners threatened by eminent domain abuse to ensuring the state isn't later forced to bail out the private project with taxpayer dollars.

"This group of foreign investors is threatening to seize family farms, physically divide the state of Texas, and have a gravely detrimental impact on the citizens I represent," said State Representative Leighton Schubert. "At a minimum, the people of Texas deserve reasonable reassurances that their private property rights will be respected and that they will not be left holding the bag if this ill-conceived project fails."

In addition to the brewing controversies over eminent domain and the general regulation of high-speed rail, a number of questions remain unanswered regarding the specific details of Texas Central's proposal. While TCR has claimed that the project will cost just \$12 billion to complete, an independent analysis from the Texas Department of Transportation (TxDOT) puts that estimate at closer to \$18 billion.

Critics have also raised grave concerns about the overall financial viability of the project, noting that without some form of government subsidy, Texas Central will find it virtually impossible to meet their stated ridership estimates at prices competitive with existing modes of transportation.

"This legislation will ensure that the property rights of our constituents are respected and state taxpayers aren't asked to bail out this project when costs inevitably exceed stated projections and ridership fails to meet expectations," said Senator Charles Schwertner, expressing his serious doubts about the long-term financial viability of the project. Schwertner went on to cite a recent independent study by the Reason Foundation which indicates a proposed high-speed rail between Dallas and Houston will lose over \$537 million a year and could cost taxpayers up to \$21.5 billion.

"I won't stand by while good people are forced to give up their private property rights for a rail project that will bring little to no economic benefit to our region," Representative Ashby stated. "The opposition to this project has been loud and clear in my district, and I'm proud to stand by the people I represent in fighting for more transparency and thoughtfulness when it comes to projects that affect Texas."

The current conflict between foreign developers and rural landowners is reminiscent of a similar debate over the so-called Trans-Texas Corridor, a highly-controversial and similarly ambitious statewide transportation project that dominated Texas politics for much of the last decade. Following intense opposition from conservative interest groups, state lawmakers, and rural landowners the project was ultimately abandoned.

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"Since the proposed high-speed rail project stretches across Texas, we need to make sure all of the necessary data and research has been completed to ensure private property rights are being protected," said Senator Charles Perry, a key member of the Senate Transportation Committee.

"Transportation is a critical issue for our state, which requires thoughtful and pragmatic solutions for today and the future," added Representative Wray. "Texas Central has failed to demonstrate a viable or comprehensive plan addressing the real mobility needs of our state, and the legislation filed today seeks to address the legitimate issues posed by this project."

State Senator Brian Birdwell, himself a survivor of the September 11, 2001, terror attack on the Pentagon, expressed substantial concerns regarding what security measures will be taken to screen passengers and protect the rail-line from a potential terrorist attack. "For two years I have been an outspoken opponent of this project and the negative impact it would have on the citizens I represent," said Birdwell. "I'm pleased to be filing security-focused legislation to ensure the safety of all Texans should any future high-speed rail project be undertaken in our state."

In July, the Surface Transportation Board dealt a substantial blow to Texas Central's high-speed rail proposal, determining the federal government lacked the authority to grant eminent domain powers to TCR or otherwise regulate the proposed high-speed train. Since then, it's become increasingly unclear whether TCR has the actual legal authority to take land from private property owners along the train's proposed path or regulatory framework necessary to operate a high-speed train in Texas.

"It is not a railroad, and therefore, it does not have eminent domain authority," added Representative Byron Cook, Chairman of the House State Affairs Committee which oversees most eminent domain legislation. "If any train were ultimately to be built, the idea of using a proprietary Japanese technology that is incompatible with other rail technologies used in our state is very problematic. If this initiative is eventually approved, Texas must require a fully vetted, statewide master plan that involves the Texas Department of Transportation."

"I still have doubts about whether a high-speed rail project makes sense for Texas. Taxpayers should not be expected to pay the bill if the project fails," said Senator Brandon Creighton.

Representative Cecil Bell, Jr. echoed that sentiment, adding: "Without taxpayer dollars, the project in Texas is on track to fail. My bill would require that at the beginning of such a project, the company take steps to ensure the restoration of this beautiful part of rural Texas if the project ceases to operate."

"Texans have always had a deep respect for the land and for the law," added Senator Lois Kolkhorst. "That's why the Legislature must tread lightly when property rights are at risk."

The elected officials mentioned above have worked throughout the interim with Texans Against High-Speed Rail (TAHSR). This group represents thousands of affected landowners who are saying 'no' to the project. Kyle Workman, spokesman for TAHSR, remains confident in the work put forth by the aforementioned elected officials.

"All of these offices, and many more of their colleagues, have been engaged with our team to make sure that the voices of their constituents are heard loud and clear," said Workman. "We're happy to have these Senators and State Representatives on our team as we make progress against the high-speed rail train."

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The following bills were filed this morning:

SB 973 by Creighton/HB 2168 by Bell (Railroad Determination Before Surveys) - prohibits a private high-speed rail entity from entering private property to conduct a survey unless the Texas Department of Transportation (TxDOT) first determines that the surveying entity is, in fact, a railroad.

SB 974 by Creighton/HB 2181 by Cook (Option Contract Protection) - voids any high-speed rail option contracts held by a high-speed rail entity upon a bankruptcy initiated by or against the entity.

SB 975 by Birdwell/HB 2169 by Schubert (Security Requirements) - provides a framework of minimum security requirements to be followed during the construction and operation of a private high-speed rail line. Requires the high-speed rail authority to coordinate security efforts with state and local law enforcement, as well as disaster response agencies.

SB 977 by Schwertner/HB 2172 by Ashby (No Taxpayer Bailout) - prohibits the legislature from appropriating new funds, or allowing state agencies to utilize existing funds, to pay any costs related to the construction, maintenance, or operation of a private high-speed rail in Texas.

SB 978 by Schwertner/HB 2104 Bell (Property Restoration Bond) - requires a private high-speed rail entity to file a bond with the Texas Department of Transportation (TxDOT) sufficient to restore property used for the rail service to the property's original conditions if the service ceases operation.

SB 979 by Schwertner/HB 2179 by Cook (Right of Repurchase for Non-HSR Use) - prohibits an entity that operates or plans to operate a high-speed rail from using property acquired for purposes other than high-speed rail. If the high-speed rail authority doesn't use the property for that specific purpose, the original landowner must be given the opportunity to repurchase the land.

SB 980 by Schwertner/HB 2167 by Schubert (Put Texas First) - prohibits any state money from being used for any purpose related to a privately owned high-speed rail, unless the state acquires and maintains a lien in order to secure the repayment of state funds. Requires that the state's lien be superior to all other liens, effectively making Texas a priority creditor.

SB 981 by Kolkhorst/HB 2162 by Wray (Interoperability) - requires an entity constructing a high-speed rail line in Texas to demonstrate compatibility with more than one type of train technology.

SB 982 by Perry/HB 2173 by Ashby (High-Speed Rail Feasibility Study) - upon request of a legislator, the Texas Department of Transportation (TxDOT) must generate a feasibility study of a proposed high-speed rail project. The study must indicate whether the project is for a public use, whether it will be financially viable, and what impact of the project will have on local communities.

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