



**TEXAS
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FAQ: High-Speed Train Project's STB Petitions

The project to bring high-speed trains to Texas has seen a flurry of activity recently surrounding two petitions we filed with the Surface Transportation Board (STB) on April 19. As with other private railroads operating in a highly-regulated industry, significant attention is paid to ensure the project's compliance with the varied and vast regulatory requirements of both freight and passenger railroads in Texas.

In response to the many letters generated by these two filings, two formal rebuttals will be submitted to the STB, the first of which is available online [here](#).

Additionally, because many misperceptions about the STB filings continue to be repeated, please find below a brief FAQ clarifying the most common misperceptions. We are sharing this vital information with you because it is important that all policymakers and stakeholders involved in this project have the full benefit of the facts.

1. Why did Texas Central file these petitions with the STB?

It is important to understand as soon as possible whether the STB will confirm its jurisdiction over this project, because STB must approve the construction and operation of any rail lines within its jurisdiction. In general, the STB has broad jurisdiction over freight and passenger rail transportation, including transportation over intrastate rail lines. The STB has jurisdiction over most other railroads, and Texas Central expects that the STB will confirm its jurisdiction over this project in response to the petitions.

2. Does the STB have the power to change Texas' eminent domain laws or procedures?

No. If there is one thing about which all sides in this proceeding seem to agree, it is that the Board should not interpret Texas condemnation law. The Texas Legislature established and Texas courts will decide how to apply Texas condemnation law and procedures. Texas Central is asking the STB for clarification of a narrow question of federal law. The answer to that question will not alter Texas eminent domain law.

3. Will Texas Central's STB petition allow it to engage in "premature" or "unnecessary" condemnation proceedings?

No. The procedural timelines for, and public necessity of, any potential condemnation proceedings are governed by Texas law, which does not allow for "unnecessary" condemnation.

4. Would a decision from the STB prevent landowners from raising state law defenses in state court?



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No. Texas landowner rights remain in place and do not change regardless of the STB's decision. Landowners can raise any state law argument against condemnation, no matter what the STB says in response to Texas Central's petition.

5. Will the project acquire land through eminent domain that it does not need?

No. The project must have a public necessity for any land it acquires through the eminent domain process. Furthermore, Texas Central will not seek physical possession of any land through the condemnation process unless and until the STB approves its project.

6. Will Texas Central's STB petition make it harder for landowners to hire an attorney?

No. Landowners maintain all opportunity to hire counsel as they normally would, any proceedings that involve Texas Central will follow normal Texas legal procedures.

7. Why should property owners bear the costs of litigation when the project's final alignment remains uncertain?

The project's ambition is to purchase all land needed for the project through a negotiated, fee-simple purchase and is making every effort to do so without using eminent domain procedures. The potential routes have significant portions which the FRA has already narrowed to a single alternative. Texas Central has begun working with property owners in those areas. Once a single preliminary route has been identified, offers will be made to other property owners as well.

8. Does Texas Central's STB petition threaten property values?

No. The project offers many economic benefits to the region. Because the project's proposed routes are public knowledge, any effect on property values would exist regardless of Texas Central's efforts to purchase property.

9. Will eminent domain cases overwhelm the court system?

Texas Central is making every effort to acquire land through voluntary agreements. Eminent domain will only be utilized as a last resort, and we hope the number of cases will be very small.

10. Why doesn't the project just wait until the STB has approved its project before it starts to acquire property?

Texans want a safe, reliable and productive transportation alternative. This high-speed train project is scheduled to have its first full year of operations in 2022 so that the growing number of Texans can begin enjoying its many benefits. To meet that goal, Texas Central must purchase the property needed and be ready to start construction as soon as regulatory approvals are received.