

U.S. Surface Transportation Board

RE: Reply in Opposition to Request for Oral Argument FD-36025-0

Texas Central Railroad ("TCR") is asking the STB to set a precedent that could have impacts on future petitions about what is clearly within and not within the Board's jurisdiction as well as what constitutes a direct connection.

TCR's concept of "through ticketing" is not a direct connection via a physical mode of transportation. The "ticket" provides a passenger a reservation on the mode of transportation. It is not the source of transportation. A person can purchase the ticket and never use it. It is merely a piece of paper stating you can go somewhere. TCR has failed to prove their proposed project meets the definition of a continuous un-interrupted high speed rail system that leaves the State of Texas. TCR is not a common carrier, and their proposed project is approximately seventy seven (77) miles from the nearest state.

The Oral Argument petition to seek time in front of the Board to sell the idea that "through ticketing" is a true physical direct connection will give Texas Central Railroad an unfair advantage.

Texas Central Railroad and Infrastructure, Inc and Integrated Texas Logistics Inc have lost three court cases in three different counties in the State of Texas because they could not prove to the courts that they are a "railroad company" or an "interurban electric railway". Reference cases; Leon County, Cause No 16-0137CV (2018), TCRI and ITL vs Miles, where a Judge in the 87th District Court gave a final ruling denying TCRI & ITL's claim they were a railroad and denying them all rights of eminent domain. Ellis County, Cause No. 18-C-3883 (2018), and Harris County, Cause No 201652516 (2016), Texas Central Railroad were denied Summary Judgments. To date, TCR has not filed for an appeal in any of these mentioned cases. Texas Central Railroad needs the Surface Transportation Board to take jurisdiction of their proposed intrastate project so they may have substance for an appeal in the Miles case, as well as the others cases that they have lost.

How is it that Texas Central Railroad petitions the Surface Transportation Board to take jurisdiction over a project that is solely contained in one state and not directly connected into the national rail network?

I pray that careful consideration of the proven facts may prevail in this ongoing matter before the Board; hopefully, the Board will put these petitions to their proper resting place and deny the request for an Oral Argument.

Respectfully,
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