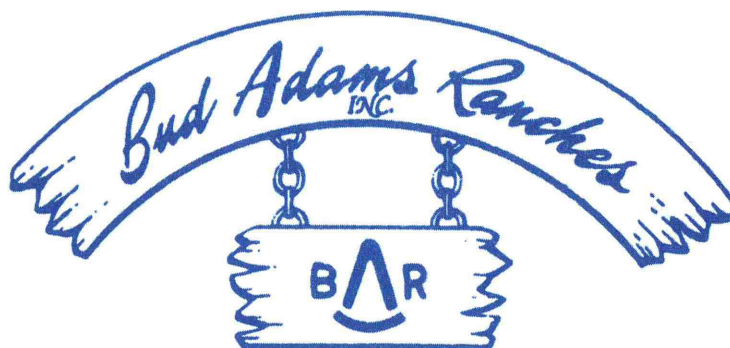


BAR I RANCH
Waller, Texas 77484



P.O. Box 844
Houston, Texas 77001
(713) 881-3400

BAR II RANCH
Buckholts, Texas 76518

304605

ENTERED
Office of Proceedings
May 23, 2022
Part of
Public Record

May 23, 2022

Mr. Michael Morris P.E.
Director of Transportation
North Texas Regional Transportation Council
Centerpoint II
616 Six Flags Drive
Arlington, TX 76011

Dear Mr. Morris,

I appreciate you responding to my last letter. Blindly supporting TCR just because you like the idea of an HSR from Dallas to Houston is counterproductive. For all practical purposes, the Texas Central Railways project is dead. Enclosed is a copy of an amicus letter Congressman Kevin Brady, Jake Elsey, and Michael McCall submitted to the Texas Supreme Court concerning the status of TCR's proposed High-Speed Rail Project. This letter details the reasons TCR's proposed HSR will never be built. The construction of any HSR connecting the "Texas Triangle" will require support from the congressmen from these three congressional districts. I hope NTCCOG will acknowledge and agree with this reality.

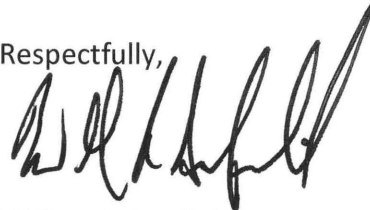
TCRs has had a poorly conceived and executed approach to promoting and constructing an HSR in Texas. TCR's promises to build an HSR without any public money were never realistic and made only to generate public interest and political support. TCR President Carlos Aguilar announced last year the company was seeking a \$12 Billion Federal RIFF loan simply to keep the project on life support.

TCR assembled an executive team that had no experience in designing and gaining approval to construct any railroad. For eight years, TCR's approach has prevented other railroad companies from having any interest in building an HSR in Texas. Building any HSR will need a railroad company with the expertise to plan, engineer, finance, construct and operate an HSR. For years, TCR has been and continues to spread misinformation about the status of their

proposed HSR. TCR's CEO has repeatedly stated TCR, to Congress and the public has all the permits necessary to begin construction of its HSR. TCR does not have a single permit to begin construction, which is a fact that is easily verifiable.

The NTCCOG's continued support of TCR is further delaying Texas' prospects for the construction of an HSR. NCTCOG's recent expression of support calls into question its desire to see an HSR built in Texas.

Respectfully,

A handwritten signature in black ink, appearing to read 'William R. Scofield', written over the word 'Respectfully,'.

William R. Scofield
President

Cc: Mr. Dan Lamers, Senior Program Manager, NCTCOG
Mr. Michael Morris, Director of Transportation, NCTCOG
Mr. James Powell, Deputy Counsel for Transportation, NCTCOG
Ms. Kate Zielke, Principal Transportation Planner, NCTCOG
Mr. Taylor Benjamin, Transportation Planner I, NCTCOG
Surface Transportation Board
All Parties of Record

Attachment

Congress of the United States
Washington, DC 20515

May 16, 2022

Hon. Blake A. Hawthorne, Clerk
Supreme Court of Texas
201 West 14th Street, Room 104
Austin, Texas 78701

Re: Amicus Curiae Letter: *James Frederick Miles v. Texas Central Railroad & Infrastructure, Inc. and Integrated Texas Logistics, Inc.*; Case No. 20-0393.

Dear Mr. Hawthorne, and to the Honorable Justices of the Texas Supreme Court:

As elected Members of Congress, representing districts in Texas that will be significantly impacted by Texas Central Railroad's (TCR) bullet train project, we file this letter to express our concerns about TCR's proposed Dallas to Houston high-speed rail project.¹ At the federal level alone, TCR does not qualify for loans that they proclaim are essential, has not applied for the necessary permits from the Surface Transportation Board, nor has authority from the Federal Railroad Authority to begin construction – making this project woefully unprepared to build a high-speed rail line. **Granting TCR the extraordinary power to seize 240 miles of private property will serve only to devastate thousands of landowners and the communities in which they live and rob the American taxpayer. As it stands, TCR is merely a grossly underfunded promoter of a project that has one foot in the grave.** We respectfully request that the Court consider these important facts and rule in favor of Mr. Miles and against TCR.

In September 2020, TCR's CEO Carlos Aguilar said that obtaining federal dollars from the Infrastructure Investment and Jobs Act (IIJA) is "key" to the future of TCR's project.² This is the same company that, in March 2016, promised that "the project does not need, does not want and will not ask for government grants for construction or public money to subsidize operations."³ Six years later, TCR is claiming it needs access to \$12 billion in federal taxpayer dollars. Now that the federal infrastructure bill is now law, TCR is ineligible for *any* high-speed or passenger rail funds in the bill, as those funds are reserved exclusively for public projects. As a result, it is entirely unclear how TCR intends to obtain the \$30 billion it needs to construct its project.

¹ We have paid all costs and fees incurred in preparing this amicus letter.

² Jason Whitely. *Building Texas Bullet Train Hinges on Congress Passing Bipartisan Infrastructure Bill, CEO says*. WFAA. 6 September 2021.

³ Peter LeCody. *CEO: High-speed rail, moving Texas forward without taxpayer grants or bailouts*. <https://texasrailadvocates.org/2016/04/09/ceo-high-speed-rail-moving-texas-forward-without-taxpayer-grants-or-bailouts/>. Texas Rail Advocates. 9 April 2016.

Although TCR claims to be in “execution phase,” it does not have federal authority to begin construction or operation of the project, as it has yet to obtain nor apply for the necessary permits from the Surface Transportation Board (STB) or the Federal Railroad Administration (FRA). In July 2020, the STB asserted jurisdiction over the project, but denied TCR’s petition to exempt itself from the full application process required of new rail lines. In its decision, the STB made clear that TCR must obtain a permit before beginning any construction. It has been over a year and a half since the STB’s ruling, and TCR has yet to submit an application for a construction permit. If TCR ever chooses to do so, it must then endure the lengthy, costly, and adversarial process a full application necessarily entails.

With respect to operational permits, in November 2020 the FRA made clear that TCR must comply with all U.S. safety and crashworthiness standards before it will be allowed to operate its chosen Japanese Tokaido Shinkansen high-speed train technology in the U.S. This will undoubtedly serve as an enormous obstacle to TCR because the Shinkansen technology is not interoperable with any existing transportation infrastructure. TCR has yet to inform the FRA of how, or when, it intends to come into compliance with U.S. safety standards and regulations.

Lastly, TCR has recently stated an interest in the Department of Transportation’s Railroad Rehabilitation & Improvement Financing (RRIF) loan program but has not started the process to apply for an RRIF loan. In any event, TCR would not be eligible to receive a RRIF loan unless it could meet Buy America requirements, which were enacted to promote U.S. economic development. Because TCR has chosen to employ Japanese technology for its project, it is unclear how TCR might satisfy Buy America requirements.

In short, TCR has not received any of the permits needed to begin construction or operation of the project, nor has it initiated any of the lengthy, costly processes required to obtain these permits. For these reasons, we strongly support the trial court’s judgment in favor of Mr. Miles and against TCR. If the Court allows TCR to seize private property for a project that is destined for failure, miles and miles of rural Texas will be permanently scarred with taxpayers left to foot the bill.

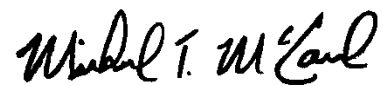
Respectfully submitted,



Kevin Brady
Member of Congress
Eighth District of Texas



Jake Ellzey
Member of Congress
Sixth District of Texas



Michael T. McCaul
Member of Congress
Tenth District of Texas

Certificate of Service

I certify that a copy of this Amicus Curiae Letter was served by electronic transmission on all counsel of record on May 16, 2022.

A handwritten signature in black ink, appearing to read "Kevin Brady". The signature is stylized with a large, sweeping "K" and "B".

Kevin Brady
Member of Congress
Eighth District of Texas

Automated Certificate of eService

This automated certificate of service was created by the eFiling system.
The filer served this document via email generated by the eFiling system
on the date and to the persons listed below:

Envelope ID: 64543596
Status as of 5/16/2022 3:30 PM CST

Case Contacts

Name
Jim Bradbury
RONALD EBUNCH
SHERRY LYNNDEAL
Courtney CoxSmith
Christopher Pepper
Tiffany Sue Bingham
William Jason Sodd
Bill Davis
Maria Williamson
Evan Greene
Anne LSchievelbein
Wallace B.Jefferson
John MarkBreeding
Scott A.Brister
Kathryn E.Boatman
Philip Lionberger
Bill Boyce
Deborah Stanfield
Dallas Admin
Gil P.Peralez
Chris C.Franz
Benjamin Wilson
Judd E.Stone
William Duncan
Tom Zabel

Automated Certificate of eService

This automated certificate of service was created by the eFiling system.
The filer served this document via email generated by the eFiling system
on the date and to the persons listed below:

Envelope ID: 64543596

Status as of 5/16/2022 3:30 PM CST

Case Contacts

Nancy Elliott		nelliott@zflawfirm.com	5/16/2022 3:03:02 PM	SENT
Scott Keller		scott@lehotskykeller.com	5/16/2022 3:03:02 PM	SENT
Matthew Frederick		matt@lehotskykeller.com	5/16/2022 3:03:02 PM	SENT

Associated Case Party: JamesFredrickMiles

Name	BarNumber	Email	TimestampSubmitted	Status
Jeffrey S. Levinger		jlevinger@levingerpc.com	5/16/2022 3:03:02 PM	SENT
J. Carl Cecere		ccecere@cecerepc.com	5/16/2022 3:03:02 PM	SENT
Michael Patrick McShan	24047415	patrick@mcshan-law.com	5/16/2022 3:03:02 PM	SENT
Deborah Stanfield		assistant@levingerpc.com	5/16/2022 3:03:02 PM	SENT
M. Patrick McShan		patrick@beckham-group.com	5/16/2022 3:03:02 PM	SENT
Dylan O. Drummond		ddrummond@grayreed.com	5/16/2022 3:03:02 PM	SENT
Blake L. Beckham		blake@beckham-group.com	5/16/2022 3:03:02 PM	SENT

Associated Case Party: Texas Central Railroad & Infrastructure, Inc.

Name
Rhonda Acrey
Benjamin Moss
Julie Short
Robert B. Neblett III
Jennifer Caughey
Adam W. Aston
Monte F. James
Danica L. Milinos
Marie R. Yeates

Automated Certificate of eService

This automated certificate of service was created by the eFiling system.
The filer served this document via email generated by the eFiling system
on the date and to the persons listed below:

Envelope ID: 64543596

Status as of 5/16/2022 3:30 PM CST

Associated Case Party: Texas Central Railroad & Infrastructure, Inc.

Michael A.Heidler		mheidler@velaw.com	5/16/2022 3:03:02 PM	SENT
Catherine B.Smith		csmith@velaw.com	5/16/2022 3:03:02 PM	SENT
Lori Evans		levans@velaw.com	5/16/2022 3:03:02 PM	SENT
Gil P.Peralez		service@peralezfranzlaw.com	5/16/2022 3:03:02 PM	SENT

Associated Case Party: City of Houston

Name	BarNumber	Email	TimestampSubmitted	Status
Collyn A.Peddie		collyn.peddie@houstontx.gov	5/16/2022 3:03:02 PM	SENT
Suzanne R.Chauvin		suzanne.chauvin@houstontx.gov	5/16/2022 3:03:02 PM	SENT
Arturo G.Michel		arturo.michel@houstontx.gov	5/16/2022 3:03:02 PM	SENT

Associated Case Party: Harris County Attorney Christian D. Menefee and
Commissioners Ellis and Garcia

Name	BarNumber	Email	TimestampSubmitted	Status
Courtney Carlson	24065004	courtney.carlson@cao.hctx.net	5/16/2022 3:03:02 PM	SENT
Simrita Chamdal	24117458	simrita.chamdal@cao.hctx.net	5/16/2022 3:03:02 PM	SENT
Christian Menefee		Christian.Menefee@cao.hctx.net	5/16/2022 3:03:02 PM	SENT
Jonathan Fombonne		Jonathan.Fombonne@cao.hctx.net	5/16/2022 3:03:02 PM	SENT

Associated Case Party: Texas Farm Bureau

Name
Diego Salazar
Andy McSwain
Andy McSwain
Diego Salazar

Automated Certificate of eService

This automated certificate of service was created by the eFiling system.
The filer served this document via email generated by the eFiling system
on the date and to the persons listed below:

Envelope ID: 64543596

Status as of 5/16/2022 3:30 PM CST

Associated Case Party: Texas Farm Bureau

Diego Salazar		salazar@thetexasfirm.com	5/16/2022 3:03:02 PM	SENT
---------------	--	--------------------------	----------------------	------

Associated Case Party: Zach Brady

Name	BarNumber	Email	TimestampSubmitted	Status
Laura Pratt		laura@bhlawgroup.com	5/16/2022 3:03:02 PM	SENT

Associated Case Party: THE SOUTH TEXANS??? PROPERTY RIGHTS
ASSOCIATION

Name	BarNumber	Email	TimestampSubmitted	Status
Laura Pratt		laura@bhlawgroup.com	5/16/2022 3:03:02 PM	SENT
Courtney Stephens		courtneys@bhlawgroup.com	5/16/2022 3:03:02 PM	SENT

Associated Case Party: Integrated Texas Logistics, Inc.

Name	BarNumber	Email	TimestampSubmitted	Status
Chris C.Franz		service@peralezfranzlaw.com	5/16/2022 3:03:02 PM	SENT