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CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

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WAYS AND MEANS
JOINT COMMITTEE ON TAXATION

DEPUTY WHIP

November, 22, 2019

Administrator Ronald Batory
Federal Railroad Administration
1200 New Jersey Ave, SE
Washington, D.C. 20590

Administrator Batory,

Thank you for your continued leadership at the Federal Railroad Administration (FRA) and for your decade long commitment to our nation's railroad industry. I am writing today in regard to the FRA's recent decision to move forward with Texas Central Railroad's (TCR) petition for a Rule of Particular Applicability (RPA).

I continue to strongly oppose TCR's efforts to develop a high-speed rail in Texas. As you may know, the proposed 240-mile Dallas-to-Houston route runs through a substantial portion of the rural communities I represent in the Eighth District of Texas, and I believe this project works *against* our local communities, not *for* them. While the FRA reviews TCR's project, I ask that you continue to be mindful of the many unresolved issues and concerns of local officials and industry leaders.

Since the founding of Texas, the principle of property rights has been paramount. Yet, permits from Washington D.C. could grant this private, Texas-only project the federal power to take property without the consent of landowners. This would severely diminish the Texas farms, ranches, and homesteads that sit along the route—land that has at times been in families for generations. Our government was created to protect our liberties, not to take them away. I remain committed to protecting the private property rights—a right enshrined in our country's founding document—of Texans residing along the proposed route.

Additionally, I remain extremely concerned that the line's estimated cost has *already* increased by nearly 90 percent, and local leaders continue to raise severe environmental and safety issues, such as flood mitigation. Considering the project's potential economic and environmental consequences, I would appreciate your expertise and insight on the following questions:

1. What is FRA's timeline to finalize the RPA and the National Environmental Policy Act (NEPA) process?

2. Local leaders are concerned about the environmental impact caused by the project, such as flooding. Has the agency conducted an analysis on what percentage of the preferred route will utilize viaducts and berms? If so, where would viaducts and berms be placed along the route?
3. Has the FRA been given independent, verifiable information to conduct an accurate cost-benefit analysis? If not, where is the FRA currently obtaining the relevant data necessary to determine project cost and long-term viability?
4. Local officials, community members, and industry stakeholders have voiced concerns that issues—such as flood mitigation, safety concerns, and route alignments—have *not* been adequately addressed by the FRA. Will the FRA hold public hearings in Texas during the next public comment period? If yes, what is the timeline for these public hearings?
5. What challenges are you facing that undermine the reliability of the estimated project cost? Does the FRA foresee the project cost increasing?

I also want to bring to your attention concerns from major freight rail operators about the line's impact on their growing operations, including issues with the unresolved grade separation and the incomplete NEPA review. Freight rail is a key economic asset for my state. In 2016 alone, 441 million tons of freight moved through Texas by rail, and it is predicted to reach 668 million tons by 2045. These rails link our businesses to markets across the world, providing broad economic benefits to Main Street businesses and hardworking Texans alike; I am concerned that TCR's project may have detrimental effects on this critical industry.

Thank you again for your service at the FRA, I have appreciated the responsiveness and professionalism of your staff throughout this process. If you have any questions, please feel free to contact my Legislative Assistant, Preston Howey, at Preston.Howey@mail.house.gov or (202) 225-4901.

Sincerely,



Kevin Brady
U.S. Representative
Eighth District of Texas