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JudicialTransportation

Texas Supreme Court Upholds Eminent Domain Authority for Texas Central High-Speed Rail

By a vote of 5-3, the Texas Supreme Court ruled that Texas Central qualifies for eminent domain authority as an interurban electric railway.

KIM ROBERTSJUNE 24, 2022



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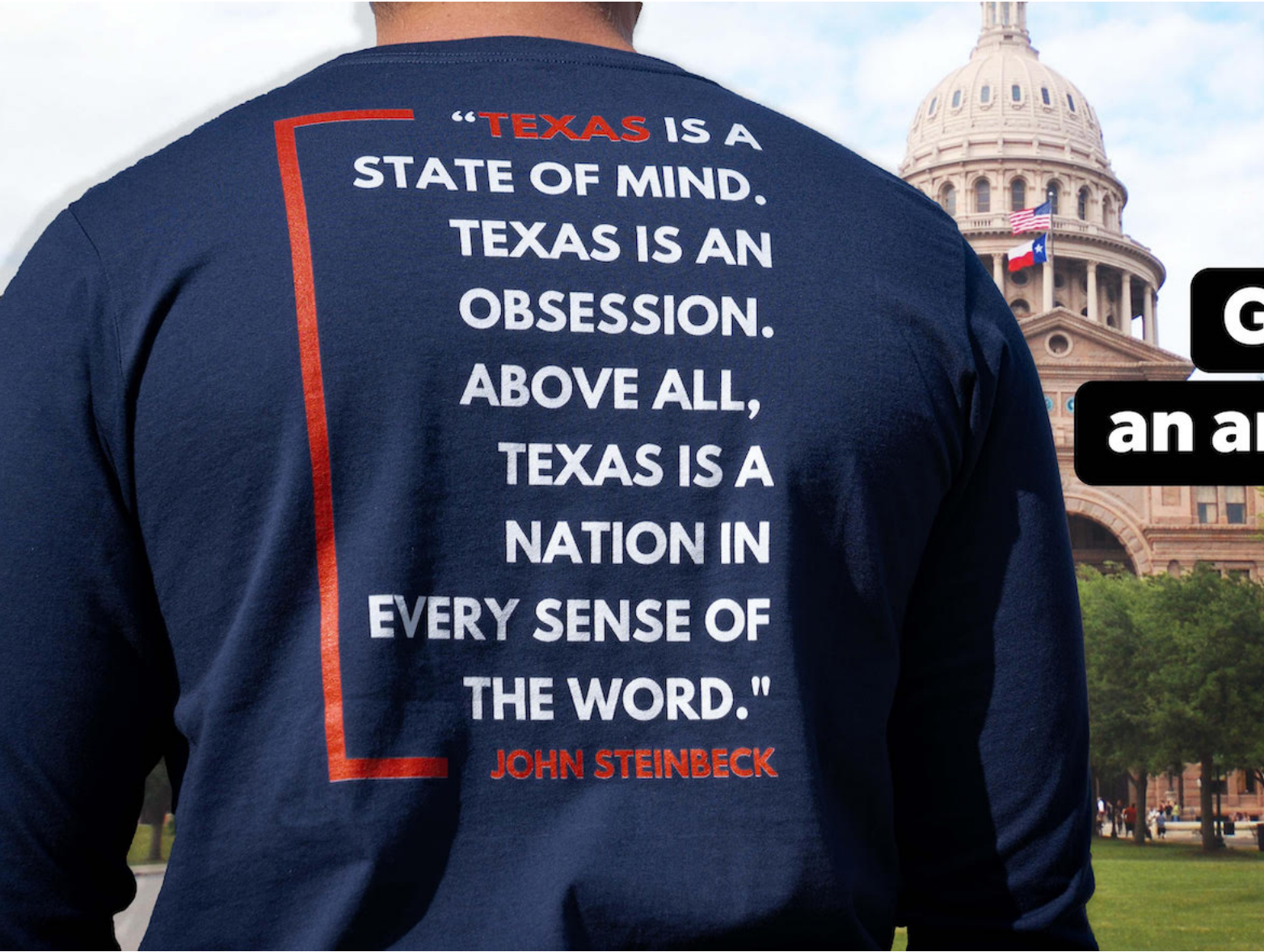
ote of 5 to 3 that the embattled Texas Central high-speed rail project has eminent domain authority under Texas law. ck dissented from the majority opinion. Justice Jane Bland did not participate in the ruling.

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private property rights. It also stated that its opinion was not a reflection on whether a high-speed rail between Dallas and Houston was “a good idea.”

However, it found that in reading the plain language of the interurban electric railway statute, Texas Central qualifies.



In response to the landowners’ and dissenting opinion’s argument that the high-speed railway doesn’t fit the historical context of the statute, which was aimed at trains that “operate in a manner like a single-car trolley lumbering down Main Street,” the majority said that the court has “long interpreted statutes, including eminent domain statutes, to embrace later-developed technologies when the statutory text allows.”

Miles also argued that Texas Central did not qualify because it lacked objective evidence that the project has a “reasonable probability of success,” pointing to financing difficulties and lack of investment. The justices disagreed that Texas Central was required to prove such.

Even though the 13th Court of Appeals found that Texas Central also qualified as a railroad under Chapter 112 of the Texas Transportation Code, the court split 3-2 on that issue, having found that eminent domain authority exists under Chapter 131.

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That the Texas Supreme Court has ascribed private property rights a “unique status” and provided them with doubt, she added, statutes are interpreted “in favor of the landowner.”

erty for “abandoning these long standing principles” and interpreting the interurban electric railway statute out

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“We are very disappointed by today’s ruling from the Texas Supreme Court. It’s hard to comprehend how the Court could grant eminent domain authority to a company that has no money, no approval to construct, no approval to operate, no CEO, no board of directors, and that is now being managed by a distressed asset consultant,” the Miles family said in a press statement.

A spokesperson for ReRoute the Route, Jennifer Stevens, also expressed her disappointment in the court’s decision, adding, “Since the beginning, the proposed Texas high-speed rail project has been a failure, being promoted to the public as a private venture, yet seeking a \$30 billion taxpayer funded federal bailout to salvage its insolvent proposal.” ReRoute the Route advocates moving the high-speed rail to a “safer, simpler, and more sensible area.”

The future of Texas Central has been questioned recently given the departure of former president and CEO Carlos Aguilar and the resignation of the executive leadership team. However, Texas Central’s lawyers claim it “remains open for business.”

The attorneys for Texas Central did not respond to a request for comment before the time of publication.

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the DFW metroplex area where she has lived for over twenty years. She has a Juris Doctor from Baylor University Law om Angelo State University. In her free time, Kim home schools her daughter and coaches high school extemporaneous

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