

I'd like to thank Chairman Payne and Ranking Member Crawford for allowing me to speak on behalf of my constituents today. My name is Judge Trey Duhon and I serve as the County Judge for Waller County, Texas. Neighboring Houston, we are both suburban and rural and a minority majority county, which creates a diverse and unique set of impacts on our citizens related to growth and infrastructure.

I'm here to provide a real-world perspective on the Texas HSR project promoted by Texas Central Railway. I'm not necessarily opposed to HSR in general, but if you believe that HSR can provide the American people with a cheaper, greener way to move around, please listen to me that the Texas HSR project does none of those.

Since 2014, Texas Central has promised landowners and elected officials that no tax dollars would be needed for its private project; that it would only cost around \$10B to construct; and it would be operational by 2021. Texas knew better, so it passed a law in 2017 prohibiting the use of State funds for private HSR, which is still in effect today.

Then, just last year, Texas Central's Chairman, Drayton McLane, admitted in a letter to a Texas State Senator that "the project has turned into a \$30B project," meaning costs have already tripled without even putting a shovel in the ground yet...

He also admitted the project would *not* be privately financed, sharing that they were going after stimulus money to fund the project.

Why this sudden change? Because over the past 7 years, Texas Central has secured only \$450 million in private financing, which includes a \$300 million loan from the Bank of Japan....just 1.5% of the project's \$30B+ current price tag.

Even if Texas Central had \$30B, they do not have authority under Texas eminent domain law to acquire the 240 miles of private property along the proposed route, an issue still being litigated before the Texas Supreme Court.

In addition, when the Surface Transportation Board took jurisdiction over the project 10 months ago, it made clear that Texas Central cannot begin *any* construction or operation unless and until it submits a full application for a construction permit, which TCR has yet to file. Assuming it ever does, this “hard look” full application process will take years to complete.

In the final days of the Trump administration, the Federal Railroad Administration, for the first time in its history, issued a “Rule of Particular Applicability,” creating a carve out for the Japanese HSR technology TCR wants to use for the project. But,

again, FRA said this does *not* grant authorization to construct *or* operate the project either. To put it bluntly, Texas Central is in no better position to build the project today than it was before the STB and the FRA rulings.

Then there is the issue of feasibility. As I speak here today, not one government agency has evaluated whether the project is economically viable. In fact, during the EIS process, FRA removed economic viability from the project's purpose altogether and proceeded with the study, feasibility absent.

What's worse, Texas Central has overstated ridership while underestimating costs — a recipe for disaster. As one expert put it, “based on our experience and analysis, we are concerned that Texas Central's project will fail so spectacularly that privately financed U.S. high-speed rail lines may never be given a second chance.”

So I am urging you to proceed with extreme caution. Before you decide to give billions of taxpayer dollars to build this “private” project, consider why you should simply take this company's word that construction is around the corner and that the project is financially feasible, when history has already proven their word means nothing.

What is the benefit? The project is not “interoperable.” It is totally incompatible with, and disconnected from, any other existing and future rail lines. And the exclusivity doesn’t end with its tracks. Ticket prices will not be like the Metro...it’ll be for the business class. So if the goal is to build connected rail systems accessible to all travelers, to strengthen the national rail network, this project is not the answer.

If it is built, the project will hit rural and minority communities along the proposed route, like mine, the hardest...including, at the other end of the proposed route in South Dallas, where entire low-income and minority neighborhoods would be displaced because only one route was ever considered. The DOT recently halted expansion of Interstate 10 & 45 near downtown Houston due to similar concerns.

(In closing) I urge this Congress to invest our precious and limited tax dollars in infrastructure projects that would benefit *all* Americans. Have we not learned anything from the taxpayer-backed disaster in California? Texas Central promised its project was privately financed and everything they have done to date, including the EIS, was based on that. So we say let it live or die in the free market. Invest our tax dollars in more equitable transportation solutions. We should not have to pay for another train to nowhere while having communities destroyed by the very tax dollars they worked hard to contribute.

Thank you again for the opportunity to speak on behalf of the people of Waller County.