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Texas Supreme Court Rules This Train Is a Train.

Group opposing bullet train from Houston to Dallas sued under the grounds it's not really a train and therefore can't use the state's eminent domain laws.

Is a bullet train a train? This is the question that has wound its way through the Texas court system for the past seven years as opponents of a bullet train from Dallas to Houston sued to block Texas Central, a privately-funded venture, from using the state's eminent domain laws on the grounds that the company is neither a railroad company nor building an electric train.

A state law enacted in 1907 allows "interurban electric railway" companies to use eminent domain to buy property in order to build rail lines. The lawsuit contends an aspiring bullet train company is neither an "interurban electric railway" nor a railroad company. Specifically, the landowner applied a "living Constitution"-style interpretation to the 1907 law that argues we must adapt old laws to modern technologies, arguing the framers of a 1907 law could not possibly have meant to include big, loud bullet trains that can impact hundreds or even thousands of people per journey, intending only to permit the use of single-car trolleys that have to be loaded one person at a time and can operate only in a slow, deliberate fashion. The technology has changed, the rural Texas farmer argued in court, and the law must change with it.

But the Texas Supreme Court didn't buy it. On Friday, it ruled in favor of the aspiring railroad company, sticking with a more Originalist interpretation of the law by sticking to the meaning of the words on the page. Initially, the lower court agreed with the landowner, finding Texas Central could not use eminent domain, a critical tool for building a 250-mile railroad through Texas. An appeals court overturned that ruling, and the Texas Supreme Court upheld that overturn.

The court emphasized that it was only ruling on the "narrow issue presented," specifically of whether a bullet train company counts as a train company. It did not rule on "whether high-speed rail between Houston and Dallas is a good idea or whether the benefits of the proposed rail service outweigh its detriments." In the meantime, Texas Central owes more than \$600,000 in back taxes and its CEO recently resigned via LinkedIn.

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By Aaron Gordon

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