



Carbett "Trey" J. Duhon III
Waller County Judge

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Local Planning Commission Files Suit Against TxDOT

October 27, 2016 - HEMPSTEAD, TX – The Waller County Sub-Regional Planning Commission (Commission) filed suit in Travis District Court on Wednesday, October 26, against the Texas Department of Transportation (TxDOT) for violating state law that requires them to coordinate planning on the High Speed Rail (HSR) proposed between Dallas and Houston.

Section 391.009(c) of Texas' Local Government Code, a state statute, clearly states "In carrying out their planning and program development responsibilities, state agencies *shall*, to the greatest extent feasible, coordinate planning with commissions to ensure effective and orderly implementation of state programs at the regional level."

However, in a letter dated May 13, 2016, TxDOT refused to work with the Commission stating it had been ordered by the Federal Rail Authority not to "participate in any coordination meetings."

In other words, TxDOT, one of the largest state agencies in the nation is now being told what to do by a federal agency out of Washington, D.C. and they are complying.

Waller County Judge and WCSRPC President Trey Duhon stated "It is unfortunate it has come to this, but it became clear that the Federal Railroad Administration, and now TxDOT, seem intent on keeping local governments such as Waller County and our municipalities completely out of the planning process. Without meaningful coordination, our community will suffer immediate and irreparable harm and that is totally unacceptable."

TxDOT is the lead Texas state agency working on the implementation of the high-speed rail project planned between Dallas and Houston. It's working under the oversight of the Federal Railroad Administration (FRA) and both are developing an environmental impact statement (EIS) that is supposed to provide full and fair discussions of all significant impacts the HSR will have on local communities.

However, the FRA has already pre-selected a route prior to completing the EIS, which is unlawful in itself, that will bulldoze directly through Waller County and the planning Commission's jurisdiction without allowing the citizen's to have any say or input.

In fact, representatives of project are already approaching landowners pressuring them to allow surveys, grant easements, and prepare for condemnation proceedings, something that is totally unacceptable to the citizens of Waller County.

The Commission is asking the District Court to order TxDOT to coordinate to allow the proper participation in the EIS process before final decisions are made and damage is caused by their lack of coordinating.

Commission members believe that without proper consideration of local concerns and impacts, the project will have compounding detrimental ripple effects on economic development and private property values and rights, with concordant psychological and emotional effects on the citizens of Waller County.

Judge Duhon continued: "Once this opportunity for planning and participation is past, it will be lost irretrievably."

The Waller Sub-Regional Planning Commission was created in 2007, under Texas Local Government Code 391 to improve resident's health, safety, and general welfare by planning for future development. Commission members include Waller County, the City of Waller, Prairie View, Pine Island, Hempstead, Pattison, Brookshire, Katy, Waller Independent School District and Hempstead Independent School District.