



**WALLER COUNTY**  
**Carbett “Trey” J. Duhon III**  
**County Judge**

**For Immediate Release**  
**January 6, 2017**

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**Court Agrees with Waller Co. Sub-Regional Planning Commission and  
Rules Against Texas Department of Transportation**

January 6, 2017 – HEMPSTEAD, TX: A Travis County District Court on Thursday, January 5<sup>th</sup>, ruled that the Texas Department of Transportation (TXDOT) has a “duty to coordinate planning with the Waller County Sub-Regional Planning Commission (Commission) with respect to the implementation of the high-speed railway between Dallas and Houston, Texas...”

The Commission filed suit against James M. Bass in his official capacity as Executive Director of TXDOT in October of last year claiming TXDOT had violated state law requiring TXDOT to “coordinate” planning of the High-Speed Rail (HSR) proposed between Dallas and Houston. Despite repeated requests by the Commission, TXDOT had refused to coordinate with the Commission or address its concerns regarding the proposed high-speed railway.

Section 391.009(c) of the Texas Local Government Code 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.”

Instead of following the requirements of the statute, TXDOT has been working with Texas Central Rail and the Federal Rail Administration (FRA) on a route for the train through Waller County, without any meaningful coordination with the Waller County Sub-Regional Planning Commission. In a letter sent to the Commission last year, TXDOT refused to meet with the Commission and stated that it would not participate in further coordination efforts.

“TXDOT was plainly violating state law by refusing to coordinate with and take input from local authorities on the impact of the high-speed railway,” commented Waller County Judge Trey Duhon. “I couldn’t be more proud for our county and the citizens of the state of Texas who have been fighting this high-speed train. The Court agreed that TXDOT has a duty to follow state law and coordinate with our local planning commission prior to any major decisions about our community.”

The Court told TXDOT to meet with the Commission for the purpose of coordination on the high-speed railway project within the next 30-45 days and to listen to what the Commission has to say.

“Today was a critical victory for local control in our great state,” concluded Judge Duhon.