

BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 36025

TEXAS CENTRAL RAILROAD AND INFRASTRUCTURE, INC. &
TEXAS CENTRAL RAILROAD, LLC
-AUTHORITY TO CONSTRUCT AND OPERATE-
PASSENGER RAIL LINE BETWEEN DALLAS, TX AND HOUSTON, TX

FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS TO
TEXAS CENTRAL RAILROAD AND INFRASTRUCTURE, INC. &
TEXAS CENTRAL RAILROAD, LLC

To: Petitioners Texas Central Railroad & Infrastructure, Inc. and Texas Central Railroad, LLC, by and through attorneys of record, Raymond Atkins & Terence M Hynes, Sidley Austin LLP, 1501 K Street, N.W. Washington, D.C. 20005; Kathryn K. Floyd & Jay Johnson, Venable LLP, 575 7th Street, N.W. Washington, D.C. 20004.

Pursuant to 49 CFR §§1121.2 and 1114.30, Texans Against High Speed Rail, Inc. serves this First Request for Production of Documents on Petitioners Texas Central Railroad and Infrastructure, Inc. & Texas Central Railroad, LLC, and request that Petitioners respond to each of the following requests for production within thirty (30) days of service of this request. Responsive documents shall be produced at the law firm of THE BECKHAM GROUP, 3400 Carlisle, Suite 550, Dallas, Texas 75204, or any other mutually agreeable place, not more than thirty days after service of this request for the purpose of inspecting, photographing and copying such documents and things.

INSTRUCTIONS

1. Unless otherwise specified, this request for discovery seeks documents and information during the time period from January 1, 2012, to the present, and shall include all information and/or documents which relate in whole or in part to such period, or to events or

circumstances during such period, even though dated, prepared, generated or received prior or subsequent to that period.

2. You are required to produce all originals and non-duplicate copies of documents in your possession, custody, and/or control. To the extent that the request calls for the production of any materials which are kept in an electronic or magnetic form, you are hereby requested to produce such electronic or magnetic data in its native format.

3. Documents not otherwise responsive to this discovery request shall be produced if such documents mention, discuss, refer to or explain the documents that are called for by these discovery requests, or if such documents are attached to documents called for by these discovery requests.

4. If any document is withheld, in whole or in part, for any reason, including, but not limited to, any claim of work-product or other privilege, set forth separately for each such document: (a) the nature of the privilege; (b) the type of document; (c) the author(s) of the document; (d) the addressees of the document; (e) all persons who received copies of the document; (f) the date of the document; and (g) a brief description of the general subject matter of the document.

5. If any document contains both privileged and non-privileged material, the non-privileged material must be disclosed to the fullest extent possible. Notwithstanding the assertion of any objection to production, any document as to which an objection is raised that also contains non-objectionable matter that is relevant and material to a request herein must be produced; but that portion of the document for which the objection is asserted may be redacted, provided that the document is marked with the stamp or legend "Redacted" so as to identify any and all portions of

the document that have been redacted, and provided that the identification requested in paragraph 4 above is furnished.

6. If any document responsive to this request is no longer in your possession, set forth separately for each such document: (a) the type of document; (b) the authors of the document; (c) the addressees of the document; (d) all persons who received copies of the document; (e) the date of the document; (f) a brief description of the document; (g) identify its current or last known custodian; (h) the location/address of such document; and (i) describe in full the circumstances surrounding its disposition from your possession or control.

DEFINITIONS

1. **“Document”** and **“documents”** shall be construed in a broad sense and means, without limitation, any writing or record of any type or description, whether printed or recorded (mechanically or electrically), or reproduced by hand, including, any letters, correspondence, telegrams, memoranda, notes, records, reports, financial statements, statistical and financial records, minutes, memoranda, notices or notes of meetings, telephone or personal conversations or conferences, envelopes, intra-company communications, microfilm, tape recordings, videotapes, photographs, bulletins, studies, plans, analyses, e-mails, notes, computer runs, programs or software, and any codes necessary to comprehend such runs, programs or software, books, pamphlets, illustrations, lists, forecasts, brochures, periodicals, charts, graphs, indices, bills, statements files, agreements, contracts, sub-contracts, completed forms, schedules, work sheets, data compilations, policies, amendments to policies or contracts, calendars, diaries, test results, reports and notebooks, opinions or reports of consultants, and any other written, printed, typed, recorded or graphic matter, of any nature, however produced or reproduced, including copies and drafts of such documents, and any and all handwritten notes or notations in whatever form.
2. **“You”** or **“Your”** or **“Texas Central”** means Texas Central Railroad & Infrastructure, Inc. and Texas Central Railroad, LLC, and its officers, affiliates, directors, employees, agents and representatives, and all those acting on their behalf.
3. **“Texas Central Line”** is the proposed 240-mile high-speed passenger rail line between Dallas and Houston, Texas.
4. **“Exemption Petition”** means the Petition for Exemption filed by Texas Central Railroad & Infrastructure, Inc. and Texas Central Railroad, LLC on April 19, 2016.
5. **“Verified Exemption Statement”** means the Verified Statement of Timothy B. Keith attached to the Exemption Petition.

6. “**Clarification Petition**” means the Petition for Clarification filed by Texas Central Railroad & Infrastructure, Inc. and Texas Central Railroad, LLC on April 19, 2016.
7. “**Verified Clarification Statement**” means the Verified Statement of Timothy B. Keith attached to Clarification Petition.

REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

REQUEST NO. 1:

All documents concerning, mentioning, or referring to the “projections of future market demands,” referenced by you on page 3 of the Exemption Petition.

REQUEST NO. 2:

All documents that support your claim that “the total cost of civil construction and the core system is estimated to be over \$10 billion,” as alleged by you on Page 4 of the Exemption Petition.

REQUEST NO. 3:

All documents that support your claim that “[a]pproximately 90% of travelers between the two cities make the journey by automobile,” as alleged by you on Page 4 of the Exemption Petition.

REQUEST NO. 4:

A copy of the report titled “*TTI Intercity Passenger Study*,” referenced by you on Page 5, Footnote 13 of the Exemption Petition.

REQUEST NO. 5:

All documents that support your claim that “[c]heck in and security procedures would be far less time-consuming than at busy airports,” as alleged by you on Page 7 of the Exemption Petition.

REQUEST NO. 6:

All documents that support your claim that “Texas Central’s safe, efficient and convenient high-speed service will attract approximately four million riders annually by the year 2025,” as alleged by you on Page 8 of the Exemption Petition.

REQUEST NO. 7:

All documents that support your claim that “by 2026 approximately 20% of Dallas-Houston travelers will choose Texas Central’s high-speed passenger service,” as alleged by you on Page 8 of the Exemption Petition.

REQUEST NO. 8:

All documents that support your claim that “Texas Central Line will create more than 10,000 jobs per year during the project’s anticipated four-year construction phase,” as alleged by you on Page 11 of the Exemption Petition.

REQUEST NO. 9:

All documents that support your claim that “[Texas Central’s] rail operations are projected to create approximately 1,000 permanent jobs,” as alleged by you on Page 11 of the Exemption Petition.

REQUEST NO. 10:

All documents that support your claim that “its more than \$10 billion investment in the project’s civil construction and the core system could spur \$36 billion in economic benefits, and generate nearly \$2.5 billion in tax revenues to the state, counties, local municipalities, school districts and other taxing entities, between 2015 and 2040,” as alleged by you on Page 11 of the Exemption Petition.

REQUEST NO. 11:

A copy of the report titled *Insight Research Corporation, Texas Central’s High Speed Rail Corridor and Related Private Development Houston to Dallas/Fort Worth, Texas*, referenced by you on Page 11, Footnote 33 of the Exemption Petition.

REQUEST NO. 12:

All documents that support your claim that “Texas Central service will reduce automobile traffic in the Dallas-Houston corridor, mitigating congestion and reducing carbon emissions,” as alleged by you on Page 12 of the Exemption Petition.

REQUEST NO. 13:

All documents that support your claim that “[c]onstruction and operation of the Texas Central Line will not generate substantial adverse environmental impacts,” as alleged by you on Page 13 of the Exemption Petition.

REQUEST NO. 14:

All documents that support your claim that “Texas Central’s ongoing train operations will not significantly increase existing levels of noise, vibration or pollutants,” as alleged by you on Page 13 of the Exemption Petition.

REQUEST NO. 15:

All documents that support your claim that the Dallas to Houston I-45 corridor is “one of the nation’s busiest and most highly congested transportation corridors,” as alleged by you on Page 24 of the Exemption Petition.

REQUEST NO. 16:

All documents that support your claim that “approximately 20% of Dallas-Houston travelers will choose Texas Central’s high-speed passenger service,” as alleged by you on Page 28 of the Exemption Petition.

REQUEST NO. 17:

All documents that support your claim that the “[a]verage automobile transit time between the two regions is expected to increase to 6.5 hours by 2035,” as alleged by you on Page 6 of the Verified Exemption Statement.

REQUEST NO. 18:

All documents that support your claim that the “average automobile travel speed is likewise projected to decrease from 59 MPH to 39 MPH by 2035,” as alleged by you on Page 6 of the Verified Exemption Statement.

REQUEST NO. 19:

A copy of the report titled “*TTI, Potential Development of an Intercity Passenger Transit System in Texas – Final Project Report*,” referenced by you on Page 6, Footnote 4 of the Verified Exemption Statement.

REQUEST NO. 20:

All documents that support your claim that “private development related to the project will create approximately 14,000 direct jobs and 21,000 indirect jobs,” as alleged by you on Page 9 of the Verified Exemption Statement.

REQUEST NO. 21:

All documents that support your claim that “[c]onstruction and operation of the Texas Central Line will have a positive impact on the environment,” as alleged by you on Page 10 of the Verified Exemption Statement.

REQUEST NO. 22:

A copy of your “project schedule,” referenced by you on Page 2 of the Clarification Petition.

REQUEST NO. 23:

A copy of your “construction schedule,” referenced by you on Page 4, Footnote 13 of the Clarification Petition.

REQUEST NO. 24:

Copies of your “business model” and “business plan,” referenced by you on Page 3 of the Clarification Petition and Page 2 of the Verified Clarification Statement.

REQUEST NO. 25:

All documents concerning, mentioning, or referring to the “key milestones within defined timetables,” referenced by you on Page 4 of the Clarification Petition.

REQUEST NO. 26:

All documents concerning, mentioning, or referring to “Texas Central’s overall schedule,” referenced by you on Page 10 of the Clarification Petition.

REQUEST NO. 27:

Documents sufficient to show the extent to which funds for private financing are now available, for the construction and operation of the Texas Central Line.

REQUEST NO. 28:

All documents related to any research, market research, or studies you or any third party has performed regarding fare estimates for the Texas Central Line.

REQUEST NO. 29:

All documents related to any research, market research, or studies you or any third party has performed regarding ridership projections for the Texas Central Line.

REQUEST NO. 30:

A copy of the February 28, 2013 report titled *High Speed Rail Feasibility Study* commissioned by the Japan Bank of International Cooperation on your behalf.

REQUEST NO. 31:

All documents concerning, mentioning, or referring to any federal or state loans you have applied for.

REQUEST NO. 32:

All documents concerning, mentioning, or referring to any federal or state grants you have applied for.

REQUEST NO. 33:

All documents you have provided to the Texas Department of Transportation, the Federal Railroad Administration, or any third party as part of the environmental review process for the Texas Central Line.

REQUEST NO. 34:

All documents related to any air or vehicular traffic research or studies you or any third party has performed concerning, mentioning, or referring to the Texas Central Line.

REQUEST NO. 35:

All correspondence or communications with any railroad company, electric utility company, or any third party, requesting permission to use existing right-of-way for the Texas Central Line.

REQUEST NO. 36:

On April 23, 2014, your representative Robert Eckels told the Houston Public Media, “From the bankers, there have been multiple studies, and they spent millions of dollars on an investment grade market study, and they are convinced that it is a viable project and are continuing to fund our portion of the project.” Produce a copy of all “studies” Robert Eckels was referring to.

REQUEST NO. 37:

All schematics, models, or plans concerning, mentioning, or referring to the installation of passenger parking spots at both the Dallas and Houston Texas Central Line depots.

Dated: May 25, 2016.

Respectfully submitted,

/s/ Patrick McShan
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***ATTORNEYS FOR TEXANS AGAINST HIGH
SPEED RAIL, INC.***

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been delivered to the following counsel as indicated below on May 25, 2016.

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