

Tracks to Tragedy: Our Land vs. the Bullet Train

Texas

2016

Abstract

Using historical examples, the importance of land as a natural resource is revealed. The role of property ownership in the founding, growth, and success of America is highlighted. Despite property protection measures in the United States Constitution, there are cases where many feel the power to take land for public projects is improperly used. An example of such a situation impacting Madison County is given. The speech provides details concerning Texas Central Railway's proposed high speed rail project between Dallas and Houston. Numerous negative effects the train would have on natural resources are explicated. The presentation concludes with a plea for the listener to become active in opposing the high speed rail project.

Keywords: eminent domain, property ownership, Texas Central Railway, Texas bullet train

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A quarter to twelve. The line stiffened and became more quiet [*sic*] with the tension of waiting. Out in front were soldiers, contemplating the line. I wondered how they would manage to dodge the onrush. Five minutes. Three minutes. One minute. The rifles snapped and the line broke with a huge, crackling roar (Humphrey, 1893).

This eyewitness account by Seth Humphrey describes the events of September 16, 1893 when over 100,000 individuals raced to lay claim to parts of Northern Oklahoma. From 1889 to 1895 seven similar land runs were held, concluding a century of westward expansion and settlement of new territory (Harries & Morgan, 2002).

There is no doubt, property ownership is inseparably tied with the history of this nation (Grant, 2005). The promise of their very own piece of land motivated thousands of colonists to seek their fortunes in the New World. Millions of souls endured perilous sea voyages and dangerous overland trails, just to put their name on a piece of ground. For them, the chance of owning land was worth every risk because property ownership was the key to income, advancement, and freedom (Powell, 2002).

Without a doubt land is one of our most sacred and precious natural resources. It is not something we can make more of and is extremely difficult to reclaim once converted to a non-agricultural use (Camp & Daugherty, 1991). To illustrate this point, imagine the entire surface of the earth represented by an apple. Three-quarters of this account for the oceans of the world. Half of the remainder represents the arctic, mountainous, and desert regions. Three-fourths of what we have left account for areas that are too hot, rocky, or wet to support crop production. This leaves only one thirty

second as the portion of the earth that must grow all of our food (Oklahoma Association of Conservation Districts, n.d.).

In the United States, we trust this precious commodity to private individuals. 60% of our nation and 97% of our state is in the hands of private owners (United States Department of the Interior, Bureau of Land Management, 2011).

Property ownership was revered by our founding fathers. John Adams stated “the owning of property is surely a right of mankind as real as liberty” (as cited in Williams, 2005). The Fifth Amendment to the Constitution states: “No person shall be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation” (United States Constitution Bill of Rights, 1789).

With this safeguard in place, most Americans expect the government to protect our right to manage our possessions (Byfield, 1994). But perhaps the ones we expect to protect us are the very ones we need protection from (Berliner, 2014).

Eminent domain laws allow for the purchase of private property for public projects, with or without the owner’s consent (Elrod, 2002). Most admit that some projects are necessary, but many are beginning to question whether the power of eminent domain has been taken too far (Bullock & Berliner, 2015).

This question recently resurfaced in my hometown when a company called Texas Central Railway announced plans to connect Dallas and Houston by high speed rail. Out of nine routes studied, two have emerged as finalists. Both run directly across our county. Running at 205 miles per hour, the train would cover the distance between

Dallas and Houston in 90 minutes or less. Current projections are to begin construction in 2017 and have trains running by 2021 (Texas Central Railway, n.d.).

Unfortunately for those of us that live in rural areas, this “for profit” company has the power of eminent domain (Texas Government Code, 2011), leaving land owners powerless to resist this unwanted invasion on their own land.

Take a moment and put yourself in their shoes. Imagine the land your family has owned for generations. The woods where you and your kids camp, the hay meadow you carefully sprigged, the beautiful sunsets from your back porch; all cut in half by an eight foot tall security fence and a mess of electrical wires. Now, instead of tranquility, you get a 97 decibel roar every half hour (California High Speed Train Project, 2010).

Wildlife migration patterns will be disrupted and some species will be cut off from current water supplies (Batheja, 2015). Air quality could also suffer. The train runs on electricity, which sounds extremely clean. But generating enough electricity to propel a 365 ton train along a 25 kilovolt line, translates back into massive fossil fuel consumption (Glaeser, 2009). If the train is half empty, you’ve only added to carbon emissions, not reduced them (Heid, 2014).

We have not yet included the environmental cost of construction. Massive amounts of concrete and steel are required, two of the most energy intense materials to manufacture. You must also account for the discharge spewed by bulldozers, trucks, and cranes. Scientists at Berkley concluded that 40 million passengers would need to be diverted from air travel to compensate for the pollution of construction (Cosgrove, 2010).

Finally, rural Texans are finding it hard to stomach the loss of 3,000 acres of prime agricultural land. Let's say, for example, those 3,000 acres support 600 cows. If the train is built, 600 less calves are produced, resulting in a loss of 720,000 dollars to Texas ranchers each year (K. Workman, personal communication, 2016). Is a project really for the public good when it benefits some at the expense of others?

Texans Against High Speed Rail is an organization seeking to derail the project. In February, they announced a partnership with Dallas law firm, The Beckham Group. Chief attorney Blake Beckham stated, "This is a clear case of the misuse of the power of eminent domain. Texas Central, largely backed by Japanese money, is needlessly scaring the beautiful countryside of Texas. We should not have to bear the devastation this project will bring" (Texans Against High Speed Rail, 2015).

Senate Bill 1601 was introduced to Texas lawmakers in 2015 (Kolkhorst, 2015). Though this did not pass, one of the major goals of Texans Against High Speed Rail is to see a similar bill reintroduced, blocking this project from having the power of eminent domain (K. Workman, personal communication, 2016).

If you believe our private property is worth protecting, I urge you to join this fight. Conduct your own research, express your opinion, and let your state representatives know that rural citizens are paying a terrible price in the name of progress. Demand that our government safeguard the principles upon which this nation was built. Please do not get side-tracked as we work together to protect our precious property.

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