

Date : 12/12/2019

300274

Mrs. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
395 E. Street S.W., Room 1034
Washington, D.C. 20423 - 0001

ENTERED
Office of Proceedings
January 10, 2020
Part of
Public Record

Re: Docket No. AB-1108 (Sub-No. 1X)
Opposition to Granting Exemption Petition of The Blacklands Railroad

Dear Ms. Brown:

Norman and Lisa Rigney DBA ,Rigney Feed & Farm Suppy, And Bit By Bit small business owners that are on the north and south side of Union Pacific Railroad tracks in Winfield, TX 75493 are submitting this Letter with regard to the Petition for Discontinuance Exemption filed by The Blacklands Railroad ("BLB") on October 25, 2019 and noticed in the federal register on November 15, 2019 (84 Fed. Reg. 62561). Norman and Lisa Rigney DBA Rigney Feed And Farm Suppy and Bit By Bit are opposed to the Surface Transportation Board granting this petition for the following reasons, please read on the attached letter:

From: Norman Rigney <rigneyfeed@gmail.com>

Date: December 10, 2019 at 6:31:35 PM CST

To: Norman Rigney <rigneyfeed@gmail.com>

Subject: North East Texas Rural Rail Transportation District (NETEX) Contractor Blacklands Rail Road (BLR)

December 10, 2019

Norman and Lisa Rigney
PO Box 225
Winfield, TX 75493

Subject: (NETEX) Contractor Blacklands Rail Road

To Whom It May Concern:

As small business owners in the small town of Winfield Texas Titus County, I Norman Rigney DBA Rigney Feed and Farm Supply and my wife Lisa Rigney DBA Bit By Bit would like to address the issue of the Union pacific railroad tracks and the contractor for North East Texas Rural Rail District (NETEX) Blacklands railroad (BLB) Rigney Feed and Farm supply was established in 1989 and was located at the corner of fifth Street and Cleveland Street and was moved to its current location 101 East Front St., Winfield, TX in 1994 Bit By Bit our western store was opened in 2005 on the south side of the railroad tracks to accommodate our customers needs our hard work over the years has built a business that excels in customer Service and service needs in the immediate town as well as many neighboring communities are customers travel from many different towns that are located in Titus, Franklin, Wood, Camp, Hopkins and Lamar counties just to name a few our two businesses are separated by the union pacific railroad tracks and over the years we have listened to thousands of complaints about the railroad crossing being blocked to the point people said they wouldn't come back and do business with us because of having to wait on the train for so long Shuffling it's Rail cars for hours at a time

The short line railroad contractor Blacklands railroad we believe has "hijacked"our small Texas town of Winfield for their own personal gain and profit without regard to any of the small businesses or the people living in the community.

Black land railroad is continuously causing problems for traffic in the area by blocking all three of our crossings from one side of the railroad tracks to the other our customers complain that after they have driven many miles from their neighboring towns which in some cases over an hour away they then have to sit and wait on the train to move to get across the tracks we take pride in the services we offer and have worked hard to get these customers ,but to us as as small business owners the railroad is making it impossible for our customers to have a ease of shopping so our customers wait while the railroad is

moving rail cars around right in the middle of our business day and the shuffling of the Railroad cars can take up most of the day making it impossible for our customers to get to us. Then because traffic is blocked on both sides of the tracks our parking lots are blocked also by vehicles that are waiting in a long long line to get across to the other side of town.

There was a switch and a Rail Spur put in back in the early 1970s so that the Coal Mine that was here in Winfield could receive heavy equipment bulldozers, scrapers, etc. This Rail Spur is nowhere long enough to accommodate the business practices that Blacklands railroad is trying to accomplish here in our small town. The number of cars they are shuffling and delivering to other towns causes blockage here in our town for hours 4 to 5 days per week all this is ACCOMPLISHING for the small town of Winfield Tx and is causing the local businesses and its customers to suffer and it allows others down the track to reap the benefits of cheaper freight and more profit.

It is our hope that someone could do something about the situation and get it corrected to benefit everyone we contacted Texas Railroad commission in Austin but didn't have much success we also contacted Blackland Rail Road at their offices in Sulphur Springs Texas, And we're giving the runaround they're also. We will be sending a copy of this letter to the Winfield City Council hoping to get them more concerned about the impact it is making on its own residence and business owners that pay taxes and keep the town afloat. All the while as business owners we continue to lose customers because of this situation not to mention having to deal with people screaming cursing at the train and throwing gravel everywhere when they turn around in our parking lot mad as hell.

I have seen the school bus have to set 30 to 40 minutes waiting on the train to break the tracks while the kids were hanging out the windows when the temperatures were pretty hot outside emergency vehicles have not been able to get to people in need So if you are dying and on the wrong side of the railroad tracks you might not make it if you live in Winfield I have witnessed a DPS trooper jump on the Train as it was going by slow trying to get them to move out of the way so traffic could cross and he could get to his job on I-30 it is unnerving knowing that you can't leave and go to the south or the north end of town without worrying about being able to get back home or back to your business or a loved one without being trapped by the train.

We have witnessed children coming home from school trapped on one side of the tracks crawl underneath the Train to get to the other side to get to their homes that alone was the most dangerous thing I've ever seen, so if you want to go grab lunch run to the post office or check on a loved one or just get back to your house you better hope you are on The right side of the tracks before they start shuffling rail cars here in town we have seen Our customers UPS, FedEx Mail and Fire Trucks and ambulances trapped for 45 minutes before getting to cross the Tracks this shouldn't be happening and should be unacceptable.

If this kind of activity was happening in our neighboring towns of Mount Pleasant, Mount Vernon, or Sulphur Springs I believe someone would have done put a stop to it for the good of the town but to us it seems that because Winfield is such a small town and don't have any representation they can get by with this type of behavior with no accountability. Another thing that is happening is the fact that they are Derailing rail cars left and right because of the deteriorating old railroad track. Blacklands Railroad also have got where they are illegally unloading freight right in the middle of downtown Winfield as far as I know this is not a train depot or an unloading station for the railroad company I also have pictures of them blocking a city street with a locomotive backing a fuel tanker up to it and putting fuel in it. They also have been parking rail cars in the middle of Winfield the Plaza Area and having semi trucks with loud whining motors back up to them and are sucking some kind of substance out of them The noise is deafening to the residence and business around that area also Unloading huge rolls of steel that probably weight more than 20 tons each with Huge cranes with no barriers around To protect the people in the community, OSHA would have had a Heart attack if they saw this going on.

Never mind that people inside of their homes and businesses even if they are not affected from the problems caused by the railroad on the roadways the towns people are most definitely affected from the amount of noise from the horn of the train and the crashing of the cars together constantly for hours at a time where inside our businesses you cannot even hear each other talk between the deafening of the horn and the back and forth on the train track daily shaking our buildings it is a wonder we have any customers left to keep our doors open. The business next-door to the post office employees around 15 people (they are leasing the building) and will be leaving town soon they work inside on computers all day I can't even imagine the frustration they have experienced in this whole debacle. Anyone that does not own a building and just leases would be crazy to stay and try to conduct business in this mess

however the ones of us that on our buildings are stuck here to face the railroad head on to try and come up with a solution so we can all thrive and do business.

We had read in the newspaper that Blacklands Rail Road was having troubles and was involved in a lawsuit with NETEX and has slowed operation down to almost nothing for the time being. For the past few months it has been so peaceful and our customers have been able to get to us to take care of their business Without interferences From the train. The school children have been delivered without having to wait and others have been able to move around town and take care of their business and businesses and loved ones and enjoy regular life as it should be in small-town America. We read in the newspaper Blacklands railroad is trying to get our politicians to help them get state funding from tax dollars to get their business back up and running which would again hurt our businesses. The people and businesses of Winfield are not represented currently against such a force as the Railroad.

We just want our little town to have a chance, we deserve a right to conduct business and benefit as well as any other town. Blacklands Rail Road

Haven't ever had any customers in Winfield that uses their rail service our town is plagued with their chaos because we have a railroad spur still here left from the Coal Mine era. The way we see it if the other towns down the line still need their services for their gain and profit let them go to their towns and shuffle there rail cars blow there load train horn, crash their cars into each other, and block their roads for Hours and hours 4 to 5 days a week and create the chaos there instead of in our town where we do not need them at all.

Our attorney advised us to make contact with our Representatives and other agencies so therefore we ask that you please help The community of of Winfield, Tx and it's small business owners to stay the peaceful place it once was and keep the chaos out once and for all ,Thank You

Sincerely,

Norman and Lisa Rigney
Small business owners
Winfield, TX 75493

I certify that I have this day January 9, 2020 sent copies of this document on all parties of record in this proceeding [By method of servicing consistent with 49 CFR 1104 .12(a)]

Name list:

Thomas J Litwiler ,Fletcher & Sippel LLC

Sam young , Northeast Texas Rural Rail Transportation District

Thomas Healey, Fletcher & Sippel LLC

Signature: Norman and Lisa Rigney

Date: 1-9-2020