

January 7, 2021

E-FILED

Cynthia Brown  
Chief, Section of Administration Surface Transportation Board Office of  
Proceedings  
395 E Street, SW  
Washington, DC 20423

Re: Docket No. 36470, Rio Grande Pacific Corporation – Continuance  
In Control Exemption – Colorado, Midland & Pacific Railway Company

Ms. Brown:

My wife and I have been property owners and residents in the small community of Howard, Colorado in Fremont County for about 6 years. Our home is an easy stones throw to the currently inactive Union Pacific Railroad line. This was to be our “retirement home”, our last resting place. We fell in love with the the multitude of outdoor activities right at our doorstep, and stunning views of the Arkansas river, and the mountains.

The railroad tracks of course gave us some hesitation, but it was explained that there has been no trains on these tracks in over 2 decades. The tracks were overgrown with vegetation, and the bridges and embankments in disrepair. It seemed quite reasonable that the railroad was not likely to return.

In the roughly 2 1/2 decades that the railroad has been absent, life in the Arkansas River valley has changed-drastically. The area along the river, and tracks is used for recreation of both local residents, in state, and out of state tourists. The area thrives predominately on tourism. The tourists come to enjoy the quiet, clean, pristine rivers, and mountains to hunt, fish, mountain bike, and many other forms of recreation. The vast majority of citizens in our valley are very concerned about the preservation of our recreational resources- the life blood of our area.

Should the trains run again on the Tennessee line, many of us could expect our property values to drop significantly, at a time when we would likely have to sell our homes at a large loss due to the proximity of the trains. For several retirees on our street- this was to be our last home, where we would have “quiet enjoyment” of our property till our last fish was caught.

The return of activity to the line would be a substantial physical and legal barrier to crossing over into and accessing public lands, including accessing the Arkansas Headwaters Recreation Area itself (a state park with nearly the highest visitation figures in the state). Our newly designated Browns Canyon National Monument would cease to be the attraction that it was intended to be.

Public utilities such as railroads are said to be regulated “in the public interest” because private individuals rely on that utility. We have not relied on the railroad here for 25 years. The railroad would bring little to the table for those of us who live in its path aside from noise, and pollution. The possibility of accidents which could cause environmental damage, property damage, even loss of life. In the “public interest”? *Absolutely not*. Re-opening the Tennessee line would effect the Rights, Health, and Finances of the public at large- *negatively*.

The cost of rehabilitating this line to current standards, and operating it through the mountains at sometimes as much as a 3% grade will be staggering. Given the costs associated with this undertaking, it would make no sense economically for an operator unless there were 8-10 trains every day. That kind of intense traffic invites accidents, potentially catastrophic accidents given the proposed cargo.

I know this is a formal filing, but at the risk of stepping out of accepted verbiage protocols, here is an analogy for you. A man divorces his wife after some years of marriage. He leaves her to her own resources. She struggles, but eventually builds a new life without him. 25 years later, he saunters back into her life and wants to rekindle the relationship.

She, of course is not interested in the least. Too much has changed since he left. Her life is completely different now. Just like attempting to revive a relationship that has run its course- the return of this railroad into operation just doesn't make sense anymore. I respectfully request you deny the continuance control exemption requested by Colorado, Midland & Pacific Railway Company.

Respectfully,

*Michael Millsap*

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