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Arkansas River KOA and Loma Linda Motel, Inc.

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Cynthia Brown, Chief

Section of Administration Surface Transportation Board Office of Proceedings

395 E Street, SW

Washington, DC 20423

Re: Docket No FD 36471, Rio Grande Pacific Corporation – Continuance
In Control Exemption – Colorado, Midland & Pacific Railway Company

Ms. Brown:

We own a thirty-five-acre inholding with two thousand (2,000) feet of the bed and banks of the Arkansas River appurtenant to the currently inactive Union Pacific Railroad Line. The undersigned has been here twenty-one (21) years, with the Motel in operation since the 1950s and the campground since the 1970s. Prior to that, there was an orchard, alfalfa farm, ranch and farming operation since the original homestead. Prior to that, and prior to the railroad being built, the land was occupied by a gold miner. Prior to that, individuals and groups of First Nations people used this land on a seasonal basis. With the exception of the railroad, we are approximately 1 ½ (one and one half) miles from the nearest private property interest.

Our current operations depend largely on an attraction to recreationist who are seeking activities and resources that are in conflict and incompatible with railroad operations. We have talked with a large number of guests over the years who had patronized this business once, when the railroad was still in operation. Many had returned only because, and after the railroad had ceased operations.

In the roughly twenty-two (22) years with the train absent, life in the Arkansas River valley has changed drastically. The area along the river, and the tracks are 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.

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. No one relies on any trains on these tracks. The public has not relied on the railroad here for decades. The railroad would bring little to the table for those of us who live in its path, aside from noise, and pollution.

Those who might pine for the lonesome whistle of a train are generally far away from it, out on the plains; they are not right on the tracks, as we are, in a confined canyon with the blasts reverberating off the granite walls at all times of day and night. Indeed, we have little concern for the comments of those with nostalgic, romantic ideas who don’t actually live near the tracks.

There is a possibility of accidents which could cause environmental damage, property damage, and even loss of life. The Gold Medal waters of the Arkansas River are an attraction to fishermen the world over, and known for a phenomenal caddis hatch in the spring. It is also one of the most rafted rivers in the world. All this is jeopardized by railroad operations.

The only viable mitigation measure, fiscally or logistically, is continued disuse of the line. The railroad simply cannot mitigate the adverse impacts of renewed operations.

Use of the railroad is not in the “public interest”. Re-opening the line would affect the rights, health, and finances of the public at large, and it would do so negatively. The real estate utilized by these railroads was largely given to them as subsidy by the people, in return for their provision of services to the people. Capital returns on all investments have paid off, in spades, to the point of windfall; and depreciation occurred long ago, both from an accounting perspective and in reality.

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.

Too much has changed. The proposal would revive a relationship that has run its course- the return of this railroad into operation just doesn’t make sense anymore.

We also incorporate herein as if set forth in full all other comments of record in opposition to the proposed reopening of the line. Also included is the public record of the United States Department of the Interior, Bureau of Land Management, Royal Gorge Field Office regarding the “Over the River” project and all comments in opposition thereto.

We respectfully request you deny the continuance control exemption requested by Colorado, Midland & Pacific Railway Company.

Respectfully,
James C. Burnham

President, Arkansas River KOA and Loma Linda Motel, Inc.

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