

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

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

Ms. Brown:

I am writing to express my opposition to the Lease and Operation Exemption requested by Rio Grande Pacific Railroad (RGP) for its subsidiary, Colorado Midland and Pacific Corp. (CMP). I believe that the proposed transaction is neither “routine” nor “noncontroversial” and, therefore, does not qualify for an exemption.

Since operations ceased on the subject rail line some 24 years ago, a Superfund cleanup and other efforts have restored the upper Arkansas River, earning a Gold Medal fishery designation for 102 miles of the river. Much of the tracks in question run along the banks of the upper Arkansas River, and those tracks have a significant history of derailments. Additionally, this rail line runs through Browns Canyon National Monument, designated in 2015 to protect unique natural resources, including critical habitat for multiple plant and wildlife species.

I find RGP/CMP’s suggestion that common carrier freight operations that are likely to transport heavy crude oil, coal, and/or hazardous chemicals in such close proximity to these sensitive natural resources is “noncontroversial” quite ludicrous.

Additionally, I believe statements in the RGP/CMP application are either false or misleading, which should disqualify the request for an exemption. For example, the application states that there will be no change in service over the Tennessee Pass line. The Tennessee Pass line has been dormant for 24 years; therefore, any service on the line will be a significant change of service.

Also, the application claims that revenues from operating the rail line would not exceed \$5 million per year, a limit beyond which the railway would be subject to additional regulation. Since rehabilitation of the rail line is projected to cost hundreds of millions of dollars and since operating costs alone are projected to exceed \$5 million per year, I believe CMP’s projected revenues are intentionally underestimated to avoid appropriate scrutiny and regulation.

Respectfully,

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cc: Parties of Record