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

Fr: Terri Lukas *TL*
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Nathrop, CO 81236

Subject: **Docket No. FD 36471**

I am writing to protest in the strongest possible terms the requested exemption from regulations filed by Colorado Midland and Pacific (CMP) Railway affecting its lease agreement with Union Pacific to use the Tennessee Pass rail line. Rather, CMP's lease agreement to use the Tennessee Pass rail line must conform to all pertinent regulations as should all of its ensuring rail operations.

What CMP is proposing to do is not routine at all. The rail line in question has been dormant for 24 years! This proposed change of service is extremely controversial in Chaffee County for a number of reasons. Primary among them is CMP's proposed transport of heavy crude oil, coal and various hazardous chemicals on the Tennessee Pass rail through the protected Brown's Canyon National Monument.

Spillage of these and other toxic substances proposed to be transported through Brown's Canyon can never be fully prevented. Further, there is no level of compensation that could be offered to the people of Chaffee County that would neutralize the costs of spillage that CMP's proposed use of this rail line would expose us to. Without such a guarantee, CMP's request for exemption from regulations must not be allowed.

The Arkansas River flows through Brown's Canyon. The Arkansas supports the functioning of a fragile ecosystem that the designation of Brown's Canyon as a National Monument was intended to protect and preserve. The Arkansas is also a vital economic resource in the County and region, attracting tourists year-round to white-water raft and fish. It is both a Gold Medal Fishery and the most popular river in the West for white water rafting.

In addition to the above, I suggest that CMP's request for exemption from regulations be examined closely for false or misleading statements and the accuracy of its projected revenues for operating the line. By doing so, I believe that you would uncover further reasons for denying CMP's request for regulatory exemptions in its proposed use of the Tennessee Pass rail line.

Thank you for your serious consideration of these objections.

cc: Parties of Record