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January 20, 2021

Cynthia Brown
Chief, Section of Administration, STB Office of Proceedings

**RE: DOCKET NO. FD 36471
OPPOSITION TO NOTICE OF EXEMPTION**

I strongly oppose the Notice of Exemption filed by Colorado, Midland & Pacific Railway Company (CMPR). The railroad has not been utilized for over 20 years and in that time the communities along the railroad and their economies have transformed to make the rail use incompatible with current land uses. In its Notice of Exemption CMPR states "CMPR's lease and operation of the rail line will not result in significant changes in carrier operations." This statement is objectively false. The rail line has not been used in over 25 years. Accordingly, any use is in a fact a significant change. Indeed, it will be an increase of over 100% increase in rail traffic and triggers the need for an environmental report. See 45 CRF § 1105.7

CMPR has not disclosed material information which makes it virtually impossible to evaluate this project objectively. Notably there is no lease, nor is there any type of plan of operation that would support its blanket assertion of no "significant changes in carrier operations". Thus, while CMPR makes a number of assertions in its Notice of Exemption, these assertions are either false, or at a minimum they are impossible to evaluate without review of the lease terms and conditions and the actual operational plans of CMPR. This line of rail runs directly through the mountains of Colorado. It will likely require significant expense to make the railroad safe and up to standards to operate safely on. What is the plan for rehabilitating RR tracks that have been unused for over 20 years? It will be covered in snow virtually all winter. What is the plan for winter operation? The railroad runs through a National Monument that is significant source of this area's tourism dependent economy. How is this plan compatible with the National Monument and the area's tourist economy? What is CMPR planning on transporting? Will it be transporting any hazardous materials? All these material, relevant, and important questions are left completely unanswered.

CMPR also represents that revenue will not exceed \$5,000,000 per year. It's unclear from the dearth of information as to how this project is economically feasible and the communities and citizens along this railroad are entitled to this information, and a clear statement from CMPR as to what the plan is for this rail corridor. The attorneys for Colorado Pacific Railroad LLC and KCVN LLC have also amply pointed out the problems with this application in terms of material misrepresentations and lack of information, and I join in their objections.

Given the significant changes along this rail corridor since the railroad was last operationally, CMPR should be required to provide environmental and historical reports per 49 CFR § 1105 that show how this is compatible with Browns Canyon National Monument, and how this is compatible with communities that have drastically changed in 20 years. It should be required to disclose the lease terms as it appears something more is occurring than what is disclosed, as otherwise the economic case appears suspect. Simply put, it should be required to detail what exactly is the plan for this rail corridor. For example, will it now be blasting horns through these communities which have not seen trains for over 20 years? Will it be following communities' nuisance laws or ignoring the impacted communities? Does it plan to use the rail line for storage of rail cars? Will the rail cars if stored be stored in the middle of cities and a national monument?

Without a lot more information it is impossible to evaluate whether CMPR intends to be a good neighbor. The communities and citizens are entitled to this information, and I respectfully request that the STB require the applicant be more forthcoming, and require the applicant to disclose the lease, and it be required to submit environmental and historical reports so the project can be fairly and fully evaluated by the communities and citizens that will be affected.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I certify that on January 20, 2021, I served copies of this letter on all parties of record in this proceeding via the STB's e-filing system.



Matthew K. Hobbs
January 20, 2021