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Office of Proceedings
January 21, 2021
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TO:
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Surface Transportation Board Office of Proceedings
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FROM:

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SUBJECT: Docket No. FD 36471

CC: Parties of Record

Introduction: I have been in the area of the Tennessee Pass Railroad since the 1970s.

Comment: Objections to Requested Exemption

* There is related protest to this Exemption from KCVN Colorado Pacific that wrongly claims that UP is keeping them from markets. **(see Additional Comments Below)**

* There is almost no detail of information re the lease or plans of CMP RGP.

* STB needs to provide more time for interested parties to submit additional, more detailed information to guide the STB review.

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* STB must request more information from CMP and RGP to ascertain their future plans for operations and the scope of potential impacts associated with these operations

* This involves major impacts to the area its environment and people. STB must require an environmental review consistent with the National Environmental Policy Act to determine the

potentially significant impacts of resuming traffic on this rail line, including rehabilitation of this rail line.

The Notice Contains Misleading and/or False Information

A lot has changed in 25 years. The Arkansas River has been cleaned up by EPA and local efforts, such that it has attained Gold Medal waters status. Browns Canyon has been declared a National Monument. The CMP Notice of Exemption wrongly claims that the actions will not significantly affect the quality of the human environment. This is not true. The purpose of the Notice is to secure STB authorization to resume rail traffic on a line that has been abandoned for 25 years. The resumption of rail traffic will introduce significant environmental, health, and socioeconomic impacts:

- * New impacts to protected landscapes, including Browns Canyon National Monument.
- * New impacts to outdoor recreation, which is a cornerstone of local economies and depends upon the quality of the natural environment.
- * New sources of air and water pollution.
- * New impacts to communities in the region.

The Notice wrongly asserts that CMP's "lease and operation of the rail line will not result in significant changes in carrier operations." Since the line currently experiences zero rail traffic, this statement cannot be true.

The Notice wrongly "certifies" that CMP's projected annual revenues "will not exceed \$5 million. Consequently, the requirements of 49 C.F.R. §1150.32(e) do not apply to this transaction." Yet CMP estimates even minimal traffic on this line will incur operating costs in excess of \$5 million. This does not consider the significant costs of rehabilitating the rail line, thereby demonstrating that either this proposed operation is not financially sound, or that CMP's certification is misleading.

The Exemptions are not Appropriate

I object to this Notice of Exemption and urge the STB to reject the Notice. The proposed service at issue is not of limited scope. CMP and its parent company, Rio Grande Pacific Corp. (RGP), aim to restart rail traffic on a rail line that has been dormant for almost 25 years, posing new and significant impacts to the region's communities, economies, environment, health, and quality of life. Exemptions are not appropriate in this case, given the broad scope of activities that would be authorized and the potential impacts.

An Environmental Review Must be Prepared

Contrary to the assertions of RGP and CMP, an environmental review must be prepared pursuant to the National Environmental Policy Act (NEPA). At a minimum, an environmental assessment must be prepared. Given the scope and context of the impacts, an environmental impact statement would be appropriate.

Any NEPA-mandated environmental review must examine wetlands and water quality (especially in the

102-mile Gold Medal fishery of the Arkansas River), fish and wildlife, impacts to public lands (including Browns Canyon National Monument), socioeconomic impacts, and climate impacts.

Additional Comments:

A competing proposal and protest from KCVN has claimed the need for the Tennessee Pass line to ship grain, claiming monopoly power of UP is keeping them from markets.

This claim is false. They can reach UP and BNSF to ship anywhere with their 110 car unit train siding east of Pueblo at NA junction. They do not need the Tennessee Pass line, as they have claimed before.

BNSF has trackage rights through the Moffat Tunnel. UP has no monopoly there.

<https://kiowacountyindependent.com/news/1924-connection-of-the-towner-line-at-na-junction-to-bnsf-scheduled-to-begin-in-september>

“We’re in the process of putting a \$3.4 million unit train siding on in N.A. junction. We’re going to send unit trains and only unit trains...” (That comment was for local consumption in the Eastern Colorado farm area.)

KCVN Colorado Pacific could connect before, and now will connect to class 1 rail lines at NA Junction with the more economical 110 car unit trains.

Their Protest on this Exemption is invalid, without basis, and should be rejected.

Thank you for the opportunity to comment.

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