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Re: Docket No. 36471, Colorado, Midland & Pacific Railway Company --Lease and Operation Exemption  
Containing Interchange Commitment-- Union Pacific Railroad Company

ENTERED

Office of Proceedings

January 21, 2021

Part of

Public Record

To: Cynthia Brown,

CC: Parties of Record

I am writing to you today to express concerns about Colorado Midland and Pacific Railway's application for an exemption of Board approval for the lease and operation of 163.1 miles of the Tennessee Pass Rail line. As a whitewater paddler, I am gravely concerned about the impacts to the recreational, scenic and natural values of the Arkansas River, especially as it flows through Browns Canyon. As Colorado's newest national monument, Browns Canyon exemplifies Colorado's recreational and conservational ethos. The operation of this line would have devastating impacts on a robust recreation economy and tourism throughout the Arkansas Valley.

The notice of exemption contains what I believe to be false or misleading information. Previous applications for operation of this dormant line identified annual operating costs between Parkdale and Dotsero to be \$5.7 million. Colorado Midland and Pacific Railway (CMPR) have claimed annual revenues would not exceed the \$5 million threshold; conveniently, exceeding this threshold would make their operations ineligible for exemption. Even if prior estimations were off by a magnitude of \$1 million, CMPR's operations would fail financially. The rehabilitation of the line which has not had any train activity in 24 years would cost tens of millions of dollars alone. That would result in decades of operation to recoup those reclamation costs.

Additionally, the same application states CMPR is leasing tracks from Union Pacific for continued use while simultaneously identifying that the tracks have seen no traffic in over 20 years. The confidential nature of this lease agreement and misleading information in the exemption notice alone exceed the standard of "routine" and "non-controversial" required by this process. The impacts to local communities and their economies will no doubt raise controversy.

I request you deny the Colorado Midland and Pacific Railway this exemption on the grounds that it does not meet the requirements of the exemption process, it contains false and misleading information, and is not in the public interest.

Sincerely,

Michael Smith

Salida, CO