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

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

Ms. Brown:

The board of the Collegiate Peaks Chapter of Trout Unlimited is writing to express our opposition to the Lease and Operation Exemption requested by Rio Grande Pacific Railroad (RGP) for its subsidiary, Colorado Midland and Pacific Corp. (CMP). We believe that the proposed transaction is neither “routine” nor “noncontroversial” and, therefore, does not qualify for an exemption. It will have a huge negative effect on the human and natural environment and a negative effect on energy conservation.

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 starting in Leadville to Parkdale. Much of the tracks in question run along the banks of the Arkansas River from Leadville to Parkdale, 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. Any reopening of the railroad should require studies on water pollution, soil pollution, changes in hydrology, noise vibration, and the effects of disturbance on wildlife including fish. A NEPA process and an Environmental Impact study done by EPA should be required.

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

Additionally, we 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.

Finally, 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, we believe CMP’s projected revenues are intentionally underestimated to avoid appropriate scrutiny and regulation.

We adamantly believe that the full EIS and NEPA processes should be followed to ensure safety and protect our environment.

Respectfully,

A handwritten signature in blue ink, appearing to read "Rick Helmick".

Rick Helmick, Vice President
Collegiate Peaks Chapter of Trout Unlimited
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970-769-0420

CC: Parties of record