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Queen and King Shoals
Save our Access (road)
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Ms. Cynthia T. Brown,
Chief Section of Administration Office of Proceedings Surface
Transportation Board
395 E Street, S.W. Washington, D.C. 20423

Re: Docket No. AB 1314X, The Elk River Railroad, Inc. –
Abandonment Exemption – In Kanawha & Clay Counties, WV

Dear Ms. Brown (STB):

I am commenting in reference to the above referenced
Abandonment Exemption. My comments also reflect the thoughts of
hundreds if not thousands of homeowners, property owners, gas
companies, water companies, electric companies, mail carriers and
service vehicles that transverse this long abandoned rail line.

It is my understanding that the Elk River Railroad currently has several leases along this abandoned rail line for road use. The DOT has one such 2-year lease in the Queen Shoals area that has existed for many years. They approached the railroad to build a flat surface road into this area that contains over 52 homes. Previously they accessed this through a dangerous road alongside the mountain which became too dangerous for passage and expensive to upkeep. The state abandoned this road, and its existence is barely recognizable today. Putting this access road seems monetarily prohibitive and obvious return the problem of safety for the residents of this area. A bus line runs along this paved road currently as well as mail service to each home. Service vehicles and county school buses use the current road daily. All these homes have 911 addresses as well as physical addresses.

We have been told in person and in writing that all such leases will expire in 90 days and other access will have to be procured. In the case of Queen Shoals the state will have to rebuild the county road.

King Shoals area has another similar lease for a county road and a cut through from said county road that also will be cancelled. In both these areas there is no room for a county road and the adjacent planned hiking and biking trail. In other words, all these property owners will lose access to their homes and properties. We all have 911 addresses and street addresses which will be of no use once our current access is blocked. This will cause problems health wise as well as insurability in the future. Also water lines, gas lines and electric lines have existing right of ways in both these areas. The question becomes how these companies will gain access to service such once vehicular traffic is banned from the planned hiking and biking trail becomes a reality.

The tax base will obviously take a hit as these properties will drop in market value considerably since they will now be land locked and useless. If homeowners do decide to stay, they will be forced to walk several miles to their homes. Many elderly people live along this future trail. The railroad has suggested they do like in the old days and “cross the river to get to our homes and property”. If that were even possible, I can foresee easement problems with property owners on the opposite side of the river.

Environmentally this will also raise concerns if these homes are abandoned what will become of the current septic systems left to leach into the Elk River which many communities including ours uses for the drinking water. Kanawha County and our nearby capital city in Charleston relies heavily on such resources. Last year there was a leak that caused many communities to go without out water and basically shut down.

In West Virginia 13,000 gas and oil wells have been abandoned and along the current railroad many speckle the landscape in both Kanawha and Clay counties. The gas companies use this railroad “road” to maintain their current lines as well as seal or remove these abandoned line and wells. They will no longer have access. 2 large pumping stations are also in jeopardy of losing access to their property. This will possibly cause loss of jobs, taxes and environmental concerns if these are abandoned.

Along this trail exists many gas lines that are not buried the required 6 inches. Plastic yellow lines transverse along the river currently as well as the adjacent hillside. Also, many abandoned pipes that are no longer used sit rusting into nature for many years to come. One such line which the gas company replaced last year, which they promised to come back and remove. The old line still sits prominently

just below the surface of the Elk River. The replacement line is 20 feet beneath the river now. I am told they will no longer have access to fix such environmental issues.

Several family cemeteries also exist along this rail line which will become landlocked once this abandonment is completed. From an historical standpoint this should have been addressed and was not. They only looked at it from a structural standpoint and not an adjacent historical prospective and it's affects. One of these cemeteries was just used in November to bury a local person's grandmother. Access will no longer exist. "Any person who wishes to visit a cemetery or private burial grounds for which no public ingress or egress is available shall have the right to reasonable ingress and egress for the purpose of visiting the cemetery or private burial grounds."

I don't wish to continue to beleaguer the board with more stories and concerns, so I will end with this. The abandonment and future intended purpose for this property will affect many lives in so many ways. Environmentally, health wise, socially as well as monetarily in the future. None of these homeowners or property owners have been notified by mail or e-mail as to this current proceeding. I am not sure where the public notices were sent or published except in one small town news service in Clay County. The Governor's response just 2 days ago was "They can't do that, that ain't right". If the governor did not know then how in the world did the railroad believe the property owners were aware? Please delay the proceedings so these obvious problems can be addressed and prolong the comment period so people can address their concerns now that they are aware of such proceedings.

Thank you for concern,

J David Morgan

Queen and King Shoals Save Our Access (road)

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