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

RE: Docket # AB13140 X The Elk River Railroad, Inc.--Abandonment Exemption--in Kanawha and Clay Counties, WV

Dear Ms Brown (STB):

I have been a permanent resident of Clay County, WV for 12 years. Have paid taxes on home and personal property to the County of Clay for all of these years. My sister and I purchased lots in 2008 on the Elk River along the old railroad bed because we wanted to retire near where we grew up. All the rails had been removed years ago, and the B&O Railroad had filed for "Abandonment" back in the 70s. Numerous people were already living along the old railroad. We had a title search done, and learned that a potential Right of Way issue would develop ONLY if the successors to the B & O (currently Elk River Railroad) decided to re-establish RAIL service. At that point, and probably earlier, it was evident that this would never happen. And, indeed, it did not, because it was not economically feasible.

The laws that allow railroads to maintain their rights of way, logically, were put in place for national security concerns, to assure availability for crucial transportation needs that might arise. The RR may consent or even participate in the sale of properties adjacent to the right of way. But if they subsequently sell or lease the ONLY access road to those properties for any purpose **other than railway service**, they are not in compliance with the intent of the law.

The Rails to Trails project will cut off motorized access for residents. This will not only deprive them of their assets, but of their actual homes. For years, these people have had both the implied and explicit permission of Elk River RR Co. to use the RR for access. I say "explicit" because, in one case, the ERR granted a written lease for a small cutoff road linking a paved lane to the RR bed. Additionally, the local residents have maintained the sections of road that they use to access their property. They have removed large fallen trees, rocks and debris from landslides (all of which are common occurrences). We have paid several thousand dollars over the past years to ditch, drain and gravel our section. To my knowledge, Elk River RR has never put a dime into maintaining the right of way. Any argument that the company wasn't aware of our using and maintaining the access road is simply ludicrous.

Hopefully the above will provide a little background and substance for my pleadings in this "impact letter". I am 71 years old and live alone off about \$1200 a month SS.

I spent about everything I had to build this small cabin for retirement years.

It is the only place I have, and there is no way I can afford to move. I literally will be made homeless. The notion that anyone could still live here without an access road is absurd. Sure we could "get a boat" as someone flippantly remarked. How heartless. We need vehicles to get to the grocery store, doctors office, etc. Where are we supposed to park these? What about delivery of propane, firewood, or other supplies by third parties? What if a water heater or refrigerator breaks. How do we get that replaced and transported to our house--by Boat or Bike? We have electric and water service, which requires meter reading every month. How are these people going to get here? There are abandoned oil wells that have been known to leak up in the hills above the RR, and the only access to do any clean up is by the RR bed. How will we access 911 service?. The negative effects of cutting off access by motorized vehicles are unfathomable.

My other sister whom I mentioned lives 2 lots down and is in pretty much the same situation as I, being that SS is her only income. She is 73 and cannot afford to move. I must also add that we have pets that are like family to us, many of them rescued strays that people dropped off. Therefore, we cannot just go rent somewhere. We don't have the money, anyway.

I cannot adequately explain the nightmare that we have been living through for the last year or so. None of us along the river has had any reliable information about the actual status of the bike trail and all its ramifications. Everything was just word of mouth. It was not for lack of trying, either. A number of concerned property owners, including myself, have tried to find someone or some source of authority to get accurate updates--all to no avail. I only found out about the need for this impact letter through my neighbor, and it may be close to the deadline.

Please, please consider the above issues, and possible alternatives or waivers for the trail. Possibly a separate 3-4' separate strip alongside the road for bikes. If the state can see fit to allow bikes on a "Share the Road" basis for primary traffic roads like Route 4 just across the river, surely an exception can be carved out for the residential strips along the RR bed. Any consideration and help you can give would be much appreciated.

Sincerely,
Katherine Stephenson,

CC: A. Rebecca Williams Attorney, The Elk River Railroad, Inc % Slovis and Loftis, LLC,
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