

301445

DK "Kirby" Wright

40 County Road 4

Howard CO 81233

ENTERED
Office of Proceedings
January 12, 2021
Part of
Public Record

January 12, 2021 E-FILED

Cynthia Brown Esq.

Chief, Section of Administration Surface Transportation Board Office of
Proceedings

395 E Street, SW

Washington, DC 20423

Re: Docket No. FD 36471, COLORADO, MIDLAND & PACIFIC RAILWAY
COMPANY--LEASE AND OPERATION EXEMPTION CONTAINING
INTERCHANGE COMMITMENT-- UNION PACIFIC RAILROAD
COMPANY

Ms. Brown:

My home and property in Howard, Colorado as well as the entire community and the environment would be drastically affected by any attempt to resurrect a long dormant rail line. It has not been operated for over twenty years and was presumed dead. The decrepit tracks supporting the proposed new rail traffic parallel the beautiful Arkansas River. Over the last two decades this land has experienced increased human population and vastly increased recreational use. It is home to ranchers, farmers, and retirees. The river and the old rail traverse the Arkansas Headwaters Recreation Area, the Bighorn Sheep Canyon, and the recently created Brown's Canyon National monument and national wilderness study areas. These are people's sanctuaries where they seek quiet and contemplation.

Much has happened in the two decades since trains last ran through the pristine Arkansas River Valley where I live. Let me mention just a few important developments:

- A Bald Eagle habitat evolved in the Valley from Coaldale to Salida. The Eagles live and hunt along the Arkansas River which flows immediately adjacent to the decayed rail line. Their habitat would unquestionably be disrupted by the intrusion of the massive track rehabilitation construction effort and the subsequent daily noise, vibration and exhaust contamination attendant to rail traffic. I believe it is imperative that an environmental study be performed to gage the potential impact to this treasured bird's habitat
- For nearly fifty miles the rail, like the river, bisects the phenomenal Bighorn Sheep Canyon home to our revered state animal. Through the years of the track's induced coma, the sheep have grown beyond bold and are now comfortable descending the rocky cliffs to graze on the weeds and grasses growing between and along side of the rails. They literally follow the rails for food and they frequently cross the tracks in that pursuit. They have adjusted to decades of access. Running trains would not only disrupt their habits and habitat, it would subject them to risk of death as they cross the tracks to graze. The likely impact to this treasured herd must be studied as well as the impact to the deer, bear, horses and cattle that have, over the decades, learned it was safe to cross the tracks to drink in the river.
- Other wildlife abounds on under and near the long unused tracks. For example, on my property, we were thrilled to watch a Great Horned Owl build a nest, lay and hatch eggs and raise young owls on a girder supporting an aged train trestle. That would longer happen if trains run again as the trestle would surely need to be rebuilt and the train traffic would scatter all wildlife seeking shelter.
- In 2014, over 100 miles of the Arkansas River, just feet from the dormant tracks, were designated "Gold Medal" trout fishing waters by the Colorado Wildlife Commission. This world class fishery draws multitudes of fisher folks some in rafts but most on foot walking the river's banks. To do so, they often cross the tracks by the hundreds on any day. The tracks are not fenced. No barriers keep unwary fisher folks, hikers, rafters, mountain bikers or nature lovers safe from the train tracks that they have learned not to fear. It would no doubt take deaths to instill that fear and disrupt human and wildlife access. Is that not worth a study?

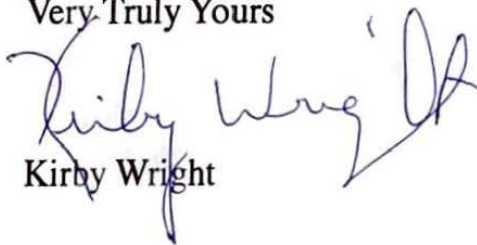
- The decades of abandonment have created serious issues of property rights along the tracks. I bought my property in 2009. While the tracks run through a portion of it, no easement or interest of any kind is recorded against my land by a railroad entity. I believe I own the land under the tracks and that any unrecorded railroad easement evaporated as the prescriptive period for easement abandonment has run. I will not allow trespassers on my property. Others believe the same with respect to their property.
- The dilapidated infrastructure and appurtenances necessary to run trains on this track cannot be fixed without a monumental investment in an environmentally intrusive process. Years ago, all electrical wires were removed and power poles felled for salvage. Nothing exists in the way of the old switching infrastructure. The track is grossly overgrown. Tunnels are in disrepair, culverts are fouled, trestles must be reengineered to assure they can carry the loads. Admittedly, I am a layman on these issues, but I believe it is fantasy at best and gross misrepresentation at worst to say this line can be rehabilitated for just over \$5,000,000. The actual cost to repair these tracks would doom from the start a company that barely expects to make even \$5,000,000 in gross annual revenue from a business model that has repeatedly failed in this state.
- As the population and recreational use has grown along the line, so has the use of the Fremont and Chaffee County Colorado rural roads. For example, near my home Fremont County Road 45 parallels the tracks for miles and is easily accessible from the main route, highway US 50. The train racers and tourists who will flock to run with the proposed slow moving trains will traverse these roads and greatly increase reckless traffic. Roads like Fremont County 45 are uncontrolled. Intersections rarely have stop signs. Traffic signals aren't even conceptual. Accidents, serious accidents, will happen. Add to that probability, the fact that none of the rail crossings in the valley are controlled. The tracks have been mindlessly crossed by motorists for over twenty years. They don't even look for trains much less slow down. The absence of trains is the safety norm. Adding trains will create serious safety issues. My younger grandkids will no longer be free to walk unsupervised from the house to the river because they must cross the tracks on my property.

My oldest grandchild is twenty. Not in his lifetime has he had to deal with the fear of being struck by a train as he walks to the river to fish.

Finally, because no crossings are controlled, the trains will blow a deafeningly shrill whistle multiple times a day at intersections within literally a few feet of our homes in old Howard. Our property values will plummet. Our lives as we have known them for nearly a quarter of a century will be inalterably changed.

I apologize for my verbosity and I appreciate your attention. I urge you to require an exhaustive environmental study before considering this matter further. You can't shut down a rail line for over twenty years and then just "continue" to run it. You start over because all life along the decrepit alignment has dramatically changed.

Very Truly Yours

A handwritten signature in blue ink, appearing to read "Kirby Wright", with a large, stylized flourish extending from the end of the signature.

CC: Parties of Record