



BOARD OF
County Commissioners

CROWLEY COUNTY
603 MAIN ST. • SUITE 2
ORDWAY, COLORADO 81063

Phone (719) 267-5555 Ext. 2 • Fax (719) 267-3114

E1-21085
GARY GIBSON, DIST. 1

FRANK GRANT, DIST. 2

T.E. (Tobe) ALLUMBAUGH, DIST. 3

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

September 14, 2015

RE: Docket # AB 603 (Sub-No 4X) Environmental Assessment

Dear Sirs,

The Crowley County Board of Commissioners has reviewed the Environmental Assessment of August 28, 2015 concerning the V & S Railway, LLC Abandonment Exemption, Docket No. AB 603 Sub-No. 4X. We agree with the general finding, but would like to comment on several issues in the report.

As you can see from previous letters to the STB on this matter, both of which are enclosed, we have voiced concerns about several issues concerning the abandonment. The Environmental Assessment notes Kiowa County's specific requests about these issues on Page 3, and recommends that 6 conditions be imposed on any decision granting abandonment. The Crowley County BOCC fully supports the implementation of these conditions. However, we have some concerns about rail crossings that are not under the jurisdiction of the Colorado Public Safety Commission.

There are 2 crossings in Crowley County that service State highways on the V & S right of way, but there are another 35 county, municipal, or private crossing that need to be dealt with. The other counties and towns involved also have many crossings not on State highways that will need to be rehabilitated. It is unclear to us who has jurisdiction on these crossings in the abandonment proceedings. If the CPSC is not involved, this matter needs to be included in Condition 1 of the STB Environmental Assessment as to rehabilitation of crossings with a bonding requirement.

Inclusion of the 6 stated conditions in any abandonment decision is extremely important to all of the entities along the V & S right of way. The issues directly affect the public's health, safety and welfare, and are a severe financial concern for the counties, municipalities, and public involved.

Sincerely,

T.E. (Tobe) Allumbaugh

Frank Grant

Gary Gibson

CC: Kiowa County Commissioners; Otero County Commissioners

Enclosures (2)



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June 3, 2014

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

Re: AB603_3(X): V & S Railway, LLC – Abandonment

Dear Ms. Brown,

It has come to our attention that the V & S Railway has applied to abandon the railroad tracks from Eads, Colorado east to Towner, Colorado. They apparently have also applied for a discontinuance of service on the line from NA Junction east to Eads, Colorado. This, no doubt, is in preparation for their next application for abandonment. Their overall plan being to abandon and scrap the entire 122 mile route, running through the Colorado counties of Pueblo, Crowley, Otero and Kiowa.

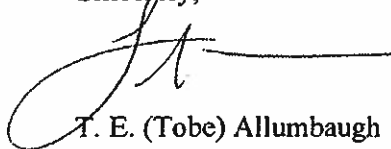
Although Crowley County would certainly prefer that another railroad obtain what is now owned by V & S, we certainly understand that the profitability of this section of track depends heavily on commerce originating from other areas. If the track has to be abandoned and scrapped, so be it. However, we understand V & S has not been a good neighbor in past abandonments and we are very concerned they will scrap the tracks and all of the other saleable materials and leave us high and dry. As such, we feel compelled to file a list of requirements that need to be met prior to allowing V & S to take their profit and escape, leaving our counties with the task of cleaning up a very expensive mess.

- There are nearly 100 railroad crossings that are currently falling apart due to lack of maintenance. These all need to be repaired now, as they are critical to the normal transportation flow. Once the tracks are removed, these crossings need to be reconstructed to match the existing road surfaces on both sides.
- V & S needs to survey the entire 122 mile corridor and provide plats to the counties being affected. Further, many section markers and bench marks are currently fixed on the rail line. These must be moved and reset to provide survey points for the future.

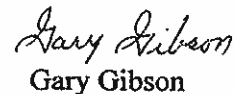
- Documentation regarding leases to towns and businesses must be provided to each of the counties.
- All structures of a historic nature must be preserved.
- All records regarding the railroad should be handed over to the impacted counties.
- In view of the past history of V & S Railway and their subsidiaries, we are very concerned that they will not comply with any of the requirements imposed. Rather, they will wiggle themselves down the quick and dirty path, leaving the impacted entities with a train load of insurmountable liabilities. As such, we strongly request that V & S Railroad be required to post a surety bond in the amount of \$5,000,000 to cover any costs associated with their performance or lack thereof.

Thank you in advance for assisting Kiowa County as the abandonment process proceeds, and in helping the counties of Pueblo, Crowley and Otero, when V & S determines it is our turn to face this very unpleasant demise of a piece of our history.

Sincerely,


T. E. (Tobe) Allumbaugh


Frank Grant


Gary Gibson

CC: Senator Michael Bennet
Senator Mark Udall
Congressman Cory Gardner
Kiowa County Commissioners
Pueblo County Commissioners
Otero County Commissioners
Bill Thiebaut, CDOT Comm. Region 2



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T.E. (Tobe) ALLUMBAUGH, DIST. 3

September 24, 2013

Lucille Marvin, Director
Surface Transportation Board, Rm 1202
395 E. Street, S.W.,
Washington, DC 20423-0001

Re: Docket # AB 603 (Sub-No. 2X)

Dear Sirs:

This letter is to notify you of several areas of concern regarding the abandonment of the Towner Railroad Line, owned by V & S Railway LLC, which runs through Crowley County, Colorado. Mitigating these issues is critical to the citizens of Crowley County and must become an integral part of the V & S abandonment plan.

At a minimum, the following areas of concern must be addressed:

All of the railroad crossings in the unincorporated areas of the county and in the towns of Sugar City, Ordway, Crowley and Olney Springs must be repaired with backfill and bituminous hot mix to ensure safe passage by all forms of vehicular traffic.

All drainage laterals and subsequent culverts/bridges/etc., must be repaired to ensure flooding does not occur in the future.

All utilities that cross the existing railroad line must be protected to ensure services exist after salvaging the line.

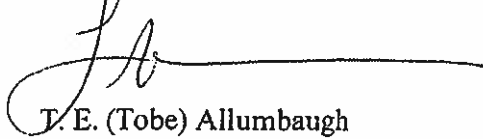
Weeds, trees, overgrowth and trash collecting in the right-of-way must be removed to mitigate the possibility of future wild fires

Crowley County objects to V & S Railway's claim that there are no Federal "Right-of-way grants.

We believe these issues are valid and appropriate and request they be entered into the record when considering V & S Railway's application for abandonment of the V & S Railroad Line.

Please advise if additional information is required.

Sincerely,

A handwritten signature in black ink, appearing to be 'T. E. (Tobe) Allumbaugh', with a long horizontal line extending to the right.

T. E. (Tobe) Allumbaugh
Chairman
Board of Commissioners

CC: CDOT