

Via Electronic Filing

October 31, 2013

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, S.W., Room 1034
Washington, D. C. 2004

235028
ENTERED
Office of Proceedings
November 1, 2013
Part of the Public Record

Re: STB Docket No. AB 1076X, Caddo Valley Railroad Company-
Abandonment Exemption-in Clark, Pike and Montgomery Counties, Arkansas
STB Docket No. AB 1076(Sub-No. 1X), Caddo Valley Railroad Company-
Abandonment Exemption-in Pike and Clark Counties, Arkansas.

Dear Ms. Brown:

Having read your decision on Oct. 25, 2013, I would like to add these comments:

1. The STB cites South Carolina Central Railroad--Abandonment Exemption---in Chesterfield & Darlington Counties, S.C., AB 312 (Sub-No. 3X)(STB served April 3, 2013). This referenced decision clearly identified a Potential Trail Use Group ("Friends") and stated that discussions/negotiations had been interrupted by the completion of an acquisition by a parent company.

No trail group has been identified.

Caddo Valley Railroad Company has not identified a Trail Group. In their request for extension of time to file Consummation dated 10/17/2013, Attorney James Smith stated on August 26, 2013, he had "*advised*" the Board that WCAPDD had elected not to pursue negotiations for interim trail use but that another group had *expressed interest* in pursuing negotiations for interim trail use though they were not ready to seek a NITU."

2. In Mr. Smith's closing paragraph, he stated, "CVRR desires that additional time be afforded in which a new NITU *may* be requested."

CVRR and this nameless, faceless, "Mystery Shopper" trail group has shown **NO** "good cause" for any potential late filed NITU should they decide to file one.

3. A potential Trail Use group must assume all managerial, tax, and legal responsibility for a right-of-way (16 U.S.C. 1247(d)).

Ms. Cynthia T. Brown
Page 2
Oct. 31, 2013

No one has taken any responsibility; nor does CVRR take any. I have personally contacted the President of CVRR. He states that he has no control; it is out of his hands and in the hands of his lawyer and the creditors, and he can do nothing. I personally sent a letter to Mr. James Smith attorney for CVRR about some concerns and who was responsible. I never received any correspondence back from Mr. Smith. As for the real estate taxes, the landowners have continually paid these over the years as CVRR had "Easement" only taken by Land Condemnation. I and my father before me have paid the taxes on this land since 1947; some landowners longer and some less, however CVRR has never paid the taxes.

4. In the Board's decision dated 10/25/2013 as on several such papers, I read the statement, " The decision will not significantly affect the quality of the human environment or the conservation of resources." I am unfamiliar with the legal terms so I "Googled". I finally found a definition; whether it is the STB's definition or simply the State of Wisconsin's version: "The 'Human Environment' means all conditions and influences, natural and artificial, which surround and affect all organisms, including people". (Wisconsin Legislature: TCS 12.02(1)(a).

The Board refers to landowners along the ROW as "Adjacent Landowners" but in my case and several of my neighbors, the ROW actually splits my farm with some land north and some south of the ROW. The ROW runs East and West thru the entire farm, taking over 6 acres of land and over 3/8 of a mile long allowing access for trespassers, vandals, and thieves. We patrol our farm at least twice daily. Persons on foot, 4 wheelers, and 4 wheel drive vehicles have come up the ROW. Many of which, or I should say most of which have gotten off the ROW and caused damage to hay crops and timber land. Many landowners have lost some property to thieves myself included. Our daily lives are affected greatly by this lack of control. When the Railroad was in operation, everyone knew to stay off the tracks or take a chance of getting run over by a train. Now, no one has control. Last Friday, Oct 25, 2013, a truck loaded with presumably stolen metal came up the right of way and went thru my neighbor's cattle pasture to reach the highway. He saw them but was unable to stop them. I hope they don't decide to start rustling cattle thru the open ROW. There has been an outbreak of cattle rustling as the price of cattle has increased. I suppose cattle would qualify as organisms. The extra work load of patrolling, fuel to patrol, and constant stress can greatly affect the health of persons with Coronary Artery Disease, High Blood Pressure, Diabetes, Cancer Survivors, etc.

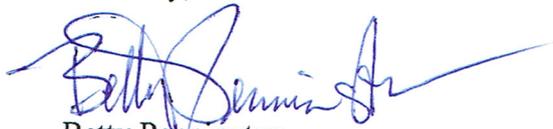
In closing, I would simply ask the Board to follow their own rules and procedures concerning timely filed Notice of Consummation and NITUs. The Board has stated the time for filing NITUs has expired over a year ago. I believe the honorable people who drafted and enacted 49CFR 1152.29 (and other laws) intended for them to be honored;

Ms. Cynthia T. Brown
Oct 31, 2013
Page 3

when it stated that a trail use request must be filed within 45 days from the date of the application for abandonment being published in the Federal Register, it meant just that; not 46, not 100, not 200, not 300, not 400, not 500, not 600 days, but **45 days** as specified in the law. If I calculated it right since 2012 was a leap year; this is day **664** on the petition proceedings and day **672** on the notice proceedings. It has been more than the **45** allotted days since Mr. James Smith announced in his letter and filing dated August 26, 2013 that there was perhaps another interested Trail Group.

Thank you for your time.

Sincerely,



Betty Pennington
PO Box 1348
Glenwood, AR 71943
cc: James Smith, Esq by email