



Donna Mullens &lt;donna.mullens@edcgov.us&gt;

**Fwd: New agreement**

1 message

Vickie Sanders <vickie.sanders@edcgov.us>  
 To: Donna Mullens <donna.mullens@edcgov.us>

Tue, Jun 19, 2018 at 2:28 PM

Sent from my iPhone

Begin forwarded message:

**From:** Don Rose <donofthedirt@yahoo.com>  
**Date:** June 19, 2018 at 2:21:10 PM PDT  
**To:** Michael Kenison <mikejken@yahoo.com>, Mike Bean <mike@rivervilla.com>, Sarah Henjum <cleosquared@msn.com>, Rick Kile <placerville.rick@gmail.com>, Bob and Jackie Kneeland <pvbandj@gmail.com>, Eileen Crim <eileenpcrim@gmail.com>, Jackie Neau <jackieno@gmail.com>, Vickie Sanders <vickie.sanders@edcgov.us>  
**Subject:** Re: Fwd: New agreement  
**Reply-To:** Don Rose <donofthedirt@yahoo.com>

Vickie, Jackie forwarded the most recent draft of the license agreement to me for review.

It looks like many of the issues have been addressed, but there are still a couple, as follow:

4.1.1 still obligates/requires the PSVRR to maintain the Railroad Facilities from Folsom all the way to Missouri Flat. It is now subject to the standards and permits required by El Dorado County, but PSVRR is still required/obligated to do maintenance in the entire portion of the corridor within El Dorado County. Do you really want them demanding to do work along the entire corridor in EDC?

4.3 Obliges PSVRR to clear all Obstructions, Derailments, and Wrecks all the way to Missouri Flat, even if the wreck or derailment involves EDW equipment. Better to limit this to the License Property, which stops at the county, or within El Dorado County only where the PSVRR is allowed to operate special events.

4.4.2 Allows PSVRR to repair damage caused by flood or other acts of God all the way to Missouri Flat. Under this provision, they could fix the washout without getting your permission. This should be limited to the License Property, which stops at the county line, or all such repairs should be subject to approval by El Dorado County.

The main problem with all of the above-cited sections is that they apply to the "Railroad Facilities" which is defined in section 1.10 as all track and other railroad assets within the "Rail Corridor" which is defined in section 1.9 as extending from the Folsom Wye to Missouri Flat Road.

Also, PSVRR's current operations are not in compliance with the draft license agreement, Attachment A defines Operating Segment 5 as extending from the County Line to Latrobe, and only for the use of light equipment for special events only, subject to written approval by El Dorado County. PSVRR is now doing 12 runs per month to the washout and back, which is in Segment 5. These are not special events - they are ordinary operations for an excursion railroad. The dictionary defines "special" as "distinguished or different from what is ordinary or usual." Exhibit A even gives examples of special events, including such annual events as the handcar derby, railfest, and Oktoberfest. In the past, their runs in EDC were limited to the monthly pancake breakfast runs and an occasional special event. PSVRR is now justifying 12 runs per month to the washout with donations to the Latrobe school and fire district, but that is obviously a thin pretext to force El Dorado County to accept their massive expansion of operations, which does not represent the "Status Quo."

Finally, Exhibit A still includes "construct a service/storage facility south of White Rock Rd," I suspect they want to build it at Latrobe, so that should also be moved to the last section requiring approval by the EDC BOS.

Thank you for your work in this. Sorry it's taking so much of your time.

Don Rose

*Live to Ride. Ride to Live.*