

LAW OFFICE
THOMAS F. McFARLAND, P.C.
208 SOUTH LASALLE STREET - SUITE 1666
CHICAGO, ILLINOIS 60604-1228
TELEPHONE (312) 236-0204
mcfarland@aol.com

ENTERED
Office of Proceedings
September 14, 2020
Part of
Public Record

September 14, 2020

By e-filing

Ms. Allison C. Davis, Director
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

Re: Finance Docket No. 36284, *Seven County Infrastructure Coalition—Construction and Operation—in Utah, Carbon, Duchesne, and Uintah Counties, UT*

Dear Ms. Davis:

Pursuant to 49 C.F.R. § 1114.6, this is a request on behalf of Argyle Wilderness Preservation Alliance (the Alliance) that the Board take notice of its determination, in Docket No. FD 36025, *Texas Central Railroad and Infrastructure, Inc., et. al -- Petition for Exemption -- Passenger Rail Line between Dallas and Houston, TX*, 2020 WL 4036897 (2020) that the Petition for Exemption in that case should be denied, and authority should be sought by means of a formal construction and operation application, because significant questions were raised concerning the financial feasibility of the proposed project, namely the increasing projected cost of the project and the funding sources for those costs (*Id.* at *12). That determination corroborates the Alliance's argument, set forth at pages 4-7 of the Alliance's Reply in Opposition to Petition for Exemption in the case under consideration.

It was not possible for the Alliance to bring that matter to the Board's attention in that Reply because the Texas Central Railroad decision was issued on July 16, 2020, after the filing of the Alliance's Reply on July 7, 2020.

WHEREFORE, the Board should take official notice as requested above.

Respectfully submitted,

/s/ Thomas F. McFarland

Thomas F. McFarland
*Attorney for Argyle Wilderness
Preservation Alliance*

TMcF:mg:enc:wp8.0\1858\efSTB4

cc: Kathryn K. Floyd, Esq., *kkfloyd@venable.com*
All parties of record
Mr. Darrell Fordham, *darrellfordham@hotmail.com*