

January 19, 2021

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423-0001

Re: *Colorado, Midland & Pacific Railway Company – Lease Exemption Containing  
Interchange Commitment – Union Pacific Railroad Company, STB Docket No. FD  
36471*

Dear Ms. Brown:

I am attaching for filing in the above-captioned proceeding the Notice of Intent to Participate and Petition for Stay of the Town of Avon, Colorado, and Eagle County, Colorado.

Thank you very much for your attention to this matter.

Sincerely,



Allison I. Fultz  
Counsel for Town of Avon and Eagle County

Enclosures

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**STB Docket No. FD 36471**

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**COLORADO, MIDLAND & PACIFIC RAILWAY COMPANY –  
LEASE AND OPERATION EXEMPTION CONTAINING INTERCHANGE  
COMMITMENT –  
UNION PACIFIC RAILROAD COMPANY**

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**NOTICE OF INTENT TO PARTICIPATE  
AND  
PETITION FOR STAY OF EFFECTIVE DATE OF NOTICE OF EXEMPTION**

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Communications with respect to this pleading  
should be addressed to:

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Counsel for Town of Avon and Eagle County

Dated: January 19, 2021

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**STB Docket No. FD 36471**

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**COLORADO, MIDLAND & PACIFIC RAILWAY COMPANY –  
LEASE AND OPERATION EXEMPTION CONTAINING INTERCHANGE  
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**NOTICE OF INTENT TO PARTICIPATE  
AND  
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The Town of Avon, CO (“Avon”), and Eagle County, CO (“Eagle County”), hereby submit this Notice of Intent to Participate in the above-referenced proceeding. Undersigned counsel is Avon’s and Eagle County’s representative for the purpose of receiving filings and copies of the Board’s decisions, orders and notices in this proceeding. Avon and Eagle County engaged counsel in the last week and respectfully seek this Board’s leave to late-file a reply in response to the Notice of Exemption filed by the Colorado, Midland & Pacific Railway Company on January 31, 2020.<sup>1</sup> As municipal entities located along a portion of the subject line, Avon and Eagle County seek the Board’s leave to allow communities affected by the proposed transaction the opportunity to respond to the Notice of Exemption.

In light of (a) the nearly three decades during which this line has been out of service, (b) the numerous comments in opposition to the Notice already in the Board’s docket, (c) allegations filed by Colorado Midland & Pacific Railway Company in this matter on January 8, 2021, relating to the substance of the contents of the Notice, and (d) the need for potentially affected communities to evaluate the transaction described in the Notice of Exemption, Avon and Eagle

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<sup>1</sup> Under the Board’s rules at 49 C.F.R. § 1104.13(a), the reply of Avon and Eagle County would be due today.

County request that the Board stay the effective date of the exemption. A stay will permit the Board and affected stakeholders to assemble a record to facilitate a thorough assessment of the Colorado, Midland & Pacific Railway Company's proposal. Avon and Eagle County reserve the right to file further pleadings relating to the appropriate scope of the Board's review in this proceeding.

Respectfully submitted,



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Counsel for Town of Avon and Eagle County

Dated: January 19, 2021

## **CERTIFICATE OF SERVICE**

I hereby certify that I have this day caused to be served a copy of the foregoing NOTICE OF INTENT TO PARTICIPATE AND PETITION FOR STAY OF EFFECTIVE DATE OF NOTICE OF EXEMPTION, upon the following parties of record in this proceeding by electronic mail:



Allison I. Fultz

Dated: January 19, 2021

## **PARTIES OF RECORD**

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