

May 7, 2021

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

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Office of Proceedings
May 7, 2021
Part of
Public Record

**Re: American Rocky Mountaineer, LLC—Petition For Exemption from 49 U.S.C. Subtitle IV,
Finance Docket No. 36468**

Dear Ms. Brown:

On May 4, 2021, the Board instituted a proceeding under 49 U.S.C. § 10502(b) in the above-referenced docket. The proceeding will address the request by American Rocky Mountaineer, LLC (“ARM”) for an exemption from all provisions of 49 U.S.C. Subtitle IV for which exemption is permissible for its operation of a luxury passenger rail excursion service between Denver, Colorado and Moab, Utah.

In its February 3, 2021 Petition, ARM requested expedited consideration, with a Board decision issued and effective by May 31, 2021, so that ARM could work smoothly towards commencement of service. Presently, ARM is hiring employees, booking passengers, and planning for equipment test runs. To date, ARM has booked approximately 5,700 passenger for this summer.

ARM still plans to commence operations this summer, but obviously can only do so with the Board’s exemption of its operations under 49 U.S.C. § 10901. Accordingly, if the Board cannot rule on the entirety of ARM Petition by May 31, ARM respectfully requests that the Board grant ARM a transaction/service exemption from 49 U.S.C. § 10901 to enter into an agreement with Union Pacific Railroad Company to operate the passenger rail excursion service between Denver, Colorado and Moab, Utah, as described on pages 2-3 of the ARM Petition, by May 31.

Respectfully submitted,



Kevin M Sheys
Hogan Lovells US LLP
Counsel for American Rocky Mountaineer, LLC

cc: All Parties on the Service List