

Town of Johnstown

305159

July 19, 2022

Ms. Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street S.W.
Washington, D.C. 70423-0001

ENTERED
Office of Proceedings
August 18, 2022
Part of
Public Record

Re: *Great Western Railway of Colorado, LLC—Abandonment Exemption—in Weld County, Colorado*
Docket No. AB-857(Sub No. 2)

Dear Ms. Brown:

This letter is filed on behalf of the Town of Johnstown, a home-rule municipality of the Counties of Larimer and Weld, State of, Colorado ("Johnstown"), because Johnstown is interested in transportation resources, utilities management and recreation. The Welty Line, owned by Great Western Railway ("GWRC"), is 6.2 miles long (a map is attached) and begins on the edge of downtown Johnstown, where it connects to the main line and rail yard of GWRC and runs generally southwest and then west until it stops in the middle of an agricultural field. The Welty Line was historically used to transport sugar beets for a sugar beet dump at the western terminus to the main line rail facilities in Johnstown, but has not been used for that purpose for many decades.

In 2008, GWRC filed a Notice of Exemption to abandon the Welty Line. At that time, Johnstown requested issuance of a Public Use Condition as well as a Notice of Interim Trail Use ("NITU") during that abandonment proceeding (a copy of the letter is attached hereto). The Board issued a NITU, but the negotiations did not continue after the initial negotiation period concluded in December of 2008.

Johnstown is aware that GWRC initiated the necessary procedures to again file for abandonment and has indicated that it is planning to file an additional Notice of Exemption (copy of letter attached). Johnstown is also aware that many property owners ("Landowners") adjoining the right-of-way along the Welty Line, almost all of whom live in Johnstown, have filed an Application for Adverse Abandonment.

The Community That Cares

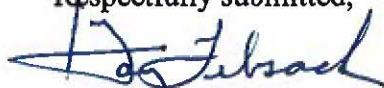
www.TownofJohnstown.com

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141

This letter advises that Johnstown supports any conclusion that results in the abandonment of the Welty Line, either through GWRC's Notice of Exemption or the Landowners' Application for Adverse Abandonment. Further, Johnstown states its willingness to become the Trail Operator if the Welty Line is railbanked under the Trails Act, including assumption of full financial responsibility for the Welty Line's management and indemnification of the railroad against any potential liability for public use of the right-of-way.

By my signature below, I certify service upon GWRC, to Karl Morell, Karl Morell & Associates, 440 First Street, NW, Suite 440, Washington, D.C. 20001, by U.S. Mail, Postage Prepaid, First Class, on July 19, 2022.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Gary Lebsack", written over a horizontal line.

Gary Lebsack, Mayor

Cc: Town Councilmembers
Matt LeCerf, Town Manager
Avi Rocklin, Town Attorney

Enclosures

The Community That Cares

www.TownofJohnstown.com

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO | F: 970.587.0141

May 20, 2008

Anne K. Quinlan, Esq.
Acting Secretary
Surface Transportation Board
395 E. Street, S.W.
Washington, DC. 70423-0001

Re: Great Western Railway Abandonment in Weld County, CO, STB Docket Number AB-857(Sub-No 1X)

Dear Ms. Quinlan:

This request is filed on behalf of the Town of Johnstown which is a Municipal Home Rule Corporation interested in transportation resources, utilities management and recreation, which is hereinafter referred to as "proponent".

While not taking a position on the merits of this abandonment, proponent requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between Mile Marker 0 and Mile Marker 4.5.

A. Public Use Condition:

Proponent requests the STB to find that this property is suitable for other public use, specifically trail use, but also potential water and sewer utility use and to place the following conditions on abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. The justification for this condition is that the rail corridor in question adjoins several existing and planned residential neighborhoods and public parks, and will connect these neighborhoods to the historic downtown. The corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the corridor is optimum for extension of public water and sanitary sewer mains. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time because we have not had an opportunity to assemble or to review title information, or to commence negotiations with the carrier.
2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time

period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Interim Trail Use:

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, Proponent also makes the following request:

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. § 1152.29, the Town of Johnstown is willing to assume full financial responsibility for management of, and to indemnify the railroad against any potential liability for public use of the right-of-way owned by the Great Western Railway, LLC.

The property, known as the Welty Branch extends from railroad milepost 00 near N. Parish Avenue to railroad milepost 4.5 near one-half mile west of I-25, a distance of 4.5 miles in Weld County, Colorado. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-857 (*Sub-no. IX*).

A map depicting the right-of-way is attached.

The Town of Johnstown acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon Great Western Railway, LLC, Karl Morell of Counsel, Ball Jank, LLP 1455 F Street, N.W., Suite 225, Washington, DC, 20005 by U.S. Mail, postage prepaid, first class, on May 20, 2008.

Respectfully submitted,

Town of Johnstown



Mark Romanowski, Mayor

Copy to:

Great Western Railway of Colorado, LLC

File

ENTERED
Office of Proceedings
April 6, 2022
Part of
Public Record

Karl Morell & Associates

440 1st Street, NW, Suite 440
Washington, DC 20001
(202) 595-9045
karlm@karlmorell.com

April 6, 2022

E-Filed

Ms. Danielle Gosselin
Director
Office of Environmental Analysis
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423

Re: STB Docket No. AB-857 (Sub-No. 3X), Great Western Railway
of Colorado, LLC -- Abandonment Exemption -- In Weld
County, Colorado

Dear Ms. Gosselin:

Attached please find the Environmental Report and Historic
Report in the above-captioned matter. Great Western Railway of Colorado,
LLC expects to file its Notice of Exemption in this matter on or shortly after
June 1, 2022.

Sincerely,



Karl Morell

Enclosures

Karl Morell & Associates
440 1st Street, NW, Suite 440
Washington, DC 20001
(202) 595-9045
karlm@karlmorell.com

December 28, 2021

Weld County Commissioners
P.O. Box 758
Greeley, CO 80632

**RE: Docket No. AB-857 (Sub-No. 3), Great Western Railway of Colorado,
L.L.C.—Abandonment Exemption—In Weld County, CO**

Dear Sir/Madam:

Great Western Railway of Colorado, L.L.C. ("GWRC") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about February 15, 2022, for GWRC to abandon and railbank its 6.2-mile line of railroad located between milepost 0.0, at Johnstown, and milepost 6.2, at Welty, in Weld County, Colorado. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on existing land use plans. We must determine whether the proposed abandonment is inconsistent with existing land use plans.

We would appreciate your review of the proposed railbanking abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

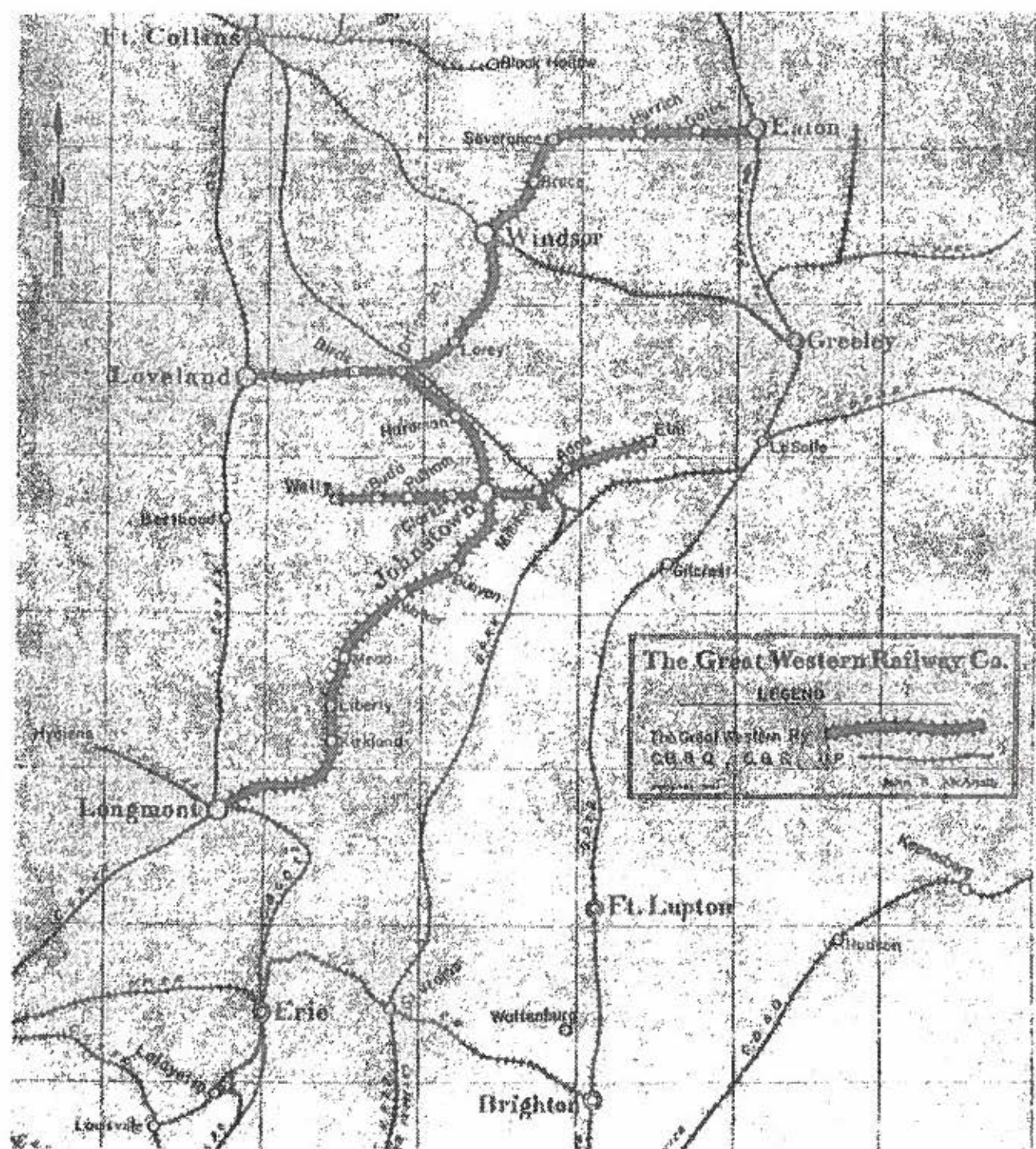
Sincerely,

Karl Morell

Karl Morell

Attorney for:

Great Western Railway of Colorado, L.L.C.



DATE FILED: August 18, 2022

CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2022, I served the foregoing documents, by e-mail or first-class, U.S. mail on the following:

Karl Morell
440 1st Street, NW, Suite 440
Washington, DC 20001

Katelyn S. Werner
555 Seventeenth Street, Suite 3400
Denver, CO 80202

Thomas S. Stewart
Stewart, Wald & McCulley
2100 Central Street, Suite 22
Kansas City, MO 64108

Chad Young
Mayor Pro-Tem
Town of Johnstown
450 S. Parish Ave
PO Box 609
Johnstown, CO 80534

Troy Mellon
Town Councilmember
Town of Johnstown
450 S. Parish Ave
PO Box 609
Johnstown, CO 80534

Jesse Molinar, Jr.
Town Councilmember
Town of Johnstown
450 S. Parish Ave
PO Box 609
Johnstown, CO 80534

Damien Berg
Town Councilmember
Town of Johnstown
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Johnstown, CO 80534

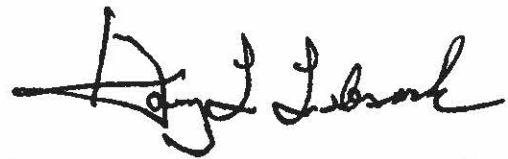


Dianne Morris
Town Councilmember
Town of Johnstown
450 S. Parish Ave
PO Box 609
Johnstown, CO 80534

Vanessa Dominguez
Town Councilmember
Town of Johnstown
450 S. Parish Ave
PO Box 609
Johnstown, CO 80534

Matt LeCerf, Town Manager
Town of Johnstown
450 S. Parish Avenue
PO Box 609
Johnstown, CO 80534

Avi Rocklin, Town Attorney
Town of Johnstown
Law Office of Avi S. Rocklin, LLC
1437 N. Denver Avenue, # 330
Loveland, Colorado 80538

A handwritten signature in black ink, appearing to read "Gary Lebsack". The signature is fluid and cursive, with a long horizontal stroke at the beginning.

Gary Lebsack, Mayor
Town of Johnstown