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BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-857 (SUB-NO. 2)

LANDOWNERS
– ADVERSE ABANDONMENT –
GREAT WESTERN RAILWAY OF COLORADO, LLC
IN WELD COUNTY, CO

REPLY

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Attorney for:
Great Western Railway
Of Colorado, LLC

Dated: October 14, 2022

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SURFACE TRANSPORTATION BOARD

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LANDOWNERS
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GREAT WESTERN RAILWAY OF COLORADO, LLC
IN WELD COUNTY, CO

REPLY

Great Western Railway of Colorado, LLC ("GWRC") hereby replies in opposition to the filings made by the Landowners¹ in this proceeding. On October 15, 2021, the Landowners filed with the Surface Transportation Board ("Board") a Petition For Partial Waiver. The Petition was granted in part by decision served February 11, 2022 (the "February 11 Decision"). On August 1, 2022, the Landowners filed an Environmental and Historic Report ("Initial Report"). By decision served September 7, 2022, the Board found the Environmental and Historic Report defective and held the proceeding in abeyance until 20 days after the Landowners filed a revised Report ("September 7 Decision"). On September 13, 2022, the Landowners filed a revised Environmental and Historic Report ("Revised Report"), which was supplemented on September 15, 2022 ("September 15 Supplement").

¹ The identity of the Landowners is unclear. In their Petition for Waiver, filed on October 15, 2021, the Landowners are identified as the 11 individuals set forth in Appendix 1 to the Petition. In the Application, initially tendered for filing on August 18, 2022, the Landowners are identified as the 27 individuals set forth in Appendix 1 to the tendered Application.

In their Petition for Waiver, the Landowners sought waiver of the requirement that they submit an environmental and historic report. In denying that request, the Board ordered the Landowners “to prepare and submit both an environmental and historic report if they intend to file an application” and serve those reports on appropriate agencies. February 11 Decision, at 6. Rather than prepare their own reports, as ordered by the Board, the Landowners simply misappropriated GWRC’s Environmental and Historic Reports in Docket No. AB-857 (Sub-No. 3X). The Board correctly noted that the Landowners’ attempted use of GWRC’s reports resulted in “confusing and what appears to be conflicting information’ regarding potential salvage of the line and the prospect of interim trail use/rail banking of the right-of-way.” September 7 Decision at 1.

The Revised Report, like the Initial Report, is defective. Anyone seeking to file an abandonment application must certify that it has consulted with all appropriate agencies in preparing its environmental report and that those “consultations should be made far enough in advance to afford those agencies a reasonable opportunity to provide meaningful input.” 49 C.F.R. § 1105.7(c). The Landowners have failed to comply with this requirement. The Revised Report is dated September 13, 2022. The eight letters purportedly sent by the Landowners to various agencies are also dated September 13, 2022. Consequently, the Landowners have not provided any agency a meaningful opportunity to provide input to the environmental report. Moreover, the Landowners have not served copies of the Revised Report on all of the agencies listed at 49 C.F.R. § 1105.7(b). The Landowners have also failed to comply with the requirements of 49 C.F.R. § 1105.7(d) since the Landowners failed to consult with any agency in preparing the Revised Report. Moreover, 49 C.F.R. § 1105.7 (e)(3)(i), (e)(3)(ii), (8), (9)(i), and

(9)(ii) require a response in the environmental report to be based on consultation with various agencies. The Landowners cannot comply with these requirements because they have failed to make any consultations. In addition, the Landowners have failed to comply with the requirements of 49 C.F.R. § 1105.11, since no transmittal letters were prepared or forwarded to the appropriate agencies.

The Landowners once again make significant and erroneous use of GWRC's Environmental and Historic Reports. For example, the Landowners submitted to the U.S. Fish and Wildlife Service correspondence between GWRC and that agency set forth in GWRC's Environmental Report. The environmental consequences of GWRC's previously planned abandonment and the Landowners' proposed abandonment are vastly different in at least two major respects. GWRC intended to keep the infrastructure in place whereas the Landowners are insisting that the line be salvaged. The Fish and Wildlife Service was concerned with any ground disturbance salvage operations will involve. The Landowners have failed to address the Fish and Wildlife's concerns. Also, GWRC was planning on railbanking the line whereas the Landowners are insisting that the Board not permit railbanking. The Colorado State Historic Preservation Officer determined that GWRC's planned abandonment would have no adverse effect on historic properties provided that GWRC remain committed to railbanking the line. September 15 Supplement. Since the Landowners are opposed to railbanking, their proposed abandonment presumably will have an adverse effect on historic properties.

The Landowners' Notice of Intent ("NOI") was filed on July 22, 2022, served on July 21, 2022, and published on July 24 and 31, 2022, and on August 7, 2022. Pursuant to the September 7 Decision, the Application was considered filed on October 5, 2022.

The Board's rules, however, require that the NOI be served not more than 30 days prior to the filing of the Application, be published within the 30-day period prior to the filing of the Application, and must be filed with the Board concurrently with service or when first published. *See* 49 C.F.R. § 1152.20 (b). The NOI does not comply with any of these time limits.² Also, the NOI is not in compliance with the revised notice of intent approved by the Board in the February 11 Decision.

Attached as Appendix 3 to the Application is a copy of the NOI as published in the Greeley Tribune. The published NOI is not even remotely close to the Notice of Intent approved by the Board in the February 11 Decision. Attached as Appendix 5 to the Application is a copy of the proposed Federal Register Notice. Again, the proposed Notice is not in compliance with the Notice authorized by the Board in the February 11 Decision. For example, the draft notice does not include language relating to trail use.

The Application also does not contain the affidavit required by 49 C.F.R. § 1152.24(b). The Application contains a Certificate of Service alleging that the Application was served on August 18, 2022, on 15 named individuals or agencies, including counsel for GWRC. To date, the undersigned counsel has not received a copy of the Application by email or first-class mail. This raises the question of how many other individuals or agencies were not properly served!

In addition to the above, even if the Application were properly completed and filed, the relief sought remains inappropriate. On April 16, 2008, GWRC filed a Notice of Exemption to abandon its Welty Branch located between milepost 0.0, at Johnstown, Colorado, and milepost 6.2, at Welty, Colorado (the "Line" or "Welty Branch"). The

² Even if the Application were deemed filed on August 18, 2022, the Landowners would not have complied with the Board's time limits.

exemption became effective on June 5, 2008. By decision served July 29, 2008, the Board issued a NITU at the request of Johnstown for the Line. STB Docket No. AB-857 (Sub-No. 1X), *Great Western Railway of Colorado, LLC – Abandonment Exemption – In Weld County, Co* (no printed), served July 29, 2008. For reasons unknown to GWRC Johnstown decided not to enter into a railbanking agreement with GWRC. For several years, GWRC sought an alternative trail sponsor. Not having been successful, in 2014 GWRC notified the Board that it would not consummate the abandonment of the Line due to recent industrial expansion in the area.

In December 2021, GWRC once again started the abandonment of the Line in Docket No. AB-857 (Sub-No. 3X). As pointed out in its Environmental Report, filed with the Board on April 6, 2022, GWRC was planning again to file for abandonment authority because certain “Landowners’ are apparently seeking to file an adverse abandonment and salvage the Line. Consequently, GWRC is seeking abandonment authority so the GWRC can railbank the Line and preserve the corridor for future rail service.”

Shortly after completing its Environmental and Historic Reports, GWRC was contacted by G4 Energy, LLC (“G4”) about opening a new rail and transload facility on land adjacent to the Welty Branch. See Verified Statement of Guillermo Grossi-Roffi. According to G4, the site is ideally suited for its needs because it is located very near Interstate I-25 and adjacent to the Welty Branch. G4 expects to transload up to one million tons of product annually over the Welty Branch.

G4 has over 60 years' experience marketing in the energy industry. It provides wholesale refined products and crude oil in North America. G4 also works with agricultural partners to sustainably develop and provide renewable energy solutions.

GWRC has also been contacted by Rocky Mountain Transload, Inc. ("RMT") about opening a new transload facility adjacent to the Welty Branch at approximately milepost W5. RMT considers this site to be ideally suited for a transload because it is located very near I-25 and GWRC has direct access to Union Pacific Railway and BNSF Railway via the Welty Branch. RMT expects to ship up to 50,000 tons of freight over the Welty Branch. *See Verified Statement of Walter Sanders.*

RMT is a Colorado based rail transload and trucking company that distributes products throughout Colorado and the Rocky Mountain region. RMT also operates a logistics division and provides service and maintenance to the trucking industry. It serves six rail locations around Colorado.

GWRC has also been contacted recently by other firms seeking rail service on the Welty Branch. Should these discussions proceed beyond the preliminary stage, GWRC will provide supplemental information regarding these negotiations.

In addition, the standard governing abandonments is based on several factors which the Landowners have failed to satisfy. The statutory standard governing any application to abandon a line of railroad is whether the present or future public convenience and necessity require or permit the proposed abandonment. 49 U.S.C. 10903(e). The Board implements this standard by balancing the potential harm to affected shippers and communities against the present and future burden that continued operations could impose on the railroad and on interstate commerce. In adverse

abandonment cases, where the owning railroad opposes the abandonment, the noncarrier applicant has the burden of establishing that the public convenience and necessity require or permit the abandonment. *See Chelsea Property Owners – Aban. – The Consol. R. Corp.*, 8 I.C.C.2d 773, 778 (1992) (Chelsea), *aff’d sub nom. Consolidated Rail Corp. v. I.C.C.*, 29 F.3d 706 (D.C. Cir. 1994).

The function of the Board’s exclusive and plenary jurisdiction over abandonments is to provide the public with a degree of protection against the unnecessary cessation or obstruction of existing rail service. *See Modern Handcraft, Inc. --Abandonment*, 363 I.C.C. 969, 972 (1981) (“*Modern Handcraft*”). The Board has a statutory duty to preserve and promote continued rail service where the railroad has expressed and demonstrated a desire to perform operations and has taken reasonable steps to acquire traffic. *See Chelsea*, 8 I.C.C.2d at 779.

The record in this proceeding does not support the Landowners’ contention that the public convenience and necessity require or permit abandonment. The Landowners erroneously contend that the Line has not been used for regulated rail transportation for approximately 43 years and that there is no reasonable prospect for such use in the foreseeable future.

The Landowners, however, expressly acknowledge that the Line has been used on a number of occasions for the storage of railcars. “Transportation” subject to Board regulation specifically includes a railcar [49 U.S.C. 10102(9)(A)] and services related to a rail car, including “storage” of a rail car. [49 U.S.C. 10102(9)(B)]. The Landowners have conceded that the storage of loaded rail cars incidental to the transportation of property constitutes Board regulated transportation. Similarly, under the Board’s

governing statute the storage of empty rail cars also constitutes an essential transportation service. Absent the storage of empty rail cars on rail lines such as the Welty Branch, during downturns in rail operations, would bring the Nation's rail network to a standstill. Thus, the storage of empty rail cars constitutes an essential transportation function. Consequently, contrary to the Landowners' contention, GWRC has been performing Board regulated rail transportation in recent years.

The lack of current freight operations, however, is not sufficient grounds for granting an adverse abandonment. Under the public convenience and necessity standard, the Board must also consider the potential for future freight rail operations. *See* Docket No. AB 1071, *Stewartstown Railroad Company – Adverse Abandonment – In York County, PA* (not printed), served November 16, 2012, at 5. And as noted above, there is significant interest in future freight rail operations.

The Board's predecessor, the Interstate Commerce Commission ("ICC"), pointed out that any person may initiate an adverse abandonment, provided that the entity establishes a proper interest in the proceeding. *Chelsea, supra*, at 778. The Landowners argue that their interest in the right-of-way is not in dispute because, in a takings case pending before the Court of Federal Claims, the Department of Justice has stipulated that GWRC has only an easement in the right-of-way. The problems with the Landowners argument are several: Who are the Landowners in the Claims Court proceeding as opposed to the Landowners in this proceeding; this proceeding is not the same as the one in the Claims Court; and GWRC has not conceded that the Landowners in this proceeding have a proper interest in initiating an adverse abandonment case before the

Board. In other words, the Landowners have failed to demonstrate that they have a proper interest in this proceeding.

In any event, the Board has consistently denied adverse abandonment applications where, as here, there was a potential for continued operations and the carrier has taken reasonable steps to attract traffic. *Chelsea, supra*, at 778; *Western Stock Show Assn. – Aban. Exemption – In Denver, CO*, 1 S.T.B. 113, 131 (1996); STB Docket No. AB-33 (Sub-No. 183), *Salt Lake City Corporation – Adverse Abandonment – In Salt Lake City, UT*, (not printed), served March 8, 2002. GWRC has been actively seeking new business for the Welty Branch and in the Verified Statements of Messrs. Grossi-Roffi and Sanders presents evidence of potential new shippers and new uses for the Line.

The adverse abandonment applications granted by the ICC are readily distinguishable from this proceeding. In *Fore River RR. Corp. – Discon. Exempt. – Norfolk County, MA*, 8 I.C.C.2d 307 (1992), the ICC granted discontinuance authority because the lessee had shown a consistent pattern of failing to meet its obligations to its shippers, employees and lessor. In *Modern Handcraft*, the ICC granted an adverse abandonment because the carrier had made no serious effort to solicit traffic or reinstitute rail service. In *Chelsea*, the adverse abandonment was granted because the ICC found that there was no possibility of restoring rail service. In STB Docket No. AB-1014, *Denver & Rio Grande Railway Historical Foundation – Adverse Abandonment --- In Mineral County, CO* (not printed), served May 23, 2008, at 16, the Board found that “there is no realistic potential for freight rail service....”

The management of GWRC has retained the Welty Branch, and foregone the opportunity costs of salvaging the Line, because it has been convinced that the area

surrounding the Line would experience industrial development requiring rail service. While it has taken longer than expected, management's expectations are finally coming to fruition as demonstrated in the attached Verified Statements and the fact that other entities have expressed an interest in rail service on the Welty Branch.

In contending that no overriding federal interest exists in preserving the Welty Branch, the Landowners totally ignore the statutory standard of whether the *future* public convenience and necessity requires or permits the proposed abandonment. The Landowners should not be surprised that GWRC is in discussions with firms seeking rail service on the Welty Branch. Counsel for GWRC informed two of the Landowners' attorneys on separate occasions that GWRC was withholding the filing of its abandonment Notice because GWRC was in active negotiations with prospective customers. Rather than await the outcome of these negotiations, the Landowners decided to file their meritless Application even though one of the Landowners' attorneys apparently agrees with GWRC's position in this proceeding. In a Reply filed with the Board on November 4, 2004, in STB Docket No. AB-882, *Minnesota Commercial Railway Company – Adverse Discontinuance – In Ramsey County, MS, at 5*, Mr. Thomas McFarland stated that an “adverse abandonment has consistently been denied where the rail carrier operating the line has expressed a desire to continue operations and has taken reasonable steps to acquire traffic.”

In 1988, the ICC noted that:

“the railroad has expressed its confidence in the availability of future traffic and has submitted evidence to support that confidence. It has also chosen to forego any opportunity costs that it may incur in continuing to operate the line. We are reluctant to substitute our judgment for that of the railroad on these issues. More importantly, there is nothing in the rail

transportation policy that directs the Commission to force an abandonment because the line may be presently unprofitable. *** A railroad may have good business reasons for continuing an unprofitable service, *i.e.*, it may anticipate increasing traffic and future profits.

Finance Docket No. 31303, *Wisconsin Dept. Of Transp. – Aband. Exempt.* (not printed), served December 5, 1988.

In STB Docket No. AB-124 (Sub-No.2), *Waterloo Railway Company -- Adverse Abandonment – Lines of Bangor and Aroostook Railroad Company* (not printed), served May 3, 2004, at 6, the Board observed:

Because of the strong statutory and Board policies favoring the preservation of rail-to-rail competition and the provision of adequate service for shippers, the Board will not deprive [the shipper] of the availability of rail service options that it already has absent a very strong showing that such action is in the public interest. In particular, the [trustee] has the burden of proving that the benefit of the existing competitive service option available to the [shipper] from [the carrier] is outweighed by other harms.

The Landowners erroneously contend that “it is and will be close to impossible and cost prohibitive to ever reinstate rail service in the future....” Application at 15. Since being contacted by entities seeking rail service on the Welty Branch, management of GWRC has estimated that it would cost approximately \$1 million to repair the entire Line. While a substantial sum for a shortline railroad, it is not cost prohibitive given the significant interest in reinstituting rail services on the Welty Branch. Attached is the Verified Statement of Zachary Vallos describing the rehabilitation activities being performed by GWRC on the Welty Branch. For example, GWRC is replacing 4,000 crossties, installing 4,500 tons of ballast and surfacing 31,680 track feet.

The Landowners cite to a filing by the Town of Johnstown in this proceeding claiming that Johnstown supports the abandonment of the Line. Johnstown's support, however, appears premised on its desire to railbank the Line. The Landowners, however, have specifically asked the Board to waive the railbanking provisions in this proceeding.³ It is, therefore, questionable whether Johnstown fully supports the Landowners' adverse abandonment.

The Board has a statutory duty to preserve and promote continued rail service where, as here, the rail carrier desires to continue operations and has taken reasonable steps to acquire traffic. The National Trails Systems Act, 16 U.S.C. 1247(d), "is the culmination of congressional efforts to preserve shrinking rail trackage by converting unused rights-of-way to recreational trails." *Preseault v. ICC*, 494 U.S. 1, 5 (1990). Under the Trails Act, the Board must "preserve established railroad rights-of-way for future reactivation of rail service" by prohibiting abandonment where a trail sponsor offers to assume certain statutory obligations. *See* 16 U.S.C. 1247(d). Interim trail use necessarily conflicts with any reversionary rights of adjacent land owners which, of course, is the very purpose of the Trails Act. Moreover, the Trails Act applies to all abandonment filings under 49 U.S.C. 10903, including adverse abandonment applications. *See Rail Abandonments – Use of Rights-Of-Way As Trails*, 2 I.C.C2d 591, 600 (1986).

³ According to the Landowners, getting their land back and putting it to productive use is a fundamental tenet of property law and arguably the most basic and most important aspect of the law of the land. GWRC has a property right in the Welty Branch and seeks to put the Line to productive use as a rail line. Arguably, GWRC's intended use is a more important aspect of the law of the land.

The Application is voluminous but consists primarily of photographs of the Welty Branch. These photographs demonstrate essential three matters: (1) contrary to the Landowners' contention, the area surrounding the Welty Branch has not changed from a primarily agricultural use to a primarily residential development, the Line traverses mainly rural farmlands; (2) significant portions of the right-of-way appear in fairly decent condition; and (3) it appears that some Landowners are trespassing on the Line.⁴

Under 49 U.S.C. 10903(d), the Board must consider whether the abandonment of the Welty Branch would have a serious, adverse effect on rural and community development. The Landowners have failed specifically to address the effect of the requested abandonment on rural and community development. GWRC maintains that preservation of needed rail service over the Welty Branch will benefit rural and community development and interstate commerce in general.

As demonstrated above, the Landowners have failed to demonstrate that the present or future public convenience and necessity require or permit the proposed abandonment. Consequently, the Application should be denied. GWRC respectfully urges the Board to deny the Application as expeditiously as possible. GWRC was reluctant to incur the \$1 million expense of repairing the Welty Branch while an application for adverse abandonment, as meritless as it may be, is pending before the Board. Nevertheless, because of the substantial interest that has been expressed in rail service over the Welty Branch and given

⁴ Trespassing on railroad property is a crime. In Colorado, penalties for criminal trespass can result in as much as three years in prison and \$100,000 fines.

the growth of northern Colorado and the resultant need for rail service in the area,
GWRC has decided to commence the rehabilitation of the Welty Branch.

Respectfully submitted,

A handwritten signature in dark ink that reads "Karl Morell". The signature is written in a cursive, slightly slanted style.

Karl Morell
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440 1st Street N.W., Suite 440
Washington, D.C. 20001
(202) 638-3307

Attorney for:
Great Western Railway
Of Colorado, LLC

Dated: October 14, 2022

cc: All parties of record



August 24, 2022

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

Re: Docket No. AB-857 (Sub No. 2), Colorado Landowners — Adverse Abandonment — Great Western Railway of Colorado, LLC In Weld County, Colorado

Dear Ms. Brown:

G4 Energy, LLC ("Company") is submitting this verified statement in opposition to the Adverse Abandonment Application filed with the Board by the 27 Colorado Landowners ("Landowners").

G4 Energy is currently in active discussions with the Great Western Railway of Colorado ("GWRC") about opening a new rail and transloading facility on land adjacent to its Welty Branch at approximately milepost W5. This acreage is ideally suited for a rail and transloading facility because it is located very near Interstate 1-25 and adjacent to GWRC's Welty Branch. Also, GWRC has direct access to interchanges with both Union Pacific Railway and BNSF Railway. G4 Energy expects the site could receive and transload up to one million tons of product annually via the Welty Branch.

Accordingly, G4 Energy strongly encourages the Board to expeditiously deny the Landowners' Application.

G4 Energy, LLC

A blue ink signature of Guillermo Grossi-Roffi, written in a cursive style, positioned over the company name.

Guillermo Grossi-Roffi | President/CEO

VERIFICATION

STATE: Colorado

COUNTY OF Denver

I, Guillermo Grossi-Roffi, President/CEO for G4 Energy, penalty of perjury that I am familiar with the facts that they are true and correct to the best of my qualified and authorized to file this Verified Statement.

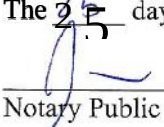
Executed on this 26 day of August, 2022.

G4 Energy, LLC


Guillermo Grossi-Roffi | President/CEO

Subscribed and sworn to before me

The ~~2nd~~ day of August,


Notary Public

JULIE WEIMAN NOTARY PUBLIC STATE OF COLORADO
NOTARY ID 20024006296 MY COMMISSION EXPIRES 04/12/2026



October 3, 2022

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

Re: Docket No. AB-857 (Sub No. 2), Colorado Landowners — Adverse Abandonment —
Great Western Railway of Colorado, LLC In Weld County, Colorado

Dear Ms. Brown:

Rocky Mountain Transload, INC. (RMT) is submitting this verified statement in opposition to the Adverse Abandonment Application filed with the Board by the 27 Colorado Landowners ("Landowners").

RMT is based in Colorado and provides rail transload and trucking services throughout Colorado and the Rocky Mountain region. RMT also operates a logistics division and provides service and maintenance to the trucking industry.

Rocky Mountain Transload INC. is currently in discussion with the Great Western Railway of Colorado ("GWRC") about opening a new transload facility on land adjacent to its Welty Branch at approximately milepost W5. This acreage is ideally suited for a transload site because it is located very near Interstate 1-25 and adjacent to GWRC's Welty Branch. Also, GWRC has direct access to interchanges with both Union Pacific Railway and BNSF Railway. Rocky Mountain Transload, INC. expects the site could receive or ship up to 50,000 tons of product annually via the Welty Branch.

Accordingly, Rocky Mountain Transload, INC. strongly encourages the Board to expeditiously deny the Landowners' Application.

VERIFICATION

STATE Colorado

) SS

COUNTY OF ADAMS)

I, Walter Sanders, President for Rocky Mountain Transload INC hereby verify under penalty of perjury that I am familiar with the facts in the foregoing Verified Statement and that they true and correct to the best of my knowledge and believe. Further, I certify that I am qualified and authorized to file this Verified Statement.

Executed on this 3 day of October, 2022.



(Name)

Subscribed and sworn to before me

The 3RD day of OCTOBER



, 2022.

Notary Public

MARGARET DURAN

MARGARET DURAN

Notary Public

State of Colorado

Notary ID # 20084006441

My Commission Expires 02-24-2024

VERIFIED STATEMENT
OF
ZACHARY VALLOS

My name is Zachary Vallos. I am employed by OmniTRAX, Inc. ("OmniTRAX") in the capacity of Vice President, Engineering and Infrastructure. My office is in Denver, Colorado. I have been employed by OmniTRAX since December 2012, and have occupied my present position since September, 2021. I have been in the rail industry since 2007.

I am familiar with the Great Western Railway of Colorado (the "GWR"), and specifically the Welty Line branch of the same which runs from MP 0.0 to MP 6.2 (the "Welty Line"). In the course of my duties I have been tasked with scoping a rehabilitation of the Welty Line based upon recent interest from multiple parties to store and/or transload on the Welty Line or land adjacent thereto.

As such we will be performing the following work to ensure the Welty Line is sufficient to accommodate such rail traffic in the near future:

- Replacement of 4,000 crossties, installation of 4,500 tons of ballast, surfacing 31,680 track feet and associated drainage repairs along the line, replacement of 184 track feet of grade crossing, repairs to I turnout, and replacement of approximately 4,840 linear feet of rail.
- GWR has also been in collaboration with the Colorado Department of Transportation ("CDOT") and their contractors on the federally funded widening of the 1-25 bridge over the Welty Line as part of the 1-25 Express Lanes Segments 5 & 6 Package 4 (NHPP 0253-283 (24128)) to ensure continued GWR use of the Welty Line.

- Finally, GWR is collaborating with CDOT on a replacement of the crossing surface and installing crossing signals at Highway 60 (S. Ist Street).

Verification

I, Zachary Vallos, verify under penalty of perjury that I am Vice President, Engineering and Infrastructure for OmniTRAX, Inc., that I have read the foregoing document and know its contents, and that the same is true and correct to the best of my knowledge and belief.

Executed on October 10, 2022


Zachary Vallos

STATE OF COLORADO

CITY AND COUNTY OF DENVER)

On this 10th day of October 2022, before me personally appeared, to Zachary Vallos, to me personally known, who, being by me sworn, says that he has executed the foregoing Verified Statement on behalf of OmniTRAX, Inc. as its authorized Vice President, Engineering and Infrastructure.



Notary Public

[Notary Seal]

My commission expires: 9/18/2026

