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June 18, 2024
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BEFORE THE
SURFACE TRANSPORTATION BOARD

FD 36788

FRONT RANGE RAILROAD LLC
— OPERATION EXEMPTION —
IN ADAMS COUNTY, COLORADO

**VERIFIED NOTICE OF EXEMPTION OF
FRONT RANGE RAILROAD LLC
PURSUANT TO 49 C.F.R. PART 1150, SUBPART D**

Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, Illinois 60606-2832
rwimbish@fletcher-sippel.com
(312) 252-1500

**ATTORNEY FOR FRONT RANGE
RAILROAD LLC**

FEE RECEIVED
June 18, 2024
SURFACE
TRANSPORTATION BOARD

Dated: June 18, 2024
FILED
June 18, 2024
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**VERIFIED NOTICE OF EXEMPTION OF
FRONT RANGE RAILROAD LLC
PURSUANT TO 49 C.F.R. PART 1150, SUBPART D**

Front Range Railroad LLC (“FRRL”), a non-carrier, files this verified notice of exemption (the “Notice”) under 49 C.F.R. part 1150, subpart D, for authorization to operate as a common carrier over approximately 0.51 miles (roughly 2,700 feet) of currently non-federally-regulated trackage in Bennett, Adams County, Colorado (the “Track”). An unaffiliated non-carrier entity – Rail Land Company LLC (“RLCL”) – presently owns the Track. Upon FRRL’s commencement of common carrier operations pursuant to the Notice, FRRL would become a Class III rail carrier.

Concurrent to this Notice, entities that control FRRL – Patriot Rail¹ – are submitting a notice of exemption under 49 C.F.R. § 1180.2(d)(2) to continue in control of FRRL upon FRRL’s commencement of common carrier operations pursuant to this Notice.

Per 49 C.F.R. § 1150.33, FRRL submits the following information:

¹ *Patriot Rail et. al — Continuance in Control Exemption — Front Range Railroad LLC*, FD 36789 (STB filed June 18, 2024) 1 at n.1.

Name and Address of Applicant: 49 C.F.R. § 1150.33(a)

The full name and address of applicant is:

Front Range Railroad LLC
10752 Deerwood Park Blvd., Suite 300
Jacksonville, FL 32256

Applicant's Representative: 49 C.F.R. § 1150.33(b)

FRRL's representative to whom correspondence regarding this transaction should be sent is:

Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, Illinois 60606-2832
rwimbish@fletcher-sippel.com
(312) 252-1500

Statement Concerning Agreement: 49 C.F.R. § 1150.33(c)

FRRL and RLCL have entered into a Railroad Operating Agreement (the "Agreement") under which FRRL will undertake common carrier operations over the Track.

Operator of the Property: 49 C.F.R. § 1150.33(d)

FRRL will operate and provide rail common carrier service to customers on the Track and connecting ancillary (yard) trackage.

Summary of the Transaction: 49 C.F.R. § 1150.33(e)

The Track is part of an RLCL-developed and owned logistics complex at Bennett, in Adams County, Colorado, and presently consists of private industry track connecting to a line of the Union Pacific Railroad Company ("UP"). The Track has no mileposts, but the segment of trackage that is the subject of this proceeding extends about 0.51 miles (roughly 2,700 feet) at

Bennett from a point of connection with UP at UP milepost 613.81 and proceeds roughly eastward and then northward 0.51 miles to the main switch to an RLCL-owned yard facility that FRRL will operate over. See Map, Exhibit A. FRRL will provide common carrier service on the Track, which would constitute the entirety of its common carrier operations. See *Effingham Railroad Company – Petition for Declaratory Order – Construction at Effingham, Ill.*, FD 41986, 2 STB 606, 607 (1997); and *Effingham Railroad Company – Operation Exemption – Line Owned by Agracel Corporation*, FD 33468 (STB served Sep. 24, 1997), *aff’d United Transp. Union v. United States*, 183 F.3d 606, 614 (7th Cir. 1999).

The complete name and address of the owner of the Track is as follows:

Rail Land Company LLC
6200 South Syracuse Way, #450
Greenwood Village, CO 80111

FRRL intends to consummate the transaction on or shortly after the effective date of this Notice, currently anticipated to be July 18, 2024.

Map: 49 C.F.R. § 1150.33(f)

A map showing the Track and the surrounding area is attached as Exhibit A.

Certificate of Compliance: 49 C.F.R. § 1150.33(g)

FRRL certifies that its projected revenues will not result in it becoming a Class I or II carrier under *Indexing the Annual Operating Revenues of Railroads*, EP 748 (STB served June 29, 2023). See the Certification and Verification attached.

Interchange Commitments: 49 C.F.R. § 1150.33(h)

FRRL certifies that the Agreement with RLCL does not have an interchange commitment. See the Certification and Verification attached.

Advance Notice: 49 C.F.R. § 1150.32(e)

FRRL certifies that its projected annual revenue is not expected to exceed \$5 million. As such, the advance notice requirements of 49 C.F.R. § 1150.32(e) are inapplicable to this transaction. See the Certification and Verification attached. In any event, there are no affected railroad employees to whom advance notice might otherwise be required under 49 C.F.R. § 1150.32(e). *See Acquisition of Rail Lines under 49 U.S.C. 10901 and 10902 — Advance Notice of Proposed Transactions*, 2 STB 592, 602 (1997).

Environmental and Historic Preservation Data: 49 C.F.R. § 1105

The proposed transaction will not result in changes that exceed the thresholds established in 49 C.F.R. §§ 1105.7(e)(4) or (5). Accordingly, FRRL's proposed operation of the Track is exempt from environmental reporting requirements under 49 C.F.R. § 1105.6(c)(1)(i).

The proposed transaction is for the purpose of commencing common carrier operations over track where such service is not currently provided. Further Surface Transportation Board approval would be required to discontinue any service, and there are no plans to dispose of or alter properties subject to Board jurisdiction that are fifty years old or older. Thus, under 49 C.F.R. § 1105.8(b)(1), FRRL's assumption of operations on the Track also is exempt from historic preservation reporting requirements.

Caption Summary: 49 C.F.R. § 1150.34

A caption summary is attached as Exhibit B.

Respectfully submitted,

/s/ *R. A. Wimbish*

Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, Illinois 60606-2832
rwimbish@fletcher-sippel.com
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**ATTORNEY FOR FRONT RANGE
RAILROAD LLC**

Dated: June 18, 2024

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EXHIBIT A
MAP



FD 36788

**FRONT RANGE RAILROAD LLC
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EXHIBIT B

**DRAFT CAPTION SUMMARY/FEDERAL
REGISTER NOTICE**

SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

FD 36788

FRONT RANGE RAILROAD LLC
— OPERATION EXEMPTION —
IN ADAMS COUNTY, COLORADO

Front Range Railroad LLC (“FRRL”), a non-carrier, has filed a verified notice of exemption to acquire railroad service operating rights, and to operate as a common carrier, over about 0.51 miles (roughly 2,700 feet) of track (the “Track”) in Bennett, Adams County, Colorado, extending from a point of connection with UP at UP milepost 613.81 and proceeding roughly eastward and then northward 0.51 miles to the main switch to an RLCL-owned yard facility. The Track is currently owned by Rail Land Company, LLC, a non-carrier.

FRRL’s representative in this proceeding is Robert A. Wimbish, Fletcher & Sippel LLC, 29 N. Wacker Drive, Suite 800, Chicago, Illinois 60606-3208, 312-252-1500, rwimbish@fletcher-sippel.com.

FRRL expects to consummate the subject transaction and commence operations on the Line on or after the expected July 18, 2024 effective date of the present exemption.

Comments must be filed with the Board and served on:

Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, Illinois 60606-2832
rwimbish@fletcher-sippel.com
(312) 252-1500

This Notice is filed under 49 C.F.R. § 1150.31. If the Notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under

49 U.S.C. § 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

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CERTIFICATION AND VERIFICATION

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I, Brian Curden, certify and verify under penalty of perjury as follows:

1. I am the Secretary of Front Range Railroad LLC ("FRRL").
2. The annual rail revenues of FRRL are not expected to exceed \$5 million and will not result in FRRL becoming Class I or II rail carrier under the thresholds set forth at 49 C.F.R. § 1201(11).
3. FRRL will not be subject to any interchange commitments under the terms of the proposed transaction.
4. I have read the above notice of exemption and verify that the facts stated here are true to the best of my knowledge.
5. I am qualified and authorized to make the foregoing certifications and verifications on behalf of FRRL.



Name: Brian Curden
Title: GC

Dated: June 18, 2024