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309801

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Office of Proceedings
July 22, 2025
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Public Record

July 22, 2025

By E-Filing

Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423

Re: Docket No. AB-1344 – *Colorado Pacific Rio Grande Railroad LLC -
Abandonment Exemption – In Rio Grande County, Colorado*

Dear Ms. Brown:

Attached for filing in the referenced docket is an updated version of the Verified Notice of Exemption filed on July 1, 2025. This version corrects several instances where milepost 272.5 was inadvertently inserted instead of 272.75, and where the segment length stated 26.8 miles instead of 26.55. Pursuant to a request by Surface Transportation Board staff, it also clarifies that Colorado Pacific Rio Grande Railroad LLC intends to remove the track within its right-of-way upon the abandonment being consummated, but that the bridges and culverts along this segment will be left in place.

Also, a copy of this updated version of the Verified Notice has been served on all agencies who have previously received information concerning the Notice pursuant to the Board's regulations.

Respectfully submitted,

Thomas W. Wilcox
*Attorney for Colorado Pacific Rio Grande Railroad
LLC*

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB – 1344

**COLORADO PACIFIC RIO GRANDE RAILROAD LLC –
ABANDONMENT EXEMPTION – IN RIO GRANDE COUNTY, COLORADO**

**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 C.F.R. § 1152.50**

Thomas W. Wilcox
LAW OFFICE OF THOMAS W. WILCOX, LLC
1629 K Street NW, Suite 300
Washington D.C. 20006
(202) 508-1065
tom@twilcoxlaw.com

*Attorney for Colorado Pacific Rio Grande
Railroad LLC*

Dated: July 22, 2025

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB – 1344

**COLORADO PACIFIC RIO GRANDE RAILROAD LLC –
ABANDONMENT EXEMPTION – IN RIO GRANDE COUNTY, COLORADO**

**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 C.F.R. § 1152.50**

Colorado Pacific Rio Grande Railroad LLC (“CXRG”) hereby submits this Verified Notice of Exemption under 49 C.F.R. § 1152.50 for the abandonment of CXRG’s rail line (the “Line”) extending from Milepost (“MP”) 272.75 to MP 299.3, a distance of approximately 26.55 miles, in Rio Grande County, Colorado (the “Line”). A map showing the line to be abandoned is attached hereto as Exhibit A. The Line, which roughly runs from a point near Monte Vista, Colorado to a point near Derrick, Colorado, is a segment of the Alamosa Subdivision of CXRG’s system which, on information and belief, has not been used for rail service since 2007.

In accordance with the requirements of 49 C.F.R. § 1152.50(d)(2), CXRG submits the following information:

General Corporate Information: 49 C.F.R. § 1152.22(a)(1) - (2)

CXRG is a Class III common carrier by rail which owns or operates approximately 149.38 miles of rail line in central Colorado. CXRG’s rail lines were acquired in bankruptcy from the San Luis & Rio Grande Railroad, Inc. (“SLRG”) in 2022. Docket No. FD 36656, *Colorado Pacific Rio Grand Railroad, LLC – Acquisition and Operation Exemption Containing Interchange Commitment*,

San Luis & Rio Grande Railroad, Inc. (served January 5, 2022). The complete name and address of CXRG is:

Colorado Pacific Rio Grande Railroad LLC
601 State Avenue
Alamosa, Colorado, 81101-2619
(719) 587-0520

Relief Sought: 49 C.F.R. § 1152.22(a)(3)

Pursuant to the Board's class exemption for the abandonment of out-of-service railroad lines, codified at 49 C.F.R. 1152.50(d), CXRG seeks to abandon its line of railroad extending from MP 272.75 to MP 299.3, a distance of 26.55 miles, in Rio Grande County, Colorado. Upon the abandonment being consummated, CXRG intends to remove the track and related facilities and to leave the two bridges and culverts located along the right-of-way property in place.

Map: 49 C.F.R. § 1152.22(a)(4)

A map showing the location of the Line and its relation to other rail lines, highways and geographic features in the area is attached hereto as Exhibit A.

Applicant's Representative: 49 C.F.R. § 1152.22(a)(7)

Any correspondence regarding the proposed abandonment should be sent to CXRG's representative at the following address:

Thomas W. Wilcox
Law Office of Thomas W. Wilcox, LLC
1629 K Street NW, Suite 300
Washington, D.C. 20006
(202) 508-1065
tom@twilcoxlaw.com

ZIP Codes Traversed: 49 C.F.R. § 1152.22(a)(8)

The Line traverses zip codes 81154, 81132, and 81144, in Rio Grande County, Colorado.

Qualification for Class Exemption: 49 C.F.R. § 1152.50(b)

CXRG certifies that no local traffic has moved over the Line for at least two years and that no overhead traffic could be or was previously handled the Line, which terminates at Milepost 299.3. CXRG further certifies that no formal complaint by a user of rail service on the Line (or a state or local governmental entity acting on behalf of such user) regarding cessation of service on the line either is pending with the Board or any U.S. District Court or has been decided in favor of such complainant during the last two years. See Verification and Certification of Jason Jones, Chief Operating Officer of CXRG, attached hereto as Exhibit B.

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

CXRG intends to consummate the abandonment of the Line on or after September 21, 2025.

Suitability for Other Public Purposes: 49 C.F.R. § 1152.22(e)(4)

CXRG initially considered the possibility of the Line being converted to a multi-use trail pursuant to the National Trails System Act (the “Act”) and the Board’s regulations (*see* agency correspondence and Environmental and Historic Report attached as part of Exhibit D). However, after further consideration and input from affected parties,¹ CXRG no longer desires to pursue that possibility. Similarly, CXRG does not believe that the right-of-way is suitable for use for other public purposes.

Based on information in CXRG’s possession, the Line does not appear to contain any federally granted right-of-way. Additionally, in the course of preparing this Notice CXRG learned that its predecessor, SLRG, sold some of the land making up the right-of-way to adjacent

¹ *See, e.g.*, Exhibit F to this Notice, which is Resolution No. 2025-18, passed by the Board of County Commissioners of Rio Grande County on May 14, 2025, opposing the conversion of the Line to a public trail.

landowners. Specifically, in 2009 SLRG conveyed the land underlying the Line between MP 296+2815.05 and MP 299+1699.34 to an adjacent landowner. Later, in 2017, SLRG conveyed 3.60 acres of land located between MP 284.923 and MP 294.624 to another adjacent landowner. In each transaction SLRG retained a perpetual, exclusive easement to provide common carrier railroad service over the tracks located on the conveyed property. These easements were assigned to CXRG as part of its acquisition of the bankrupt assets of SLRG. The easement terms state that upon the STB entering “a final and non-appealable order” authorizing abandonment of the tracks, they shall be extinguished and the rights of CXRG in the property shall vest in the respective grantee, with CXRG being granted a period of time to remove the track and any other rail assets. CXRG does not have a position on whether these easements “would affect the transfer of title or use of the railroad right-of-way for other than rail purposes.” See §1152.22(e)(4).

Notice Requirements: 49 C.F.R. §§ 1152.50(d)(2), 1105.7(c)

A certificate that the agencies designated in 49 C.F.R. § 1152.50(d)(1) were served with written prefiling notice of the proposed abandonment is attached hereto as Exhibit C. Also attached as Exhibit E to this Notice is a certificate that the Environmental/Historic Report was served on the agencies designated in 49 C.F.R. § 1105.7(b), and that an appropriate notice following the Board’s template was published in a newspaper of general circulation in the county through which the line passes and is Attachment 2 to the certificate.

Labor Protection: 49 C.F.R. § 1152.50(d)(2)

The appropriate level of labor protection for the transaction proposed herein is that set forth in *Oregon Short Line R. Co. - Abandonment - Goshen*, 360 I.C.C. 91 (1979). No CXRG employees will be adversely affected by the proposed abandonment.

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

The Environmental/Historic Report prepared in compliance with the requirements and specifications of 49 C.F.R. § 1105 is attached hereto as Exhibit D. CXRG asserts that the conclusion to be drawn from the report is that the proposed abandonment, if implemented, will not significantly affect either the quality of the human environment or the conservation of energy resources.

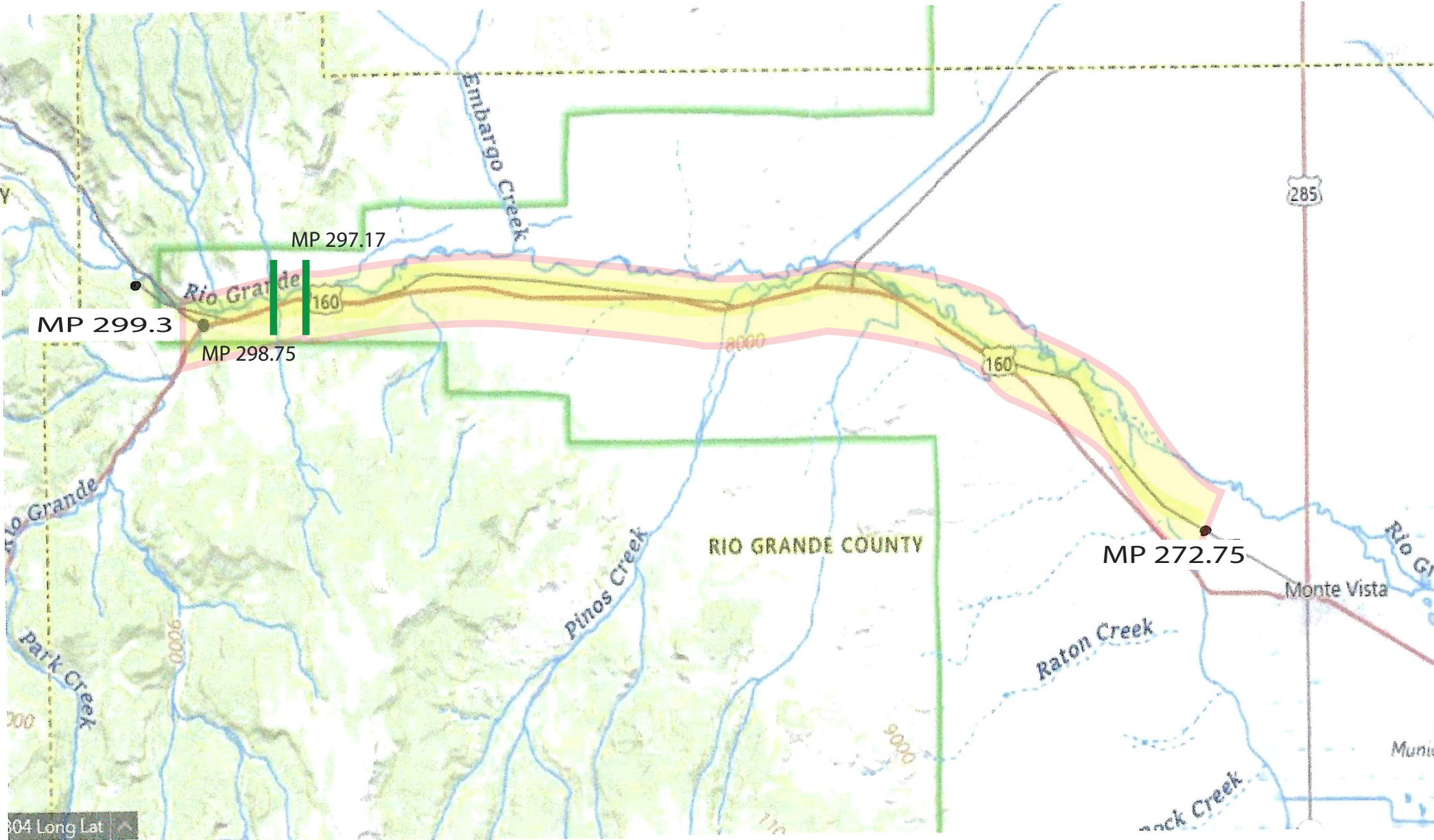
Respectfully submitted,

/ss/ Thomas W. Wilcox
Thomas W. Wilcox
LAW OFFICE OF THOMAS W. WILCOX, LLC
1629 K. Street NW, Suite 300
Washington, D.C. 20006
(202) 508-1065
tom@twilcoxlaw.com

*Attorney for Colorado Pacific Rio Grande
Railroad, LLC*

July 22, 2025

EXHIBIT A - MAP



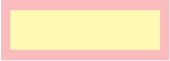
- | | | | |
|--|----------------|---|------------------|
|  | - Project Area |  | - River / Creeks |
|  | - Highway |  | - Woodlands |
|  | - Railroad |  | - Bridge |

EXHIBIT B

VERIFICATION AND CERTIFICATION

VERIFICATION AND CERTIFICATION

State of Illinois)
) SS:
County of Will)

I, Jason Jones, state that I am the Chief Operating Officer of Colorado Pacific Rio Grande Railroad LLC ("CXRG"), that I am authorized to make this verification, and that I have read the foregoing Verified Notice of Exemption and know the facts therein to be true and accurate, as stated to the best of my knowledge, information and belief.

I hereby certify that no local traffic has moved over the section of CXRG's rail line known as the Alamosa Subdivision extending from Milepost (MP) 272.75 to MP 299.3, a distance of approximately 26.55 miles, in Rio Grande County, Colorado for at least two years; no overhead traffic could be or was previously handled on the line; and no formal complaint filed by a user of rail service on the line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or any U.S. District Court or has been decided in favor of such complainant during the last two years; and

The foregoing certification is made on behalf of CXRG by the undersigned based on investigation of the matters certified and on best knowledge, information and belief of the undersigned.



Jason Jones

July 18, 2025

EXHIBIT C

CERTIFICATE OF NOTIFICATION

CERTIFICATE OF NOTIFICATION

I hereby certify that on May 29, 2025, written notice containing the information specified in 49 C.F.R. § 1152.50(d)(1) was served by first class mail, postage prepaid, upon the following agencies designated in that subsection, and that on July 21, 2025, a copy of the Verified Notice of Exemption correcting a certain milepost errors was also served on the agencies.

US Department of Defense - SDDCTEA Railroads
for National Defense Program
1 Soldier Way, Bldg. 1900W
Scott AFB, IL 62225

National Park Service
Recreation Resource Assistance Division
1849 C Street, NW
Washington, DC 20240

Chief of the Forest Service
U.S. Department of Agriculture
1400 Independence Avenue, S.W. Washington, DC
20250-0003

Colorado Public Utilities Commission
1560 Broadway, Suite 250
Denver, CO 80202

/ss/ Thomas W. Wilcox

Thomas W. Wilcox

Dated: July 21, 2025



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May 29, 2025

VIA FIRST CLASS MAIL

National Park Service
Recreation Resource Assistance Division
1849 C Street, NW
Washington, DC 20240

Re: United States Surface Transportation Board Docket No. AB-1344 –
*Colorado Pacific Rio Grande Railroad LLC - Abandonment Exemption –
In Rio Grande County, Colorado*

To Whom it May Concern:

This letter is to notify you, pursuant to the regulations of the U.S. Surface Transportation Board (“STB”), that Colorado Pacific Rio Grande Railroad LLC (“CXRG”), intends to seek authorization from the STB to abandon a 26.55-mile segment of the Alamosa Subdivision of its railroad line located between milepost MP 272.75 – 299.30 in Rio Grande County, Colorado (“Subject Line”). The Subject Line traverses through zip codes 81132, 81144 and 81154, and runs generally parallel to Colorado State Highway 160. CXRG intends to seek such authorization through a Notice of Exemption filed in the captioned STB docket on or after June 10, 2025.

Based on information in CXRG’s possession, the Subject Line does not contain federally granted rights of way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,

Thomas W. Wilcox
*Attorney for Colorado Pacific Rio
Grande Railroad LLC*



LAW OFFICE OF THOMAS W. WILCOX, LLC
1629 K. STREET, NW SUITE 300
WASHINGTON, DC 20006

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WWW.TWILCOXLAW.COM

May 29, 2025

VIA FIRST CLASS MAIL

Colorado Public Utilities Commission
1560 Broadway, Suite 250
Denver, CO 80202

Re: United States Surface Transportation Board Docket No. AB-1344 –
Colorado Pacific Rio Grande Railroad LLC - Abandonment Exemption –
In Rio Grande County, Colorado

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Sincerely,

Thomas W. Wilcox
Attorney for Colorado Pacific Rio
Grande Railroad LLC



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May 29, 2025

VIA FIRST CLASS MAIL

US Department of Defense - SDDCTEA
Railroads for National Defense Program
1 Soldier Way, Bldg. 1900W
Scott AFB, IL 62225

Re: United States Surface Transportation Board Docket No. AB-1344 –
*Colorado Pacific Rio Grande Railroad LLC - Abandonment Exemption –
In Rio Grande County, Colorado*

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Sincerely,

Thomas W. Wilcox
*Attorney for Colorado Pacific Rio
Grande Railroad LLC*



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May 29, 2025

VIA FIRST CLASS MAIL

U.S. Forest Service
Chief of the Forest Service
1400 Independence Ave., SW,
Washington, D.C. 20250-0003

Re: United States Surface Transportation Board Docket No. AB-1344 –
Colorado Pacific Rio Grande Railroad LLC - Abandonment Exemption –
In Rio Grande County, Colorado

To Whom it May Concern:

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Sincerely,

Thomas W. Wilcox
Attorney for Colorado Pacific Rio
Grande Railroad LLC

EXHIBIT D

ENVIRONMENTAL/HISTORIC REPORT

**BEFORE THE
UNITED STATES SURFACE TRANSPORTATION
BOARD**

STB Docket No. AB – 1344

**COLORADO PACIFIC RIO GRANDE RAILROAD LLC - ABANDONMENT
EXEMPTION – IN RIO GRANDE COUNTY, COLORADO**

ENVIRONMENTAL/HISTORIC REPORT

ENVIRONMENTAL REPORT

(49 C.F.R §1105.7)

1. Proposed Action and Alternatives

The proposed action is to obtain exemption authority from the U.S. Surface Transportation Board (“Board”) to abandon Milepost (MP) 272.75 to MP 299.3 of the Colorado Pacific Rio Grande Railroad LLC’s (“CXRG”) rail tracks in Rio Grande County, Colorado (the “Line”). A map of the Line is attached as Exhibit A to this Report. The Line, which roughly runs from a point near Monte Vista, Colorado to a point near Derrick, Colorado, is a segment of the Alamosa Subdivision of CXRG’s system that has not been used for rail service since 2007. The Alamosa Subdivision physically ends at MP 299.3.¹ CXRG is amenable to retaining the right-of-way of the Line for another public use such as a multipurpose recreational trail should a qualified entity show interest and a mutually acceptable agreement can be reached.

There are few, if any, viable alternatives to the proposed action. The Line has not been in service since 2007 due to the absence of any shippers along the Line, and there is no possibility of rail freight service being requested or resumed in the indefinite future. An alternative to abandoning the Line is to seek formal discontinuance authority from the Board and leave the tracks in place. However, CXRG believes there is no reason to leave the tracks in place given the lack of need for rail service and the potential for the rail corridor to be used

¹ The Alamosa Subdivision has historically extended eastward from MP 299.3 at Derrick to MP 180 at Alamosa.

as a multi-purpose recreational trail. There are no superior uses for the right-of-way land.

2. Effects of the Abandonment on the Transportation System.

There is no railroad passenger traffic, or railroad traffic of any kind, currently on the Line, and so there is no traffic being moved by railroad that will be diverted to other transportation modes because of the proposed abandonment. The presence of the tracks has not had any effect on regional or local highway systems and traffic patterns historically, and the proposed abandonment should also have no adverse effects. The use of the Line's right-of-way for bicycle and foot traffic would benefit local transportation systems.

3. Land Use.

- (i) On February 5, 2025, pursuant to the Board's rules governing abandonments, CXRG sent consultation letters to the federal, state and local entities required by 49 C.F.R. §1105.7(b). A copy of the letter sent by CXRG and the list of recipients is attached as Exhibit B. The responses received are attached as Exhibit C.
- (ii) The proposed action will have no effect on any prime agricultural land. On February 5, 2025, CXRG sent a consultation letter to the U.S. National Resources Conservation Service ("NCRS"). On February 21, 2025, NCRS responded, stating "[t]here are no NRCS Colorado easements within the project area. Therefore, NRCS has no jurisdiction on the project under Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR § 800." Exhibit C.
- (iii) The proposed action is not within a designated coastal zone and will not affect land or water use within a designated coastal zone.
- (iv) The Line is in rural Rio Grande County, Colorado and as explained above, the right-of-way may be suitable for the public purpose of becoming part of the local multi-

use trail system in Rio Grande County. CXRG's current plans are to retain ownership of the land making up the right-of-way whether the Line is "banked" and utilized as a trail, or the abandonment is consummated.

4. Energy

- (i) The proposed abandonment will have no effect on the ability to transport energy resources.
- (ii) Nor will it have any effect on the transportation of recyclable commodities.
- (iii) The proposed action will also likely have no effect on energy efficiency.
- (iv) Finally, the proposed abandonment will not cause the diversion of any rail carloads to motor carriage because it has not been used for rail service since 2007.

5. Air.

Because the Line has not been in use for over 18 years, and the tracks will be removed so the right-of-way can potentially be banked and used for a trail, this section is not applicable.

6. Noise

Similarly, since none of the thresholds in 49 C.F.R. §1105.7(e)(5)(i) are being exceeded this section is not applicable.

7. Safety

Sections (i) and (ii) of 49 C.F.R. §1105.7(e)(7) are inapplicable. There are no known hazardous waste sites along the Line and right-of-way.

8. Biological Resources

- (i) On February 4, 2025, CXRG sent letters to the Mountain-Prairie Headquarters of the U.S. Fish and Wildlife Service and the Colorado Natural Resources Conservation Service, seeking their consultation on this matter. No response was received from these agencies, leading CXRG to conclude the proposed action will not adversely impact any biological resources.
- (ii) There are no wildlife sanctuaries or refuges, National or State parks or forests affected by the proposed abandonment.

9. Water

Pursuant to the Board's regulations, CXRG sent consultation letters to the Southern Colorado Branch of the U.S. Army Corps of Engineers the Colorado Department of Health and Environment.. No responses were received from these agencies. As such:

- (i) The proposed abandonment is consistent with applicable Federal, State, and local water quality standards.
- (ii) No permits under Section 404 of the Clean Water Act are required.
- (iii) No permits under Section 402 of the Clean Water Act are required.

10. Proposed Mitigation

Because there will be no adverse environmental impacts from the proposed abandonment there is no need for mitigation measures to be implemented.

HISTORIC REPORT

(49 C.F.R. §1105.8)

1. **U.S.G.S. Topographic Map**

A map showing the Line to be abandoned is attached as Exhibit A to this combined Report. The Line is older than 50 years and there are two timber bridges. There are no other structures.

2. **Description of the Right-of-Way**

The Line is an approximately 26.55-mile long single track that extends from MP 272.75 to MP 299.3 (end of track) on CXRG's Alamosa Subdivision rail line that starts at MP 180 near Alamosa, Colorado. The entire Alamosa Subdivision was constructed in the 1800s. The right-of-way making up the Line is approximately 50 feet wide and is located in a generally flat area that in part runs along Colorado State Highway 160. Since rail operations over the Line ceased in 2007 the tracks and right-of-way have fallen into disrepair.

3. **Photographs of Historic Structures**

As stated, there are only two structures other than the railroad tracks that are subject to the Board's jurisdiction. Specifically, there are two bridges located along the segment which CXRG believes have no historical significance. One is located at MP 298.75, and the other is located at MP 297.17. Pursuant to 49 C.F.R. §1105.8(d)(3) photographs of the bridges are included as Exhibit D.

4. **Dates of Construction of the Structures**

CXRG has no specific information about when the bridges were constructed, but they were surely constructed in the 1800s when the overall rail line was constructed. CXRG does not know if either bridge has been modified.

5. **Description of Carrier Operations in the Area and Changes from Proposed Abandonment**

As stated, the Line is at the end of CXRG's Alamosa Subdivision, most of which is operated by CXRG to serve agricultural producers in the Rio Grande Valley that ship commodities by railroad. In the past, CXRG's predecessor the San Luis & Rio Grande Railroad ("SLRG") used the Line to transport rail car loads of farm goods, but all service over the Line ceased in 2007. CXRG acquired the track assets of SLRG in 2024.

6. **Summary of Documents Concerning Structures**

CXRG has no documentation concerning the aforementioned bridges, which CXRG believes have no historical significance.

7. **Opinion on Whether the Line Meets the Criteria for Listing on the National Register of Historic Places**

CXRG believes that the Line is not unusual or noteworthy or otherwise meets any of the criteria for inclusion on the National Register of Historic Places. As required by the Board's regulations, CXRG sent a consultation letter to the Colorado State Historic Preservation Office, a/k/a History Colorado. On February 24, 2025, History Colorado sent the response included in Exhibit C, stating that the Line has not been evaluated for historic significance using the National Register criteria for listing, at 36 C.F.R. §60.4, and recommending that such an evaluation be undertaken. CXRG's opinion is that there are no archeological resources or other railroad-related historic properties in the project area.

8. **Description of Prior Subsurface Ground Disturbance or Fill**

Based on a review of its records, CXRG believes that there are no known subsurface ground disturbances or fill, or environmental conditions that might affect the archeological recovery of any potential resources.

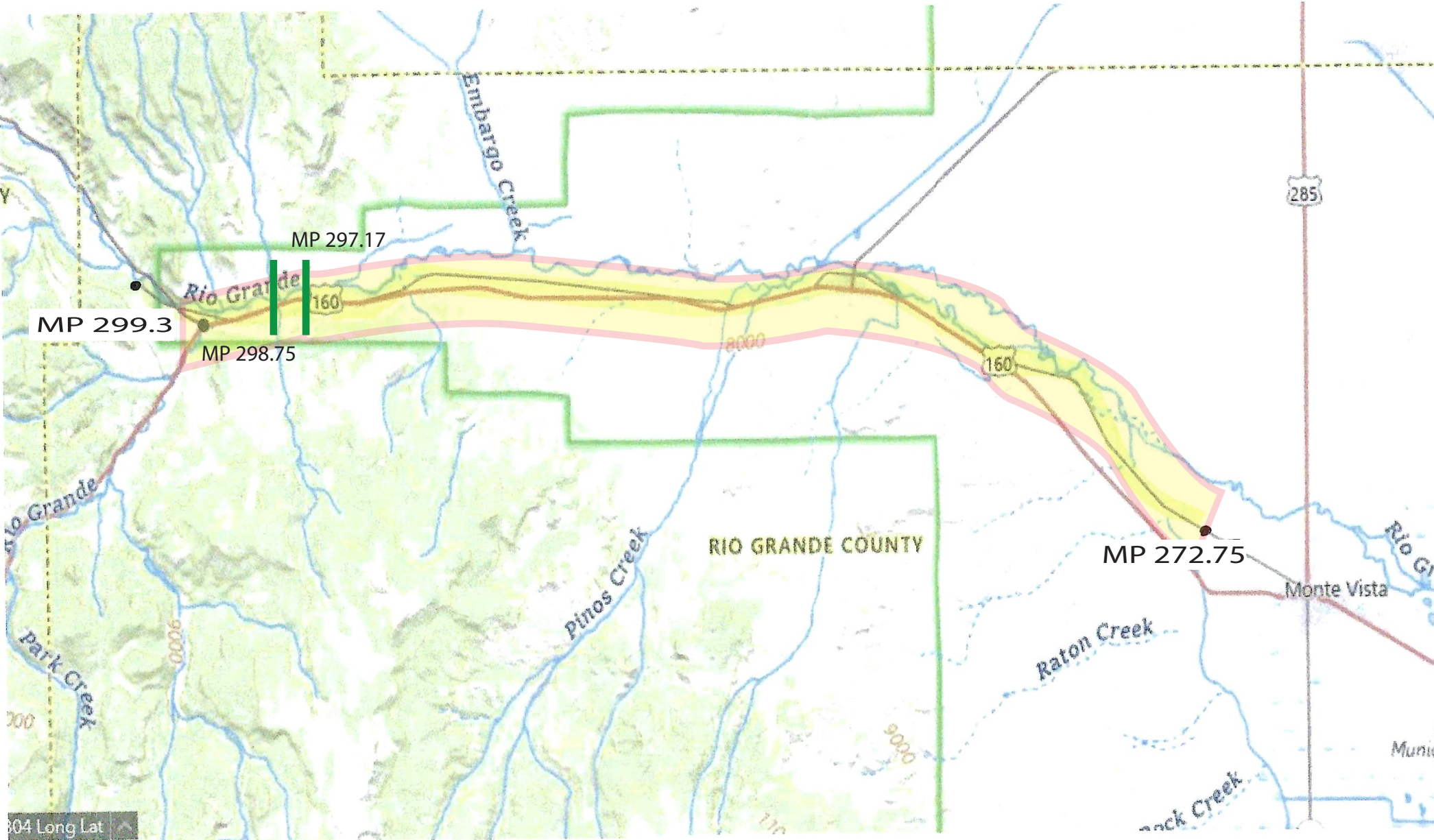
Respectfully submitted,

A handwritten signature in blue ink that reads "Thomas W. Wilcox". The signature is written in a cursive style with a small dot above the 'i' in Wilcox.

THOMAS W. WILCOX
Law Office of Thomas W. Wilcox, LLC
1629 K Street NW, Suite 300
Washington D.C. 20006
(202) 508-1065
tom@twilcoxlaw.com

*Attorney for the Colorado Pacific Rio Grande
Railroad LLC*

EXHIBIT A - MAP



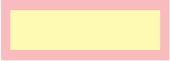
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|--|----------------|---|------------------|
|  | - Project Area |  | - River / Creeks |
|  | - Highway |  | - Woodlands |
|  | - Railroad |  | - Bridge |

EXHIBIT B – LETTER TO AGENCIES



LAW OFFICE OF THOMAS W. WILCOX, LLC
1629 K. STREET, NW SUITE 300
WASHINGTON, DC 20006

(202) 508-1065 (O)

(202) 365-8409 (C)

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February 4, 2025

VIA FIRST CLASS MAIL

ALL AGENCIES ON THE
ATTACHED SERVICE LIST

Re: United States Surface Transportation Board Docket No. AB-1344 –
*Colorado Pacific Rio Grande Railroad LLC - Abandonment Exemption –
In Rio Grande County, Colorado*

To Whom it May Concern:

This letter is to advise you that Colorado Pacific Rio Grande Railroad LLC (“CXRG”), intends to seek authorization from the U.S. Surface Transportation Board (“STB”) to abandon a 26.55-mile segment of the Alamosa Subdivision of its railroad line located between milepost MP 272.75 – 299.30 in Rio Grande County, Colorado (“Subject Line”). This line of railroad traverses through zip codes 81132, 81144 and 81154, and runs generally parallel to State Highway 160. A map of the Subject Line is attached to this letter as Exhibit A. CXRG intends to seek such authorization through a Notice of Exemption filed in the captioned STB docket on or after March 3, 2025.

Based on information in CXRG’s possession, the Subject Line does not contain federally granted rights of way.

The Subject Line has been owned by CXRG since 2024, when CXRG acquired the assets of the San Luis & Rio Grande Railroad, Inc. in STB Docket No. FD 36656. The Subject Line segment of the acquired railroad assets has not been used for deliveries to rail shippers since 2007 because there are no existing customers along this segment, and there is no prospect for the resumption of rail service over it for the foreseeable future. It is the desire of CXRG for the right-

Law Office of Thomas W. Wilcox, LLC

February 4, 2025

Page 2

of-way to be used for some other public use while the tracks are not being used for common carrier rail service. Consequently, CXRG and other local parties intend to remove the track and ties and dispose of or sell them, and to convert the right-of-way into a recreational trail. Pursuant to the applicable governing statutes and regulations, CXRG must receive formal authority from the STB to abandon the Subject Line before the right-of-way can be used for another purpose.

In advance of preparing an environmental and historical report required by STB regulations, we are consulting with appropriate agencies such as yours to inquire whether there are any concerns as to the potential environmental or historical effects of the proposed action (*i.e.*, abandonment and removal of the tracks and ties) on matters within your jurisdiction and authority.

Please respond to this letter within 20 days of receiving it that, within the area of your jurisdiction and authority, either (1) you do not perceive that the abandonment will have a significant effect upon the environment or (2) if you have any such concerns. If you have any questions about this proposal or if you need assistance in this matter, please call or email the undersigned.

Thank you for your cooperation.

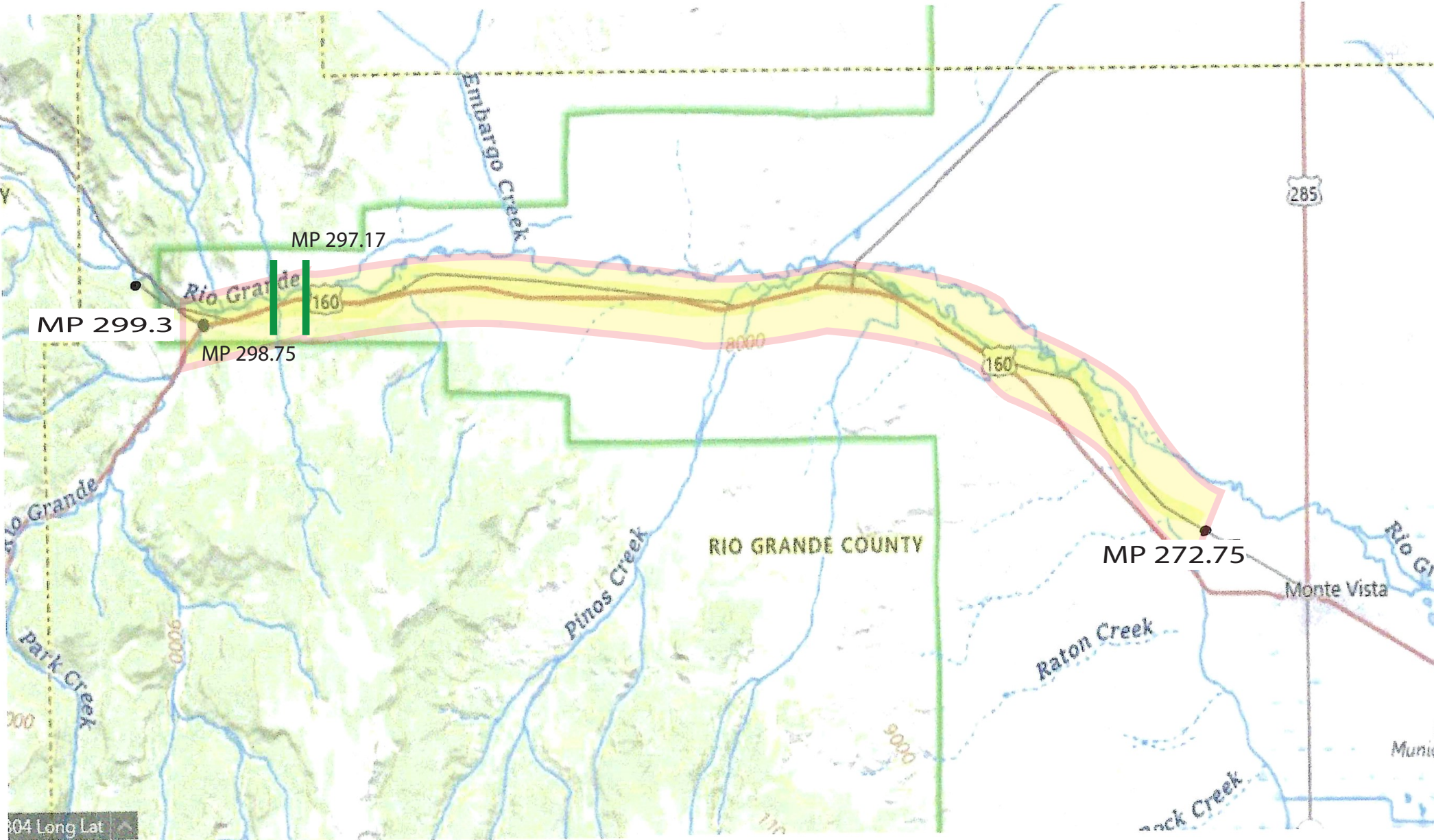
Sincerely,

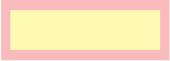
A handwritten signature in blue ink that reads "Tom Wilcox". The signature is fluid and cursive, with the first and last names clearly legible.

Thomas W. Wilcox

*Attorney for Colorado Pacific Rio
Grande Railroad LLC*

Enclosure



- | | | | |
|--|----------------|---|------------------|
|  | - Project Area |  | - River / Creeks |
|  | - Highway |  | - Woodlands |
|  | - Railroad |  | - Bridge |

Federal, State and Local Agencies Consulted
Pursuant to 49 C.F.R. §§1105.7 and 1105.8

Colorado Department of Health and Environment
4300 Cherry Creek Drive
South Denver, Colorado 80246

Colorado Department of Local Affairs
1313 Sherman Street, Suite #518
Denver, Colorado 80203

Natural Resources Conservation Service
14th & Independence Ave., SW, Rm. 5204-S
Washington, DC 20250

U.S. Fish and Wildlife Service
Mountain-Prairie Region Headquarters
1 Denver Federal Center Building 25 - Room 1911
Denver, CO 80225

Administrator
Rio Grande County, Colorado
925 6th Street Room 207
Del Norte, CO 81132

Colorado State Historic Preservation Office
History Colorado
1200 Broadway
Denver, CO 80203

Colorado Natural Resources Conservation Service
Po Box 25426
Denver, CO 80225-0426

National Geodetic Survey
Communications and Outreach Branch, NOAA, N/NGS12
National Geodetic Survey, SSMC3 #8716
1315 East-West Highway
Silver Spring, MD 20910-3282

Department of the Army Corps of Engineers
Southern Colorado Branch
1970 E 3rd Avenue, Suite 109
Durango, Colorado 81301

United States Environmental Protection Agency
Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129

National Park Service
P.O. Box 25287
Denver, CO 80225-0287

EXHIBIT C – RESPONSES TO LETTER



Natural Resources Conservation Service
P.O. Box 25426
Denver, CO 80225-0426

SENT VIA EMAIL ONLY

February 21, 2025

Law Office of Thomas W. Wilcox, LLC
1629 K. Street, NW, Suite 300
Washington, DC 20006
Tom@TWilcoxLaw.com

RE: United States Surface Transportation Board Docket No. AB-1344—*Colorado Pacific Rio Grande Railroad LLC- Abandonment Exemption—In Rio Grande County, Colorado*

To Whom it May Concern:

The U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) received a letter from your office on February 4, 2025, requesting comment on the proposed abandonment of a 26.55-mile segment of the Alamosa Subdivision of the Colorado Pacific Rio Grande Railroad LLC. There are no NRCS Colorado easements within the project area. Therefore, NRCS has no jurisdiction on the project under Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR § 800.

Please contact Katherine Arntzen at (970) 694-0289 or at katherine.arntzen@usda.gov if you have questions, comments, or concerns. Please call the Federal Relay System at (800) 877-8339 (TTY) for the hearing impaired.

Sincerely,

CLINTON EVANS
State Conservationist



History Colorado

February 24, 2025

Thomas W. Wilcox
Attorney
Law Office of Thomas W. Wilcox, LLC
1629 K St., NW, Ste. 300
Washington, DC 20006
TOM@TWilcoxLaw.com

RE: Proposed Abandonment, Colorado Pacific Rio Grande Railroad, Alamosa Subdivision,
Rio Grande County (HC #85770)

Dear M. Wilcox

Thank you for your recent correspondence dated February 4, 2025, received by our office February 14, 2025, requesting review of the above referenced undertaking under Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations 36 CFR part 800. Our office has reviewed the submitted materials, and we offer the following comment.

Identification of Historic Properties

The railroad line between Mileposts 272.75 and 299.30 was originally constructed by the Denver and Rio Grande Western Railroad in 1881. It has not been evaluated for historical significance using the National Register criteria for listing, 36.CFR.60.4.

Assessment of Effects

Abandonment of a line has the potential to have an adverse effect on historic properties, 36.CFR.800.5(d). This only applies if the line in question meets the National Register criteria for listing. For linear features such as railroad lines, both the segment and the overall railroad line must meet at least one of the National Register's four criteria.

Because the segment has not been evaluated, we recommend that your office retain the services of a historian or archaeologist who meets the Secretary of the Interior's Professional Qualification Standards to evaluate the segment in question (and the overall Alamosa Branch of the D&RGW) to determine if it is eligible for listing on the National Register. We also recommend that your office evaluate the potential effects of abandoning the segment (i.e., how the segment might be treated in the future if there is no rail traffic). This will allow the railroad to meet its obligations pursuant to 36.CFR.800.

Should unidentified historic properties or unanticipated effects to historic properties be discovered in the course of the undertaking, work must be interrupted in order to complete consultation with our office and other consulting parties pursuant to 36.CFR.800.13. Also, should the consulted-upon scope of the work change please contact our office for continued consultation under Section 106 of the National Historic Preservation Act.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or other consulting parties might cause our office to re-

evaluate our eligibility and potential effect findings. Please note that our compliance letter does not end the 30-day review period provided to other consulting parties.

Thank you for providing the opportunity to comment. If you have any questions, please feel free to contact Joseph Saldibar, Architectural Services Manager at (303) 842-5619 or by email at joseph.saldibar@state.co.us.

Sincerely,

(for) Dawn DiPrince
State Historic Preservation Officer



Rio Grande County
Board of County Commissioners
925 6th Street, Room 207,
Del Norte, CO 81132

February 26, 2025

Law Office of Thomas W. Wilcox, LLC
1629 K Street NW, Suite 300
Washington, DC 20006

Re: United States Surface Transportation Board Docket No. AB-1344 – Colorado Pacific Rio Grande Railroad LLC – Abandonment Exemption – In Rio Grande County, Colorado

Dear Mr. Wilcox,

In response to your letter of February 4, 2025, the Rio Grande County Board of County Commissioners have environmental concerns to share with the US Surface Transportation Board regarding the potential abandonment of the 26.55 mile segment of the CXRG Alamosa Subdivision located between milepost 272.75 – 299.30 in Rio Grande County.

Primarily, we are concerned about the potential impacts the abandonment would have on the following areas:

- Weed and brush control or mitigation.
- Management of rail line debris (e.g., proper disposal of rails and railroad ties).
- Management of post-abandonment railroad easement.
- Establishing rules for ownership if federal right of way is abandoned.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Ratzlaff".

Tyler Ratzlaff
Commissioner, Chair

A handwritten signature in blue ink, appearing to read "Gene Glover".

Gene Glover
Commissioner

A handwritten signature in black ink, appearing to read "Scott Deacon".

Scott Deacon
Commissioner

EXHIBIT D – BRIDGE PICTURES

PICTURES OF BRIDGE AT MILEPOST 297.17





BRIDGE LOCATED AT MILEPOST 298.75



BRIDGE LOCATED AT MILEPOST 298.75



EXHIBIT E

**CERTIFICATION OF SERVICE AND PUBLICATION
PURSUANT TO
49 C.F.R §1105.7(b) and §1105.12**

**BEFORE THE
SURFACE TRANSPORTATION
BOARD**

Docket No. AB – 1344

**COLORADO PACIFIC RIO GRANDE RAILROAD LLC –
ABANDONMENT EXEMPTION – IN RIO GRANDE COUNTY, COLORADO**

**CERTIFICATION OF SERVICE AND PUBLICATION PURSUANT TO
49 C.F.R §1105.7(b) and §1105.12**

I, Thomas W. Wilcox, an attorney for the Colorado Pacific Rio Grande Railroad LLC (“CXRG”), hereby certify as follows:

1. CXRG has consulted with all appropriate agencies in preparing the foregoing Environmental and Historical Report and on June 11, 2025 a copy of the foregoing report was served by First Class Mail, postage prepaid, upon each of the agencies identified in Attachment 1 to this Certification as designated in 49 C.F.R. §1105.7(b).
2. The newspaper notice included as Attachment 2 to this Certification was published in the Rio Grande Vally Courier, a newspaper of general circulation in Rio Grande, County Colorado, and the notice includes the information required by 49 C.F.R. 1105.12.
3. The Notice of Intent was published on April 26th and 30th, and May 3, 7, and 10, 2025.

/s/ Thomas W. Wilcox
THOMAS W. WILCOX

June 12, 2025



LAW OFFICE OF THOMAS W. WILCOX, LLC

1629 K. STREET, NW SUITE 300

WASHINGTON, DC 20006

(202) 508-1065 (O)

(202) 365-8409 (C)

TOM@TWILCOXLAW.COM

WWW.TWILCOXLAW.COM

June 11, 2025

VIA FIRST CLASS MAIL

ALL AGENCIES ON THE
ATTACHED SERVICE LIST

Re: United States Surface Transportation Board Docket No. AB-1344 –
*Colorado Pacific Rio Grande Railroad LLC - Abandonment Exemption –
In Rio Grande County, Colorado*

To Whom it May Concern:

On July 1, 2025, the Colorado Pacific Rio Grande Railroad LLC (“CXRG”) will file with the Surface Transportation Board (“Board”) a Verified Notice of Exemption seeking authority to abandon a 26.55-mile segment of CXRG’s railroad line located between milepost MP 272.75 –299.30 in Rio Grande County, Colorado (“Subject Line”). Attached is an Environmental Report and Historic Report describing the proposed action and any expected environmental (and/or historic) effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, D.C., telephone (202) 245-0245 and refer to the above Docket No. AB-1344. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to the undersigned) would be appreciated within 3 weeks.

Law Office of Thomas W. Wilcox, LLC

June 11, 2025

Page 2

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly.

Sincerely,

A handwritten signature in blue ink that reads "Thomas W. Wilcox". The signature is written in a cursive, flowing style.

Thomas W. Wilcox

*Attorney for the Colorado Pacific Rio
Grande Railroad LLC*

Enclosure

Federal, State and Local Agencies Consulted
Pursuant to 49 C.F.R. §§1105.7 and 1105.8

Colorado Department of Health and Environment
4300 Cherry Creek Drive
South Denver, Colorado 80246

Colorado Department of Local Affairs
1313 Sherman Street, Suite #518
Denver, Colorado 80203

Natural Resources Conservation Service
14th & Independence Ave., SW, Rm. 5204-S
Washington, DC 20250

U.S. Fish and Wildlife Service
Mountain-Prairie Region Headquarters
1 Denver Federal Center Building 25 - Room 1911
Denver, CO 80225

Administrator
Rio Grande County, Colorado
925 6th Street Room 207
Del Norte, CO 81132

Colorado State Historic Preservation Office
History Colorado
1200 Broadway
Denver, CO 80203

Colorado Natural Resources Conservation Service
Po Box 25426
Denver, CO 80225-0426

National Geodetic Survey
Communications and Outreach Branch, NOAA, N/NGS12
National Geodetic Survey, SSMC3 #8716
1315 East-West Highway
Silver Spring, MD 20910-3282

Department of the Army Corps of Engineers
Southern Colorado Branch
1970 E 3rd Avenue, Suite 109
Durango, Colorado 81301

United States Environmental Protection Agency
Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129

National Park Service
P.O. Box 25287
Denver, CO 80225-0287



Notices

Notice of Intent to Abandon or to Discontinue Rail Service

The Colorado Pacific Rio Grande Railroad LLC (CXRGL) gives notice that on or about May 12, 2025 it intends to file with the Surface Transportation Board, Washington, D.C., a petition for exemption under 49 U.S.C. 810502 from the prior approval requirements of 49 U.S.C. 810903, et seq., permitting the abandonment of Milepost (MP) 272.5 to MP 299.3 of the CXRG's rail tracks in Rio Grande County, Colorado (the iLine). The Line roughly runs from a point near Monte Vista, Colorado to a point near Derrick, Colorado. The line is located in zip codes 81154, 81132, and 81144, and Rio Grande County, Colorado. The proceeding has been docketed as STB Docket No. AB 1344. The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available sixty (60) days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than thirty (30) days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, Washington, D.C. or by calling OEA at (202) 245-0245.

Appropriate offers financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. If not E-filed pursuant to the Board's procedures, an original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of Proceedings, Washington, D.C. [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0245. Copies of any comments or requests for conditions should be served on the applicant's representative, Thomas W. Wilcox, at the Law Office of Thomas W. Wilcox, LLC, 1629 K Street NW, Suite 300, Washington D.C. 20006 No. 4530

Published in the Valley Courier on April 26, 30, May 3, 7, and 10, 2025.

X District Court

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EXHIBIT F

**RESOLUTION 2025-18 PASSED BY BOARD OF COUNTY
COMMISSIONERS OF RIO GRANDE COUNTY**



RESOLUTION NO 2025 - 18

A RESOLUTION OPPOSING A RAILS-TO-TRAILS CONVERSION ON PRIVATE PROPERTY IN RIO GRANDE COUNTY

WHEREAS, the Board of County Commissioners of Rio Grande County (the Board) received notification of the Colorado Pacific Rio Grande Railroad (CXRG)'s intent to file for railroad line abandonment with the U.S. Surface Transportation Board from milepost 272.75 – 299.30 in Rio Grande County; and

WHEREAS, the Board is aware that the preponderance of the railroad line section subject to possible abandonment is on or adjacent to private property; and

WHEREAS, the Board is aware of the potential conversion of the railroad line to a public trail via provisions under the Federal Trails Act; and

WHEREAS, the Board recognizes concerns of private property owners through which the railroad line proposed for abandonment runs.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Rio Grande County, State of Colorado, oppose the conversion of abandoned railroad line on private property for publicly accessible recreational trail use.

THE FOREGOING Resolution was offered by Commissioner Glover, seconded by Commissioner Deacon, and passed by the following votes by the of the Board of County Commissioners at a meeting of said Board on the 14th day of May 2025.

Votes

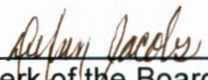
Commissioner Deacon:	<u>X</u> Yes	_____ No
Commissioner Glover	<u>X</u> Yes	_____ No
Commissioner Ratzlaff	<u>X</u> Yes	_____ No

BOARD OF COUNTY COMMISSIONERS

Tyler Ratzlaff
Tyler Ratzlaff, Chair



ATTEST:



Clerk of the Board

CERTIFICATE OF SERVICE

I hereby certify that on this 22st day of July, 2025, a copy of the foregoing Verified Notice of Exemption containing certain minor corrections were served on the following parties:

1. The agencies designated to receive notice under 49 C.F.R. § 1152.50(d)(1); and
2. The agencies listed below.

Colorado Department of Health and Environment
4300 Cherry Creek Drive
South Denver, Colorado 80246

Colorado Department of Local Affairs
1313 Sherman Street, Suite #518
Denver, Colorado 80203

Natural Resources Conservation Service
14th & Independence Ave., SW, Rm. 5204-S
Washington, DC 20250

U.S. Fish and Wildlife Service
Mountain-Prairie Region Headquarters
1 Denver Federal Center Building 25 - Room 1911
Denver, CO 80225

Administrator
Rio Grande County, Colorado
925 6th Street Room 207
Del Norte, CO 81132

Colorado State Historic Preservation Office
History Colorado
1200 Broadway
Denver, CO 80203

Colorado Natural Resources Conservation Service
Po Box 25426
Denver, CO 80225-0426

National Geodetic Survey
Communications and Outreach Branch, NOAA, N/NGS12
National Geodetic Survey, SSMC3 #8716
1315 East-West Highway
Silver Spring, MD 20910-3282

Department of the Army Corps of Engineers
Southern Colorado Branch
1970 E 3rd Avenue, Suite 109
Durango, Colorado 81301

United States Environmental Protection Agency
Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129

National Park Service
P.O. Box 25287
Denver, CO 80225-0287

/ss/ Thomas W. Wilcox
Thomas W. Wilcox