

UNION PACIFIC RAILROAD
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606-1718

P 312.777.2056
F 877 213.4433
mackshumate@up.com

232/02
Mack H. Shumate, Jr.
Senior General Attorney, Law Department

March 23, 2012

VIA E-FILE

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, S.W., Room #100
Washington, DC 20423-0001

ENTERED
Office of Proceedings

MAR 28 2012

Part of
Public Record

RE: Proposed Abandonment and Discontinuance of Service of a portion of the Boulder Industrial Lead from M.P. 9.27 near Eastlake to the end of the Line at M.P. 33.17 near Valmont, a total distance of 23.90 miles in Adams, Weld and Boulder Counties, Colorado; STB Docket No. AB-33 (Sub-No. 307X)

Dear Ms. Brown:

Attached for filing in the above-referenced docket is the Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Notice of Exemption to Abandon the Line in this matter on or after April 12, 2012.

Yours very truly,

Mack H. Shumate, Jr.

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mackshumate@up.com

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

March 23, 2012

VIA E-FILE

TO: SEE ATTACHED SERVICE LIST

RE: Proposed Abandonment and Discontinuance of Service of a portion of the Boulder Industrial Lead from M.P. 9.27 near Eastlake to the end of the Line at M.P. 33.17 near Valmont, a total distance of 23.90 miles in Adams, Weld and Boulder Counties, Colorado; STB Docket No. AB-33 (Sub-No. 307X)

To whom it may concern:

On or after April 12, 2012, Union Pacific Railroad Company ("UP") expects to be filing with the Surface Transportation Board ("STB" or "Board") a Notice of Exemption seeking authority to abandon UP's freight operating easement in the portion of the Boulder Industrial Lead from Milepost 9.27 near Eastlake to the end of the Line at Milepost 33.17 near Valmont, a distance of 23.90 miles, located in Adams, Weld and Boulder Counties, Colorado (collectively the "Line"). Attached is a Combined Environmental and Historic Report which describes the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

Union Pacific is providing this report so that you may review the information that will form the basis for the STB'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 Section of Environmental Analysis (SEA) at the following address, and refer to the above-referenced Docket Number:

Surface Transportation Board
Section of Environmental Analysis (SEA)
395 East Street, S.W., Room #100
Washington, DC 20423-0001
Tel: 202-245-0296

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within three (3) weeks.

March 23, 2012

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 our representative directly. UP's representative in this matter is Mack H. Shumate, Jr., who may be contacted by email at mackshumate@up.com, telephone at 312-777-2055 or by mail at 101 North Wacker Drive, Room 1920, Chicago, IL 60606.

Yours very truly,

A handwritten signature in black ink, reading "Mack H. Shumate, Jr." in a cursive script.

Mack H. Shumate, Jr.
Senior General Attorney

Attachment

o:\abandonments\2012_03_23 STB-EHR Agency Cover Ltr.doc

SERVICE LIST

STB Docket No. AB-33 (Sub-No. 307X)

State Clearinghouse (or alternate):

Governor's Office of Budget and Planning
200 East Colfax, Room 111
Denver, CO 80203

Colorado Public Utilities Commission:

Colorado Public Utilities Commission
1580 Logan Street
Office Level 2
Denver, CO 80203

State Environmental Protection Agency:

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

Colorado State Historical Association:

Office of Archaeology and Historic
Preservation
1200 Broadway
Denver, CO 80203

**State Coastal Zone Management Agency
(if applicable):**

Not applicable

**Communications and Outreach Branch,
NOAA, N/NGS12:**

National Geodetic Survey
SS MC 3 #9202
1315 East West Hwy
Silver Springs, MD 20910

National Park Service (Regional Office):

National Park Service
12795 Alameda Parkway
Denver, CO 80225

U.S. National Resources Conservation Svcs:

U.S. National Resources Conservation Services
Denver Federal Center
Building 56, Room 2604
P.O. Box 25426
Denver, CO 80225

**Environmental Protection Agency
(Regional Office):**

U.S. Environmental Protection Agency
Region VIII
999 - 18th Street, Suite 500
Denver, CO 80202-2466

U.S. Fish and Wildlife:

U.S. Fish and Wildlife Service
P.O. Box 25486, DFC
Denver, CO 80221

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
9307 South Wadsworth Blvd.
Littleton, CO 80128

Head of Each County:

Adams County Commissioners
4430 South Adams
County Parkway
Brighton, CO 80601

Boulder County Commissioners
1325 Pearl Street
Boulder, CO 80302

Weld County Commissioners
915 - 10th Avenue
Greeley, CO 80631

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 307X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN ADAMS, WELD AND BOULDER COUNTIES, CO
(BOULDER INDUSTRIAL LEAD)**

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY

**Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, #1920
Chicago, Illinois 60606
Tel: 312-777-2055
Fax: 877-213-4433**

**Dated: March 23, 2012
Filed: March 23, 2012**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 307X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN ADAMS, WELD AND BOULDER COUNTIES, CO
(BOULDER INDUSTRIAL LEAD)**

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report ("EHR") pursuant to 49 C.F.R. §1105.7(e) and 49 C.F.R. §1105.8(d), respectively, for an exempt abandonment of UP's freight operating easement in the portion of the Boulder Industrial Lead from Milepost 9.27 near Eastlake to the end of the Line at Milepost 33.17 near Valmont, a total distance of 23.90 miles in Adams, Weld and Boulder Counties, Colorado (the "Line"). The Line traverses U.S. Postal Service Zip Codes 80241, 80602, 80603, 80516, 80514, 80026 and 80301. UP anticipates that it will file a Notice of Exemption to abandon the Line on or after April 12, 2012.

A map of the Line (**Attachment No. 1**), and UP's letter to federal, state and local government agencies (**Attachment No. 2**) are attached to this EHR. Responses received thus far to UP's letters are also attached.

ENVIRONMENTAL REPORT
49 C.F.R. §1105.7(e)

(1) Proposed action and alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Response: The proposed action involves an exempt abandonment of UP's retained freight operating easement over a portion of the Boulder Industrial Lead. The entire Boulder Industrial Lead, right-of-way, trackage and structures, including all bridges, was sold to RTD, as hereinafter defined, in June of 2009. UP retained a common carrier freight operating easement over the entire Lead. The Line proposed for abandonment extends from Milepost 9.27 near Eastlake to the end of the Line at Milepost 33.17 near Valmont, a total distance of 23.90 miles in Adams, Weld and boulder Counties, Colorado. A map of the Line is attached as **Attachment No. 1**.

The portion of the Line from Milepost 9.27 near Eastlake to Milepost 17.37 near St. Vrain was built in 1909 by the Union Pacific Railroad Company. The portion of the Line from Milepost 17.37 to the end of the Line at Milepost 33.17 near Valmont was built in 1871 by the Denver & Boulder Valley Railroad Company. The Eastlake to St. Vrain portion of the Line is constructed with second-hand 100-pound jointed rail put down in 1942. The portion of the Line from St. Vrain to Valmont is constructed primarily with a mix of 131- and 133-pound second-hand jointed rail put down between 1949 and 1984.

The entire Boulder Industrial Lead, of which this Line is a part, was sold to the Denver Regional Transportation District ("RTD") in June of 2009. RTD assumed no common carrier obligation with regard to the Line through its purchase.

By Board decision served October 19, 2011 in STB Docket No. AB-33 (Sub-No. 182X), the STB granted UP's petition to discontinue service on the Line from Milepost 18.79 to Milepost 31.0. The Board acknowledged that one reason for the petition to discontinue service was to permit the Colorado Department of Transportation ("CDOT") and UP to remove, rather than to rebuild and enlarge, the existing railroad bridge over Interstate Highway 25. The railroad bridge over Highway 25 has been removed to accommodate the widening of Interstate 25. UP currently has the right to rebuild the railroad bridge over Interstate Highway 25 if service on the Line is restored.

On or prior to consummation of the abandonment authority from the Board with regard to the Line, UP will assign to RTD the UP's interest as Lessor under a Lease with BNSF last amended in 1999, which includes the portion of the Line from Milepost 32.0 to Milepost 33.0 and a related industrial spur. After consummation by UP of the proposed abandonment of the Line, RTD will continue to be the owner of the entire Boulder Industrial Lead, including all right-of-way, trackage, spurs, structures, and all bridges.

In that the Boulder Industrial Lead is owned by RTD, the right-of-way covered by UP's freight operating easement on the Line proposed for abandonment is not suitable for other public purposes, including conservation, energy transmission, or recreation (hiking/biking/trail use). Whether or not the Line is suited for roads or highways will be under the RTD's control and determination.

Any relevant documentation in UP's possession concerning UP's ownership interest in the freight operating easement on the Line will be made available promptly to those requesting it.

After the proposed abandonment, UP will continue to provide service on the Eastlake end of the Line via the portion of the Boulder Industrial Lead excluded from this filing. Valmont and Boulder will continue to be served by rail lines of the BNSF.

The portion of the Line between Eastlake and St. Vrain is on a north to south alignment closely parallel to Interstate 25. The Line then turns west toward Erie and Valmont. Erie and Valmont are served by local and county roads.

No local traffic has moved over the Line during the past two years, and there is no overhead traffic or passenger service on the Line. No complaint regarding cessation of service has been filed, is pending, or has been ruled upon in favor of a complainant during the past two years.

(2) Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

Response: Given that no rail traffic uses the Line, the proposed abandonment will have no impact on area transportation systems and patterns:

(3) Land Use.

- (i). Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.
- (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.
- (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 49 C.F.R. §1105.9.

- (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. §10905 and explain why.

Response:

- (i) In that no salvage of the Boulder Industrial Lead nor any structures or bridges thereon is contemplated by RTD and UP, UP is unaware of any adverse effects on local and existing land use plans. The Boulder County Administrator for Boulder County, Colorado has been contacted. To date, UP has not received a response.
- (ii) The Natural Resources Conservation Service ("NRCS") has been contacted. To date, UP has not received a response.
- (iii) Not Applicable.
- (iv) The right-of-way proposed for abandonment is not suitable under current planned use by the RTD for other purposes, including conservation, energy transmission, or recreation.

(4) Energy.

- (i) Describe the effect of the proposed action on transportation of energy resources.
- (ii) Describe the effect of the proposed action on recyclable commodities.
- (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.
- (iv) If the proposed action will cause diversions from rail to motor carriage of more than:
 - (A) 1,000 rail carloads a year; or
 - (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy

consumption and show the data and methodology used to arrive at the figure given.

Response:

- (i) There are no effects on the transportation of energy resources.
- (ii) There are no recyclable commodities moved over the Line.
- (iii) There will be no change in energy consumption resulting from the proposed action.
- (iv)(A)(B) UP does not anticipate that there will be any rail-to-motor diversion.

(5) Air.

- (i) If the proposed action will result in either:
 - (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or
 - (B) an increase in rail yard activity of at least 100% (measured by carload activity), or
 - (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. §10901 (or §10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.

Response: UP does not anticipate any such effects.

(5) Air.

- (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:
 - (A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

- (B) an increase in rail yard activity of at least 20% (measured by carload activity), or
- (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. §10901 (or 49 U.S.C. §10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Response: There will be no increase in rail traffic, rail yard activity, or truck traffic as a result of the proposed action, except for utilization of a portion of the Line in conjunction with tourist train operations by or on behalf of the RTD.

(5) Air:

- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and Freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Response: The proposed action will not affect the transportation of ozone depleting materials.

(6) Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

- (i) an incremental increase in noise levels of three decibels Ldn or more, or
- (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

Response: Not applicable.

(7) Safety.

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).
- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.
- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Response:

- (i) The proposed action will have no detrimental effects on public health and safety.
- (ii) The proposed action will not affect the transportation of hazardous materials.
- (iii) There are no known hazardous materials waste sites or sites where known hazardous material spills have occurred on or along the subject Line.

(8) Biological resources.

- (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.
- (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Response:

- (i) The U.S. Fish and Wildlife Service has been contacted. To date, UP has not received a response.
- (ii) The National Park Service has been contacted. To date, UP has not received a response.

(9) Water.

- (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.
- (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. §1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.
- (iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. §1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

Response:

- (i) The U. S. Environmental Protection Agency Regional Office and the Colorado Environmental Protection Agency have been contacted. To date, UP has not received a response.
- (ii) The U. S. Army Corps of Engineers has been contacted. By letter dated December 28, 2011, a copy of which is attached hereto as **Attachment No. 3** and hereby made a part hereof, the U.S. Army Corps of Engineers indicated that permits under Section 4 of the Clean Water Act could be needed and mitigation measures taken if discharge of material or impact to an aquatic site would occur as part of the Railroad Easement

Abandonment. In that no portion of the Line nor any structures or bridges will be salvaged, no need for any permits nor mitigation measures would be applicable to UP.

- (iii) UP does not anticipate that there will be any requirement for Section 402 permits.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Response: There are no known adverse environmental impacts.

HISTORIC REPORT
49 C.F.R. §1105.8(d)

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

Response: See Attachment No. 1.

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area:

Response: UP only has a freight operating easement on the Line. The right-of-way, track and structures, including all bridges, was sold to RTD in June of 2009.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

Response: Original photographs of twelve (12) bridges 50 years old or older were sent to the Colorado Archeology and Historic Preservation Office ("SHPO") by letter, a

copy of which without photographs is attached as **Attachment No. 2** (the "SHPO Letter"). By letter dated February 13, 2012, a copy of which is attached hereto as **Attachment No. 4** and hereby made a part hereof, the SHPO determined that since the project will abandon the Line but leave all features (tracks, bridges, culverts, etc.) in place for possible future reuse by RTD, the abandonment will have no adverse effect on historic resources.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known:

Response: The bridges and their dates of construction are listed on the map, **Attachment No. 1**, and in the SHPO Letter, **Attachment No. 2**. Due to the widening of Interstate 25 by the Colorado Department of Transportation, the bridge complex at Milepost 18.8 was removed and will only be replaced in the future if it is determined that rail service can be economically resumed.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

Response: See the preceding pages for a brief history and description of carrier operations.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

Response: UP believes bridge drawings are available.

(7) An opinion (based on readily available information in the UP's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. §60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

Response: While UP is of the opinion that there are no historic sites or structures on the Line and that any archeological sites within the scope of the right-of-way would have

previously been disturbed during construction and maintenance of the Line, the letter dated February 13, 2012 from the SHPO indicates that the Boulder Industrial Lead (5BL.469) is eligible for listing on the National Register of Historic Places in 2001. (See **Attachment No. 4.**) However, in that the Line is owned by RTD and will not be salvaged, the SHPO in the same letter (see **Attachment No. 4**) determined that the abandonment will have no adverse effect on historic resources.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

Response: UP does not have any such readily available information.

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified non-railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

Response: Not applicable.

Dated this 23rd day of March, 2012.

Respectfully submitted,



UNION PACIFIC RAILROAD COMPANY
Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, #1920
Chicago, Illinois 60606
Tel: 312-777-2055
Fax: 877-213-4433

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 307X) for the Boulder Industrial Lead in Adams, Weld and Boulder Counties, Colorado was served by First Class U.S. Mail, postage prepaid, on the 23rd day of March, 2012, on the following parties:

State Clearinghouse (or alternate):

Governor's Office of Budget and Planning
200 East Colfax, Room 111
Denver, CO 80203

Colorado Public Utilities Commission:

Colorado Public Utilities Commission
1580 Logan Street
Office Level 2
Denver, CO 80203

State Environmental Protection Agency:

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

Colorado State Historical Association:

Office of Archaeology and Historic
Preservation
1200 Broadway
Denver, CO 80203

**State Coastal Zone Management Agency
(if applicable):**

Not applicable

**Communications and Outreach Branch,
NOAA, N/NGS12:**

National Geodetic Survey
SS MC 3 #9202
1315 East West Hwy
Silver Springs, MD 20910

National Park Service (Regional Office):

National Park Service
12795 Alameda Parkway
Denver, CO 80225

**U.S. National Resources Conservation
Services:**

U.S. National Resources Conservation
Services
Denver Federal Center
Building 56, Room 2604
P.O. Box 25426
Denver, CO 80225

**Environmental Protection Agency:
(Regional Office):**

U.S. Environmental Protection Agency
Region VIII
999 – 18th Street, Suite 500
Denver, CO 80202-2466

U.S. Fish and Wildlife:

U.S. Fish and Wildlife Service
P.O. Box 25486, DFC
Denver, CO 80221

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
9307 South Wadsworth Blvd.
Littleton, CO 80128

Head of Each County:

Adams County Commissioners
4430 South Adams
County Parkway
Brighton, CO 80601

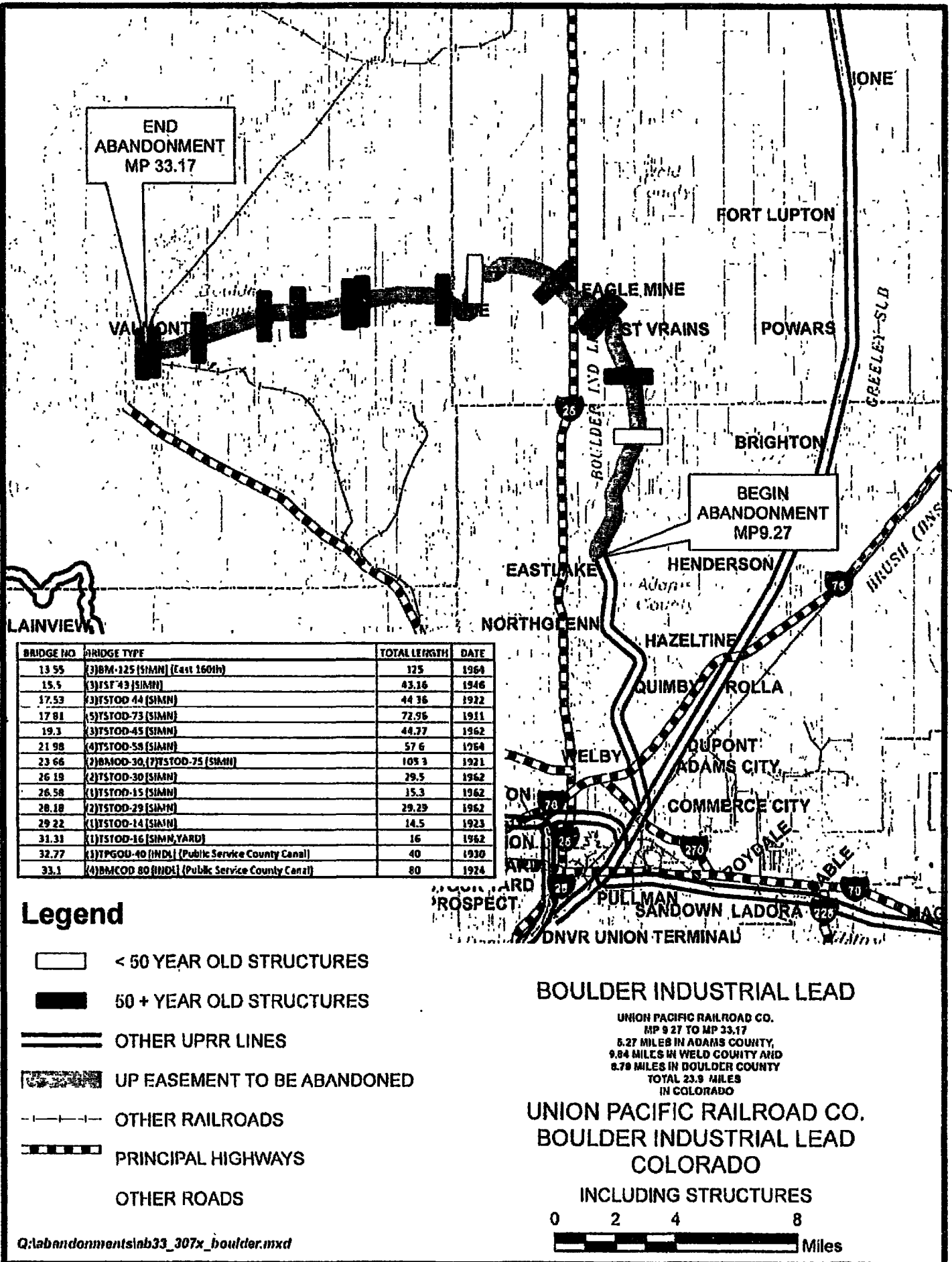
Boulder County Commissioners
1325 Pearl Street
Boulder, CO 80302

Weld County Commissioners
915 – 10th Avenue
Greeley, CO 80631

Dated this 23rd day of March, 2012.



Mack H. Shumate, Jr.



December 22, 2011

State Clearinghouse (or alternate)

Governor's Office of Budget and Planning
200 East Colfax, Room 111
Denver, CO 80203

U.S. Army Corps of Engineers

9307 South Wadsworth Blvd
Littleton, CO 80128

Environmental Protection Agency (Regional Office):

US EPA Region 8
80C-EISC
1595 Winkoop Street
Denver, CO 80202

National Park Service (Regional Office)

12795 Alameda Parkway
Denver, CO 80225

Colorado State Historical Association

1200 Broadway
Denver, CO 80203

US National Resources Conservation Services

Denver Federal Center
Building 56, Room 2604
PO Box 25426
Denver, CO 80225

U.S. Fish and Wildlife

PO Box 25486, DFC
Denver, CO 80221

Boulder County Administrator

PO Box 471
Boulder, CO 80306

Communications and Outreach Branch, NOAA, N/NGS12

National Geodetic Survey
SS MC 3 #9202
1315 East West HWY
Silver Springs, MD 20910

Re: Union Pacific Railroad ("UP") will commence the process to file an out of service exemption to abandon the UP easement over the Boulder Industrial Lead from milepost 9.27 near Eastlake to milepost 33.17, the end of the line near Valmont. UP will also be seeking to discontinue service from milepost 9.27 to milepost 18.79 and from milepost 31.0 to milepost 33.17, the areas of the abandonment not covered by the prior STB service discontinuance granted October 19, 2001. The line is currently owned by the Regional Transportation District (RTD), a non carrier. The filing will be made as AB-33 (Sub-No. 307X).

To Whom It May Concern:

UP will commence the process to file an out of service exemption to abandon the UP easement over the Boulder Industrial Lead from milepost 9.27 near Eastlake to milepost 33.17, the end of the line near Valmont. UP will also be seeking to discontinue service from milepost 9.27 to milepost 18.79 and



from milepost 31.0 to milepost 33.17, the areas of the abandonment not covered by the prior STB service discontinuance granted October 19, 2001. The line is currently owned by the Regional Transportation District (RTD), a non carrier. The filing will be made as AB-33 (Sub-No. 307X).

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts. However, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

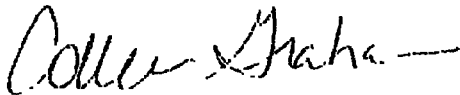
STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

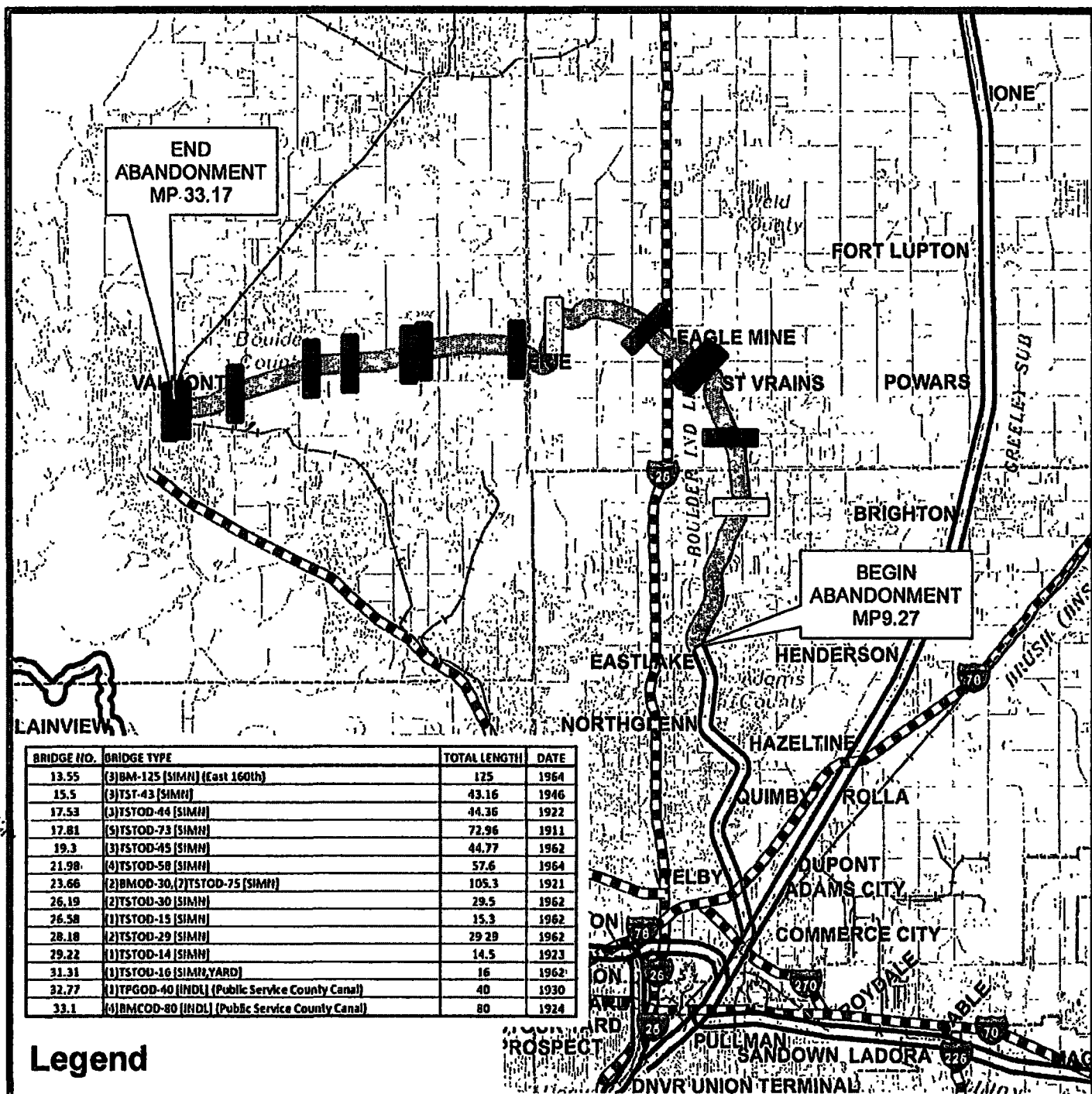
Thank you for your assistance. Please send your reply to the undersigned.

Sincerely,



Colleen K. Graham, Paralegal
Union Pacific Railroad
1400 Douglas St., Stop 1580
Omaha, NE 68179
(w) 402-544-1643
cgraham@up.com

Enclosure(s): Map



Legend

- < 50 YEAR OLD STRUCTURES
- 50 + YEAR OLD STRUCTURES
- OTHER UPRR LINES
- UP EASEMENT TO BE ABANDONED
- OTHER RAILROADS
- PRINCIPAL HIGHWAYS
- OTHER ROADS

BOULDER INDUSTRIAL LEAD

UNION PACIFIC RAILROAD CO.
MP 9.27 TO MP 33.17
6.27 MILES IN ADAMS COUNTY
9.04 MILES IN WELD COUNTY AND
0.70 MILES IN BOULDER COUNTY
TOTAL 23.9 MILES
IN COLORADO

UNION PACIFIC RAILROAD CO. BOULDER INDUSTRIAL LEAD COLORADO

INCLUDING STRUCTURES



ATTACHMENT NO. 3



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BOULEVARD
LITTLETON, COLORADO 80128-69

December 28, 2011

Ms. Colleen Graham
Union Pacific Railroad
1400 Douglas St., Stop 1580
Omaha, NE 68179

**RE: Railroad Easement Abandonment as identified in your December 22, 2011
Correspondence.**

Dear Ms. Graham:

Reference is made to the above-mentioned activity regarding the Union Pacific Railroad to file an out of service exemption to abandon the UP easement over the Boulder Industrial Lead from milepost 9.27 near Eastlake to mile post 33.17, the end of the line near Valmont. Also, to discontinue service from milepost 9.27 to mile post 18.79 and from milepost 31.0 to milepost 33.17.

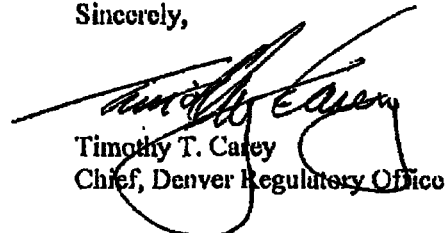
If any part of an abandonment activity requires the discharge of dredged or fill material, and any excavation associated with a dredged or fill project, either temporary or permanent in an aquatic site, which may include ephemeral and perennial streams, wetlands, lakes, ponds, drainage ditches and irrigation ditches, this office should be notified by a proponent of the project for Department of the Army permits, changes in permit requirements or jurisdictional determinations pursuant to Section 404 of the Clean Water Act.

Work in an aquatic site should be identified by the proponent of the project and be shown on a map identifying the County and Latitude and Longitude in Decimal Degrees (datum NAD 83) and the activity and area of impact to each aquatic site. Any loss of an aquatic site may require mitigation. Mitigation requirements will be determined during the Department of the Army permitting review.

This office does not evaluate work in the 100-year floodplain unless there is an activity that will impact streams or wetlands within the 100-year floodplain.

If there are any questions call Mr. Terry McKee of my office at 303-979-4120.

Sincerely,



Timothy T. Carey
Chief, Denver Regulatory Office

tm

ENTERED
Office of Proceedings

13 February 2012

MAR 26 2012

CHS #61061

Colleen K. Graham, Paralegal
Union Pacific Railroad
15400 Douglas St., Stop 1580
Omaha, NE 68179

Part of
Public Record

RE: Abandonment of the Boulder Industrial Lead, MP 9.27 to MP 33.17, Union Pacific Railroad,
Boulder County

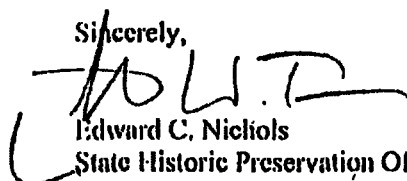
Dear Ms. Graham:

Thank you for your recent correspondence received 30 January 2012, concerning the proposed abandonment of a section of track from MP 9.27 (near Eastlake) to MP 33.17 (near Valmont). Our office has reviewed the submitted materials. The Boulder Industrial Lead (SBL469) was determined to be eligible for listing on the National Register of Historic Places in 2001.

As we noted in our letter dated 25 January 2012, this project will abandon the line but leave all features (tracks, bridges, culverts, etc.) in place for possible future re-use by RTD. Therefore, we find that this abandonment will have no adverse effect on this historic resource.

If you have any questions, please contact Joseph Saldibar, Architectural Services Manager, at (303) 866-3741.

Sincerely,



Edward C. Nichols
State Historic Preservation Officer, and
President, Colorado Historical Society