

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS
2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849

WILLIAM A. MULLINS

243131

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Office of Proceedings
May 15, 2017
Part of
Public Record

(202) 663-7823 (Direct Dial)
E-Mail: wmullins@bakerandmiller.com

May 15, 2017

VIA E-FILING

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

Re: Roaring Fork Railroad Holding Authority – Abandonment
Exemption – In Garfield, Eagle, and Pitkin Counties, CO,
AB-547X
Notice of Consummation

Dear Ms. Brown:

On June 30, 1998, Roaring Fork Railroad Holding Authority (“RFRHA”) filed for an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. § 10903 to abandon approximately 33.44 miles of rail line (hereinafter, the “Line”) known as the Aspen Branch extending between milepost 360.22 near Glenwood Springs to the end of the line at milepost 393.66 near Woody Creek, in Garfield, Eagle and Pitkin Counties, CO. RFRHA also sought issuance of a notice of interim trail use (“NITU”) in order to rail bank the right-of-way in its own name. By a decision served October 16, 1998, the Board granted authority for RFRHA to abandon and railbank the Line, with RFRHA as the trail sponsor.¹ In 2001, the Board reopened the 1998 Proceeding and issued a replacement NITU substituting Roaring Fork Transportation Authority (“RFTA”) as the interim trail user for the rail banked Line.² In 2004, RFTA acquired RFRHA’s remaining interest in the Line, *i.e.* all of RFRHA’s rights to reactivate rail service over the Line.³

¹ See Roaring Fork Railroad Holding Authority – Abandonment Exemption – In Garfield, Eagle, and Pitkin Counties, CO, AB-547X (STB served Oct. 16, 1998)(“1998 Proceeding”).

² See Roaring Fork Railroad Holding Authority – Abandonment Exemption – In Garfield, Eagle, and Pitkin Counties, CO, AB-547X (STB served Nov. 30, 2001) (“2001 NITU”).

³ Roaring Fork Transportation Authority — Acquisition and Operation Exemption — Roaring Fork Railroad Holding Authority, FD 34532 (STB served Aug. 23, 2004).

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Per a letter entered into the record on September 30, 2016, RFTA asked the Board to correct the record to reflect that RFTA's ownership of the Line begins at milepost 360.31, rather than 360.22, in Glenwood Springs.⁴ RFTA's letter also asked the Board to partially vacate interim trail use on a portion of the Line and to issue a replacement NITU. Specifically, RFTA requested that the Board terminate interim trail use on the Line from milepost 360.31 to milepost 360.51 (the "Released Premises") and issue a replacement NITU beginning at RFTA's connection with Union Pacific Railroad Company (UP) on the Western Wye at milepost 0.27 and continuing to milepost 393.66 near Woody Creek. RFTA sought to remove the Released Premises from the NITU and to consummate abandonment of that portion to allow the City of Glenwood Springs' road relocation and improvement project to move forward.

On May 12, 2017, the Board reopened the proceeding ("May 12th Decision") and corrected the record to reflect that RFTA's ownership of the Line at issue begins at milepost 360.31, rather than 360.22, in Glenwood Springs. The May 12th Decision also vacated the 2001 NITU and issued a replacement NITU extending from RFTA's connection with UP on the Western Wye at milepost 0.27 and continuing to milepost 393.66 near Woody Creek. In addition, the May 12th Decision authorized RFTA to fully abandon the Released Premises.

In accordance with the provisions of 49 C.F.R. § 1152.29(e)(2) and the Board's May 12th Decision, RFTA hereby advises the Board that it has fully exercised the authority granted and consummated abandonment of the Released Premises. Should you have any questions concerning this notice of consummation, please contact the undersigned counsel for RFTA.

Sincerely,



William A. Mullins
Attorney for Roaring Fork Transportation Authority

cc: All parties of record
Colorado Department of Transportation
Colorado Public Utilities Commission

⁴ As a result of survey and title work done by the Farnsworth Group, it was discovered that in all of these proceedings, the description of the Line as beginning at MP 360.22, which is located on the Eastern Wye in Glenwood Springs, was incorrect. RFTA's actual ownership begins at MP 360.31, not MP 360.22. Thus RFTA asked the Board to correct the mistake in its records and in any replacement NITU.