

E0-787

SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN STB DOCKET NO. AB-1007X

February 1, 2008

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

SEA served an Environmental Assessment (EA) for this proceeding on January 11, 2008 for public review and comment. In the EA, SEA recommended one environmental condition and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the EA

Two comments were received following issuance of the EA. Letters were received from the El Paso County Surveyor's Office and the Colorado State Historic Preservation Office (SHPO).

In a January 8th letter to the Board, Christopher Brewer of the El Paso County Surveyor's Office expressed concern regarding the need to assemble critical land data records about the proposed railroad abandonment in this proceeding (see attached letter). Mr. Brewer noted that, in the past, the County has had difficulty conducting land surveys for other railroad abandonments due to the lack of survey data and monumentation related to such actions. Therefore, he specifically requests that the Colorado Springs & Eastern Railroad (CS&E) provide his office with all right-of-way maps, land schedules, and engineering records related to the proposed abandonment for filing with his office. Accordingly, SEA is recommending the addition of the following condition:

The Colorado Springs and Eastern Railroad Company (CS&E) shall consult with the El Paso County Surveyor's Office, Christopher Brewer at (719) 520-7201, regarding any critical land data that may be in the possession of CS&E for land within the right-of-way of the proposed abandonment including right-of-way maps, land schedules, engineering records and related data.

SEA received a copy of a January 29, 2008 letter sent to CS&E from the Colorado SHPO regarding the historic issues related to the proposed abandonment (see attached letter). In the letter, the SHPO indicates that the abandonment, as proposed, would have **no adverse**

effect on the historic CS&E Line. SEA agrees with this assessment and recommends that the existing historic condition attached to this proceeding be removed.

Conclusions

The EA comment period has ended. Accordingly, SEA recommends that the historic condition recommended in the EA be removed and that the following condition be added:

The Colorado Springs and Eastern Railroad Company (CS&E) shall consult with the El Paso County Surveyor's Office, Christopher Brewer at (719) 520-7201, regarding any critical land data that may be in the possession of CS&E for land within the right-of-way of the proposed abandonment including right-of-way maps, land schedules, engineering records and related data.

If the above condition is imposed, SEA believes that the proposed action will not significantly affect the quality of the human environment.

SEA CONTACT: Catherine Glidden, 202-245-0293

 OFFICE of ARCHAEOLOGY and HISTORIC PRESERVATION

EE - 4036
CG

29 January 2008

James T. Burghardt
Moye/White LLP
16 Market Square, 6th Floor
1400 16th Street
Denver, CO 80202-1486

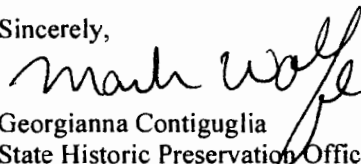
RE: Track Abandonment, STB Docket # AB1007X, Colorado Springs & Eastern Railroad
Company, Colorado Springs, El Paso County

Dear Mr. Burghardt:

Thank you for your recent correspondence dated 2 January 2008, concerning the proposed abandonment of a segment of trackage in Colorado Springs. Our office has reviewed the submitted materials. On 29 January 2008 we received additional information on this project from Chris Lieber, Manager of Design for the Colorado Springs Parks Department. Mr. Lieber indicated that the city's plans for the railroad line will leave the existing grade intact. Given this information, we find that the proposed abandonment of this segment will have no adverse effect on the historic Colorado Springs & Eastern Railroad line.

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

Sincerely,


For Georgianna Contiguglia
State Historic Preservation Officer, and
President, Colorado Historical Society

OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION

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CHRISTOPHER BREWER
COUNTY SURVEYOR



OFFICE OF THE
EL PASO COUNTY SURVEYOR

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January 8, 2008

Vernon A. Williams, Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

RE: Docket No. AB 1007_X Colorado Springs & Eastern Railroad Company
Track Abandonment, MP 602.70 to MP 599.40, Colorado Springs, El Paso County, Colorado (near the
former Elsmere station grounds)

Dear Secretary Williams,

I have no objection to the abandonment itself, but want to protect the public's land interests in this area and to avoid the loss of critical land data that has been a problem for professional land surveyors in performance of their duties around other abandoned railroad rights of way. Having just performed a court ordered survey to settle a boundary dispute that involved an abandoned railroad right-of-way, I can attest to the difficulty arising from lack of information and monumentation.

In order to protect the public's interest attached to the abandonment of the 3.3 miles of former Chicago Rock Island Pacific main track now known as the Colorado Springs and Eastern Railroad from MP 602.70 to MP 599.40, I would request that:

- (1) That all right-of-way maps, land schedules, engineering records and related data be turned over to my office for filing in the public record.
- (2) That Colorado Springs & Eastern Railroad comply with Colorado Revised Statute (CRS) 43-1-1311, in effect since 1997. Since the centerline of the main track is a monument referencing a real boundary, this statute, enacted to protect the public's rights and future interests, requires that main tracks be located before dismantling. In the case of this abandonment, any help in explaining the relationship of how part of the main track was relocated in the late 1980's to its original location would be very beneficial to those in the future establishing land boundaries in this area.

Thank you for your consideration of this matter.

Very truly yours,

Christopher Brewer, PLS
Cc: William Lewis, El Paso County Attorney

SE1

Cathy

JAN 14 2008
8:00 AM