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KARL MORELL

BALL JANIK LLP

A T T O R N E Y S

1455 F STREET, NW, SUITE 225
WASHINGTON, D.C. 20005

www.balljanik.com

TELEPHONE 202-638-3307
FACSIMILE 202-783-6947



September 23, 2003

208970

BY HAND DELIVERY

The Honorable Vernon Williams
Surface Transportation Board
1925 K Street NW
Suite 715
Washington, DC 20423-001

FEE RECEIVED

SEP 23 2003

**SURFACE
TRANSPORTATION BOARD**

Re: STB Docket No. 307 (Sub-No. 4X), Wyoming and Colorado
Railroad Company, Inc. -- Abandonment Exemption -- In Albany
County, Wyoming

Dear Secretary Williams:

Attached for filing are the original and ten copies of a Notice of Exemption under 49 C.F.R. 1152.50. Also attached is a check covering the \$2,700 filing fee.

Please time and date stamp the extra copy of the Notice of Exemption and return it with our messenger.

If you have any questions, please call me.

Sincerely,

Karl Morell

Enclosures

FILED

SEP 23 2003

**SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-307 (SUB-NO. 4X)

WYOMING AND COLORADO RAILROAD COMPANY, INC.
-- ABANDONMENT EXEMPTION --
IN ALBANY COUNTY, WYOMING

NOTICE OF EXEMPTION

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**SURFACE
TRANSPORTATION BOARD**

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SEP 23 2003

**SURFACE
TRANSPORTATION BOARD**

Karl Morell
Of Counsel
Ball Janik LLP
1455 F St., N.W.
Suite 225
Washington, D.C. 20005
(202) 638-3307

Attorney for:
WYOMING AND COLORADO
RAILROAD COMPANY, INC.

Dated: September 23, 2003

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-307 (SUB-NO. 4X)

WYOMING AND COLORADO RAILROAD COMPANY, INC.
-- ABANDONMENT EXEMPTION --
IN ALBANY COUNTY, WYOMING

NOTICE OF EXEMPTION



Wyoming and Colorado Railroad Company, Inc. ("WYCO"), files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 to abandon its 1.12-mile rail line located between milepost 0.19 and milepost 1.31 in Laramie, WY (the "Line").

1. Proposed consummation date.

The proposed consummation date is November 12, 2003.

2. Certification required by 49 C.F.R. § 1152.50(b).

The required certification is attached hereto as Exhibit A.

3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

- (a) General.

- (1) Exact name of applicant.

Wyoming and Colorado Railroad Company, Inc.

- (2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

WYCO is a common carrier by railroad subject to 49 U.S.C.

Subtitle IV, Chapter 105.

- (3) Relief sought.

WYCO seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon its 1.12-mile rail line located between milepost 0.19 and milepost 1.31, within the City of Laramie, in Albany County, Wyoming. There has been no local traffic on the Line in over two years. The Line is stub-ended and, therefore, not capable of handling overhead traffic.

- (4) Map.

A map depicting the trackage covered by the proposed abandonment is attached as Exhibit B.

- (7) Name, title, and address of representative of applicant to whom correspondence should be sent.

Karl Morell
Ball Janik LLP
1455 F St., N.W., Suite 225
Washington, DC 20005
(202) 638-3307

- (8) List of all United States Postal Service ZIP Codes that the line proposed for abandonment traverses.

The Line traverses ZIP Code 82070.

- (e) Rural and community impact.

- (4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

The Line traverses a predominately rural area that has adequate road and highway networks. Therefore, there is little or no likelihood that the rail corridor is needed for a transit or highway corridor. The right-of-way may be suitable for a recreational trail. WYCO has donated the bridge on the Line to the City of Laramie so that it can be incorporated into a trail. To the best of WYCO's knowledge the property underlying the right-of-way is held in fee ownership.

4. The level of labor protection.

The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in Oregon Short Line R. Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979).

5. Certification.

Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.

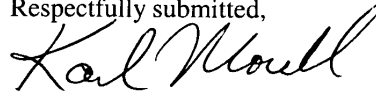
6. Environmental Report.

The Environmental Report containing information required by 49 C.F.R. § 1105.7(e) is attached hereto as Exhibit D. Based on information in our possession, the 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.

7. Historic Report.

The Historic Report containing information required by 49 C.F.R. § 1105.8 is attached hereto as Exhibit E.

Respectfully submitted,



Karl Morell
Of Counsel
Ball Janik LLP
1455 F St., N.W., Suite 225
Washington, D.C. 20005
(202) 638-3307

Attorney for:
WYOMING AND COLORADO
RAILROAD COMPANY, INC.

Dated: September 23, 2003

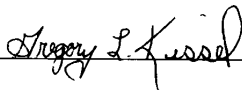
EXHIBIT A

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF UTAH)
) ss.
WEBER COUNTY)

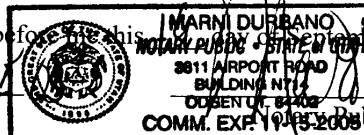
I, Gregory L. Kissel, being duly sworn depose and state that I am President of the Wyoming and Colorado Railroad Company, Inc. ("WYCO"), that I am authorized to make this verification, and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information, and belief.

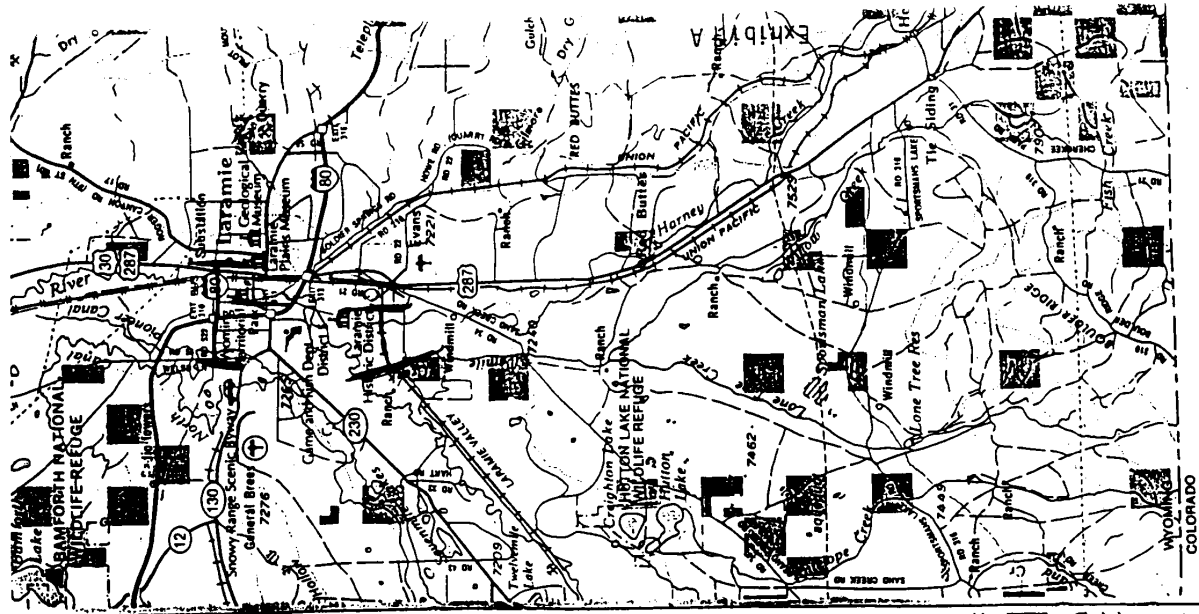
I hereby certify that no local traffic has been handled to or from any customer over WYCO's rail line located between milepost 0.19 and milepost 1.31 in Laramie, WY for at least two (2) years prior to the date hereof. The rail line is stub-ended and, therefore, not capable of handling overhead traffic. Further, 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 Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. The foregoing certification is made on behalf of WYCO by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.



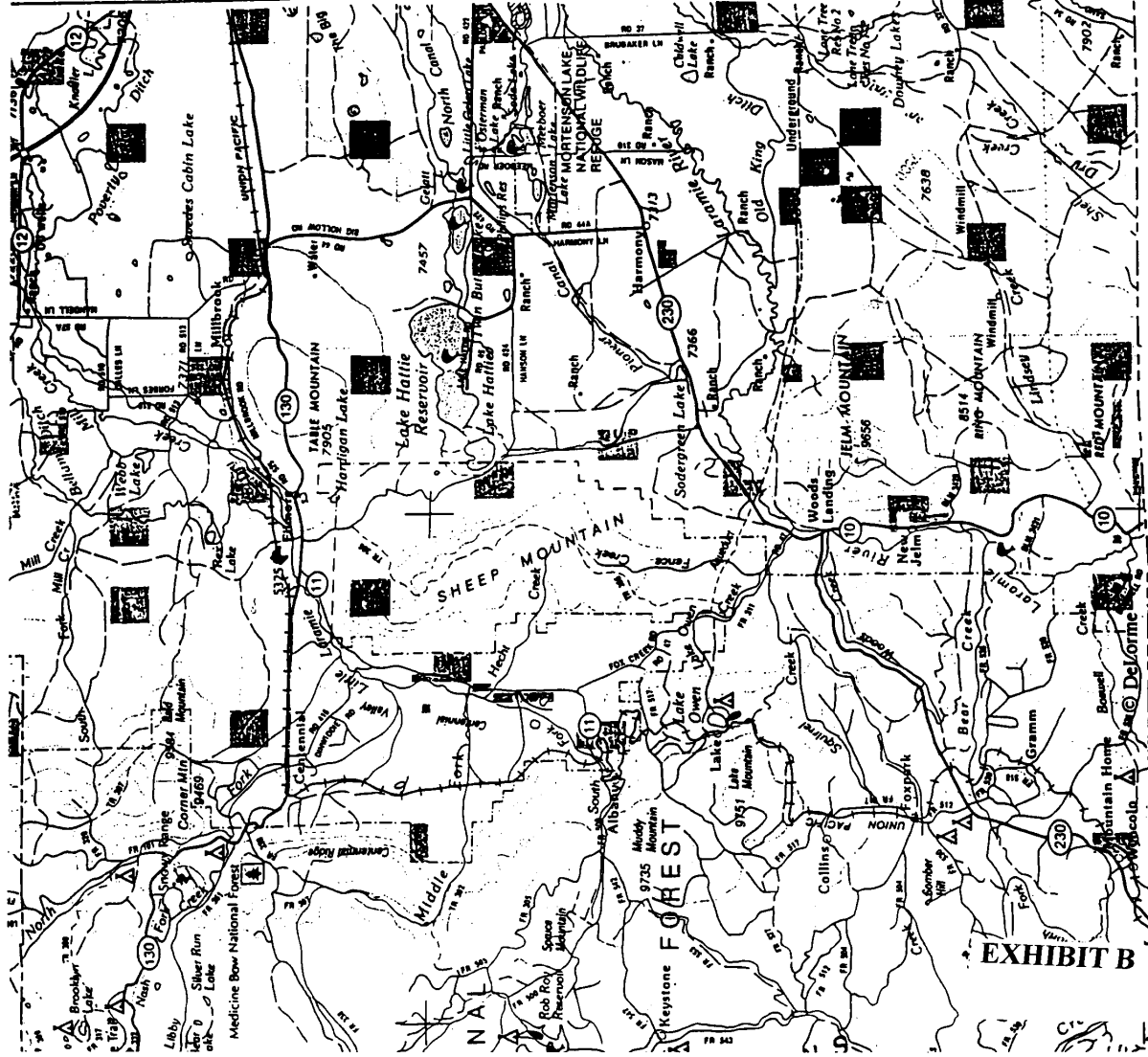
Gregory L. Kissel

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 2003.
My Commission Expires: _____





Scale 1:250,000
1 inch represents 4 miles



KILOMETERS 0 5 10
MILES 0 1 2 3 4 5 6

BLM Lands State Lands
See pages 36-37 for Statewide Locater Map

COUNTY LARIMER COUNTY

EXHIBIT B

EXHIBIT C

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-307 (Sub-No. 4X) was mailed via first class mail on September 9, 2003 to the following parties:

State Public Service Commission

Wyoming State Clearinghouse
State Planning Coordinator's Office
State Capital Building
Room 124
Cheyenne, WY 82002

Public Service Commission
Hansen Bldg., Suite 300
2515 Warren Avenue
Cheyenne, WY 82002

Military Traffic Management Command

MTMCTEA
ATTN: Railroads for National Defense
720 Thimble Shoals Blvd.
Suite 130
Newport News, VA 23606-2574

National Park Service

U.S. Department of Interior
National Park Service
Recreation Resources Assistance Division
1849 C Street, NW
Washington, DC 20240-0001

U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Yates Building
201 14th Street, S.W.
Washington, DC 20250

Dated: September 23, 2003


Karl Morell

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-307 (Sub-No. 4X) was advertised on September 17, 2003 in the Laramie Boomerang, a newspaper of general circulation in Albany County, Wyoming as required by 49 C.F.R. § 1105.12.

Dated: September 23, 2003


Karl Morell

**ENVIRONMENTAL REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-307 (Sub-No. 4X) was mailed via first class mail on August 27, 2003, to the following parties:

Wyoming State Clearinghouse
State Planning Coordinator's Office
State Capital Building
Room 124
Cheyenne, WY 82002

Albany County Commissioners
525 E Grand Avenue No. 202
Laramie, WY 82070

State Conservationist
Federal Building, Room 3124
100 East B Street
Casper, WY 82601

U.S. Fish and Wildlife Service
4000 Airport Parkway
Cheyenne, WY 82001

National Park Service
Recreational Resources Assistance Division
1849 C Street, NW
Washington, D.C. 20240-0001

Department of Environmental Quality
Herschler Building
122 West 25th Street
Cheyenne, WY 82002

U.S. Environmental Protection Agency
Region 8
999 18th Street, Suite 300
Denver, Colorado 80202-2466

U.S. Army Corps of Engineers, Omaha District
Wyoming Regulatory Office
2232 Dell Range Blvd., Suite 210
Cheyenne, WY 82009-4942

The National Geodetic Survey
Department of Commerce/NOAA
SSMC3
Station 9356
1315 East West Highway
Silver Spring, MD 20910

Date: September 23, 2003


Karl Morell

**HISTORIC REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-307 (Sub-No. 4X) was mailed via first class mail on August 27, 2003, to the following party:

State Historic Preservation Office
2301 Central Avenue
Barrett Building, 3rd Floor
Cheyenne, WY 82002

Date: September 23, 2003


Karl Morell

EXHIBIT D

ENVIRONMENTAL REPORT

(49 C.F.R. 1105.7)

Docket No. AB-307 (Sub-No. 4X)

WYOMING AND COLORADO RAILROAD COMPANY, INC.

--ABANDONMENT EXEMPTION--

IN ALBANY COUNTY, WYOMING

(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.

Wyoming and Colorado Railroad Company, Inc. ("WYCO"), proposes to abandon its 1.12-mile rail line located between milepost 0.19 and milepost 1.31, in Laramie, WY (the "Line"). Upon receipt of abandonment authority, WYCO intends to remove the remaining rail, track material, and crossties.¹ There is one railroad bridge structures along the Line. WYCO has donated the bridge to the City of Laramie for inclusion in its walking/biking path.

The proposed abandonment will not change rail freight operations or maintenance practices on the Line. No local traffic has been handled on the Line in recent years. Since the Line is stub-ended, no overhead traffic moves over the Line. The Line was previously used to serve a customer located on the adjacent track owned by the Union Pacific Railroad Company ("UP"). That former customer of WYCO will continue to have access to rail service over the UP line.

¹ Without the prior knowledge of WYCO, the City of Laramie removed a portion of the rail and crossties on the Line when constructing a public street through the right-of-way. The City is currently using the bridge and a portion of the right-of-way for a walking/biking path.

The only alternative to abandonment would be not to abandon the Line thereby forcing WYCO to absorb the opportunity costs of retaining this inactive Line. This would not be a prudent use of carrier resources.

A map of the proposed abandonment is attached hereto as Exhibit 1.

(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.

No passenger or freight traffic will be diverted to other modes as a result of the proposed abandonment. No local traffic has been handled on the Line in recent years and the Line is not capable of handling overhead traffic. Since the Line no longer handles rail traffic, the proposed abandonment will have no adverse effects on regional or local 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 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.

(i) WYCO believes that the proposed abandonment is consistent with existing land use plans. The City of Laramie intends to use the bridge and a section of the right-of-way for its walking/biking path. WYCO has contacted the Albany County Commissioners. See Exhibit 2. To date, no response to this inquiry has been received. A copy of this Report has been mailed to the appropriate local and state agencies for their information and comment.

(ii) WYCO notified the Natural Resources Conservation Service of the proposed abandonment and requested assistance in identifying any potential effects on prime agricultural land. See Exhibit 3. The State Conservationist requested additional information as to the use of the land after abandonment and the type of vegetation cover that will be used for this area. See Exhibit 4. The bridge and a section of the right-of-way were donated to the City of Laramie for inclusion in their walking/biking path. The remainder of the right-of-way will revert to the adjacent land owners, to the extent the right-of-way is reversionary, or will be sold by WYCO to the adjacent land owners, to the extent the right-of-way is owned in fee. In either event, the most likely party to gain ownership will be the Wyoming Territorial Park which is located adjacent to the Line. The vegetative cover on the adjacent land as well as on most of the right-of-way is Native Grasses. A copy of this Report is being supplied to the Natural Resources Conservation Service for its information and further comment.

(iii) The Line does not pass through a designated coastal zone.

(iv) The City of Laramie is currently using the bridge and a section of the right-of-way for a trail. The remainder of the corridor does not appear suitable for alternative public use.

(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.

(i) The proposed abandonment will have no effect on the transportation of energy resources.

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities.

(iii) The proposed abandonment will have no effect on overall energy efficiency as no local traffic has been handled on the Line in recent years and the Line is not capable of handling overhead traffic.

(iv) The proposed abandonment will not cause any diversions of rail traffic to motor carriage, since no local traffic has been handled on the Line in recent years and the Line is not capable of handling overhead traffic overhead traffic.

(5) Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (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 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent 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 sub-section (5)(i)(A) will apply. (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line; (B) an increase in rail yard activity of at least 20 percent (measured by carload activity); or (C) an average increase in truck traffic of more than 10 percent 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. (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.

(i) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(ii) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(iii) The proposed abandonment 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.

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.

(i) The proposed abandonment will have no detrimental effects on public health and safety.

(ii) The proposed abandonment will not affect the transportation of hazardous materials.

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the rail corridor of the 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.

(i) The proposed abandonment will not have an adverse affect on endangered or threatened species or areas designated as a critical habitat. WYCO notified the U.S. Fish and Wildlife Service of the proposed abandonment and requested assistance in determining whether endangered or threatened species or areas designated as a critical habitat are likely to be adversely affected. See Exhibit 5. The response of the Fish and Wildlife Service is attached as Exhibit 5. A copy of this Report is being supplied to the U.S. Fish and Wildlife Service for its information and further comment.

(ii) There are no wildlife sanctuaries or refuges, National or State parks or forests along the Line that would be adversely affected by the proposed abandonment. Nevertheless, WYCO notified the National Parks Service of the proposed abandonment and requested assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests. See Exhibit 6. To date, no response to this request has been received. A copy of this Report is being supplied to the National Park Service for its information and comment.

(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.

(i) WYCO is confident that the proposed abandonment will be consistent with applicable water quality standards. WYCO contacted the Wyoming Department of Environmental Quality and the U.S. Environmental Protection Agency concerning this matter requesting assistance in determining whether the proposed abandonment is consistent with applicable Federal, State, or local water quality standards. See Exhibit 7. The response of the Department of Environmental Quality is attached as Exhibit 7. To date, no response has been received from the U.S. Environmental Protection Agency. A copy of this Report is being supplied to the U.S. Environmental Protection Agency and the Wyoming Department of Environmental Quality for their information and further comment.

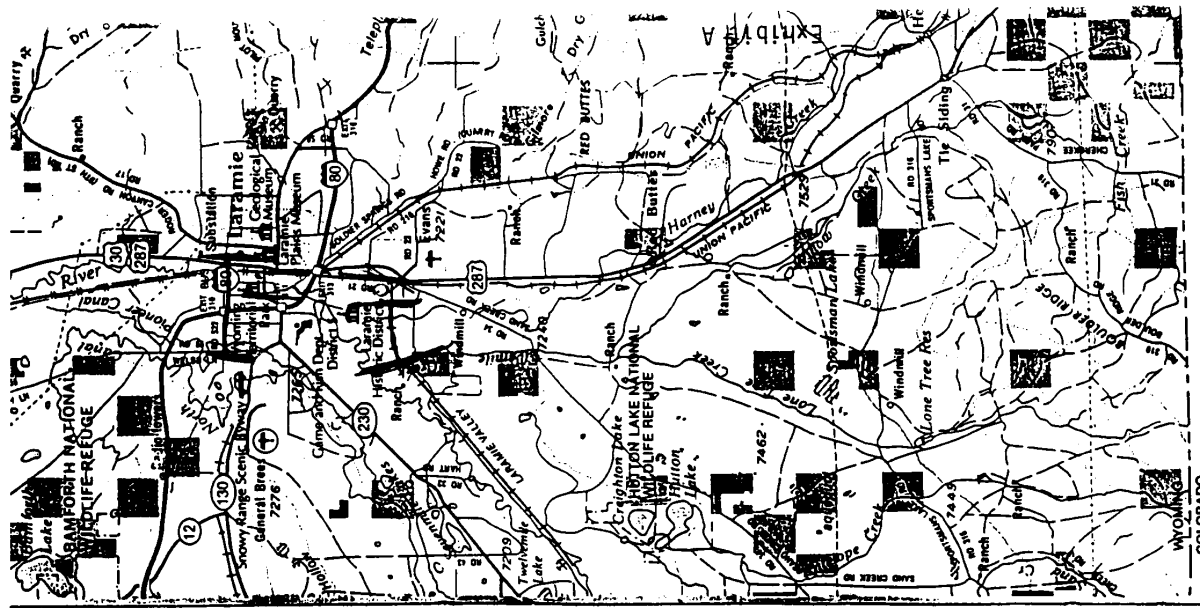
(ii) No designated wetlands or 100-year flood plains will be adversely affected by the proposed abandonment. WYCO contacted the Corps of Engineers concerning these matters. See Exhibit 8. The Corps of Engineers determined that there are no wetlands or other waters of the United States in the project area. See Exhibit 8. A copy of this Report is being supplied to the U.S. Army Corps of Engineers for its information and further comment.

(iii) WYCO believes the proposed abandonment will not require the issuance of any permits under Section 402 of the Clean Water Act. WYCO contacted the U.S. Environmental Protection Agency concerning this matter and requested assistance in identifying any potential effects on applicable water quality standards and determining whether the proposed abandonment is consistent with applicable Federal, State, or local water quality standards. See Exhibit 7. To

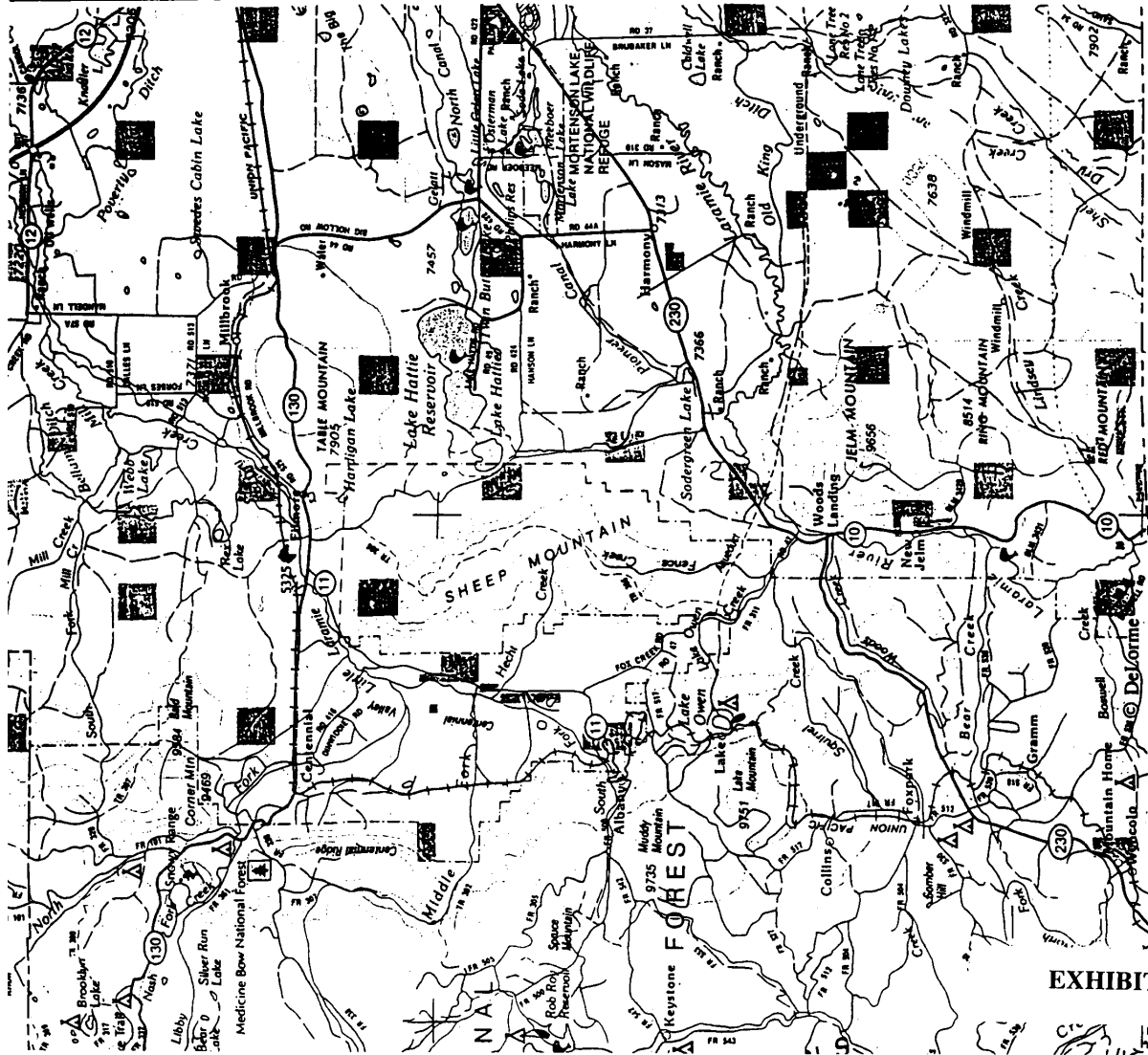
date, no response to this request has been received. A copy of this Report is being supplied to the U.S. Environmental Protection Agency for its information and comment.

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

WYCO does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. WYCO will, of course, adhere to any remedial actions suggested by the recipients of this Report and required by the Board.



Scale 1:250,000
1 inch represents 4 miles



KILOMETERS 0 5 10
MILES 0 1 2 3 4 5 6

BLM Lands State Lands
See pages 36-37 for Statewide Locater Map

EXHIBIT 1

BALL JANIK LLP

A T T O R N E Y S

1455 F STREET, NW, SUITE 225
WASHINGTON, D.C. 20005

www.balljanik.com

TELEPHONE 202-638-3307
FACSIMILE 202-783-6947

KARL MORELL

kmorell@dc.bjllp.com

January 21, 2003

Albany County Commissioners
525 E Grand Avenue No. 202
Laramie, Wyoming 82070

RE: Docket No. AB-307 (Sub-No. 4X), Wyoming and Colorado Railroad Company, Inc.--Abandonment Exemption--In Albany County, Wyoming

Dear Sirs:

Wyoming and Colorado Railroad Company, Inc. ("WYCO") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about March 3, 2003, for WYCO to abandon its 1.12-mile rail line located between milepost 0.19 and milepost 1.31, in Laramie, WY. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on existing land use plans. We must determine whether the proposed abandonment is inconsistent with existing land use plans.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,



Karl Morell
Attorney for:
Wyoming and Colorado Railroad Company, Inc.

BALL JANIK LLP

A T T O R N E Y S

1455 F STREET, NW, SUITE 225
WASHINGTON, D.C. 20005

www.balljanik.com

TELEPHONE 202-638-3307
FACSIMILE 202-783-6947

KARL MORELL

kmorell@dc.bjllp.com

January 21, 2003

State Conservationist
USDA Natural Resources Conservation Service
3124 Federal Building
100 East 'B' Street
Casper, Wyoming 82601

**RE: Docket No. AB-307 (Sub-No. 4X), Wyoming and Colorado Railroad
Company, Inc.--Abandonment Exemption--In Albany County,
Wyoming**

Dear Sir/Madam:

Wyoming and Colorado Railroad Company, Inc. ("WYCO") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about March 3, 2003, for WYCO to abandon its 1.12-mile rail line located between milepost 0.19 and milepost 1.31, in Laramie, WY. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on prime agricultural land.

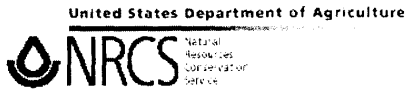
We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,



Karl Morell
Attorney for:
Wyoming and Colorado Railroad Company, Inc.



Natural Resources Conservation Service
Federal Building
100 East B Street, Room 3124
Casper, WY 82601

Date: February 5, 2003

Ball Janik LLP
1455 F Street NW, Suite 225
Washington, D.C. 20005

Dear Mr. Morell,

The NRCS has reviewed the letter in regards to Docket NO. AB-307 (Sub-No.4X), Wyoming and Colorado Railroad Company, Inc. Abandonment Exemption, Albany County, Wyoming.

We do not have any comments on the abandonment of the railroad line. We would like to see a plan in place as to what the use of the land will be after the railroad is abandoned and what type of vegetative cover, etc. would be used for this area.

If you have any questions, or need to discuss this comment with us, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "J. R. F. Burton" with a stylized flourish at the end.

LINCOLN "ED" BURTON
State Conservationist

EXHIBIT 4

BALL JANIK LLP

A T T O R N E Y S

1455 F STREET, NW, SUITE 225
WASHINGTON, D.C. 20005

www.balljanik.com

TELEPHONE 202-638-3307
FACSIMILE 202-783-6947

KARL MORELL

kmorell@dc.bjllp.com

January 21, 2003

U.S. Fish and Wildlife Service
P.O. Box 25486
Denver Federal Center
Denver, CO 80225

RE: Docket No. AB-307 (Sub-No. 4X), Wyoming and Colorado Railroad Company, Inc.--Abandonment Exemption--In Albany County, Wyoming

Dear Sir/Madam:

Wyoming and Colorado Railroad Company, Inc. ("WYCO") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about March 3, 2003, for WYCO to abandon its 1.12-mile rail line located between milepost 0.19 and milepost 1.31, in Laramie, WY. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in determining whether it is likely to adversely affect endangered or threatened species or areas designated as a critical habitat.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,



Karl Morell
Attorney for:
Wyoming and Colorado Railroad Company, Inc.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services

4000 Airport Parkway
Cheyenne, Wyoming 82001

ES-61411
ke/W.15/WY6863.ke

February 28, 2003

Karl Morell
1455 F Street, NW, Suite 225
Washington, D.C. 20005

Dear Mr. Morell:

Thank you for your letter of January 21, 2003, regarding Wyoming and Colorado Railroad Company, Inc.'s (WYCO) abandonment of its 1.12-mile rail line located between milepost 0.19 and milepost 1.31, in Albany County, Wyoming. In a personal communication with you on February 28, 2003, you clarified that abandonment of this rail line included taking up the existing ties and line and leaving the existing bridge which will be incorporated into the City of Laramie's nature trail.

The U.S. Fish & Wildlife Service feels that sufficient information was provided to determine the effects of this project to federally listed species and to conclude whether this project is likely to adversely affect those species. However, regulations under Section 7 of the Endangered Species Act of 1973, as amended (Act), provide that Fish & Wildlife concurrence with this section may be provided only to the involved Federal agency, in this case, the Surface Transportation Board (STB).

In order to expedite the environmental review process, if the STB concurs with your finding of no effect to listed species, then you may consider this action to be in compliance with the requirements of Section 7(a)(2) of the Act, thereby concluding the consultation process.

The project, as proposed, also is unlikely to result in the take of migratory birds and therefore is not likely to result in a violation of the Migratory Bird Treaty Act. However, if any raptor nests are located within 0.5-mile of the project site (or within 1 mile for bald eagles and ferruginous hawks), please contact this office so that we may work together to protect these species.

We appreciate your efforts to ensure the conservation of endangered, threatened, and candidate species and migratory birds. If you have further questions regarding our comments or your responsibilities under the Act, please contact Kathleen Erwin of my staff at the letterhead address or phone (307) 772-2374, extension 28.

Sincerely,

A handwritten signature in black ink, appearing to read "Jodi Bush", with a stylized flourish at the end.

Jodi Bush
Acting Field Supervisor
Wyoming Field Office

cc: WGF, Lander, Non-Game Coordinator (B.Oakleaf)
WGF, Cheyenne, Statewide Habitat Protection Coordinator (T.Collins)

BALL JANIK LLP

A T T O R N E Y S

1455 F STREET, NW, SUITE 225
WASHINGTON, D.C. 20005

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TELEPHONE 202-638-3307
FACSIMILE 202-783-6947

KARL MORELL

kmorell@dc.bjllp.com

January 21, 2003

National Park Service
Recreational Resources Assistance Division
1849 C Street, NW
Washington, D.C. 20240-0001

**RE: Docket No. AB-307 (Sub-No. 4X), Wyoming and Colorado Railroad
Company, Inc.--Abandonment Exemption--In Albany County,
Wyoming**

Dear Sir/Madam:

Wyoming and Colorado Railroad Company, Inc. ("WYCO") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about March 3, 2003, for WYCO to abandon its 1.12-mile rail line located between milepost 0.19 and milepost 1.31, in Laramie, WY. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,



Karl Morell
Attorney for:
Wyoming and Colorado Railroad Company, Inc.

BALL JANIK LLP

A T T O R N E Y S

1455 F STREET, NW, SUITE 225
WASHINGTON, D.C. 20005

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TELEPHONE 202-638-3307
FACSIMILE 202-783-6947

KARL MORELL

kmorell@dc.bjllp.com

January 21, 2003

Department of Environmental Quality
Herschler Building 4-W
122 W. 25th Street
Cheyenne, WY 82002

**RE: Docket No. AB-307 (Sub-No. 4X), Wyoming and Colorado Railroad
Company, Inc.--Abandonment Exemption--In Albany County,
Wyoming**

Dear Sir/Madam:

Wyoming and Colorado Railroad Company, Inc. ("WYCO") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about March 3, 2003, for WYCO to abandon its 1.12-mile rail line located between milepost 0.19 and milepost 1.31, in Laramie, WY. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on applicable water quality standards. We also seek your assistance in determining whether the proposed abandonment is consistent with applicable Federal, State or local water quality standards. WYCO does not believe any permits under Section 402 of the Clean Water Act will be required.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,



Karl Morell
Attorney for:
Wyoming and Colorado Railroad Company, Inc.

BALL JANIK LLP

A T T O R N E Y S

1455 F STREET, NW, SUITE 225
WASHINGTON, D.C. 20005

www.balljanik.com

TELEPHONE 202-638-3307
FACSIMILE 202-783-6947

KARL MORELL

kmorell@dc.bjllp.com

January 21, 2003

U.S. Environmental Protection Agency
Region 8
999 18th Street, Suite 300
Denver, Colorado 80202-2466

RE: Docket No. AB-307 (Sub-No. 4X), Wyoming and Colorado Railroad Company, Inc.--Abandonment Exemption—In Albany County, Wyoming

Dear Sir/Madam:

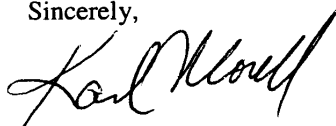
Wyoming and Colorado Railroad Company, Inc. ("WYCO") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about March 3, 2003, for WYCO to abandon its 1.12-mile rail line located between milepost 0.19 and milepost 1.31, in Laramie, WY. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on applicable water quality standards. We also seek your assistance in determining whether the proposed abandonment is consistent with applicable Federal, State or local water quality standards. WYCO does not believe any permits under Section 402 of the Clean Water Act will be required.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,



Karl Morell
Attorney for:
Wyoming and Colorado Railroad Company, Inc.



The State
of Wyoming



Department of Environmental Quality

Dave Freudenthal, Governor

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002

ADMIN/OUTREACH (307)777-7758 FAX 777-3610	ABANDONED MINES (307)777-6145 FAX 777-6462	AIR QUALITY (307)777-7391 FAX 777-5616	INDUSTRIAL SITING (307)777-7369 FAX 777-6937	LAND QUALITY (307)777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307)777-7752 FAX 777-5973	WATER QUALITY (307)777-7781 FAX 777-5973
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February 14, 2003

Karl Morell
Ball Janik LLP
1455 F Street, NW, Suite 225
Washington, D.C. 20005

RE: Docket No. AB-307 (Sub-No. 4X) Wyoming and Colorado Railroad Company, Inc.
Abandonment Exemption - Albany County, Wyoming

Dear Mr. Morell:

We concur with your analysis that abandoning the referenced section by the Wyoming and Colorado Railroad Company, Inc. of itself would not require permitting under Section 402 of the Clean Water Act as long as there is no disturbance. If the abandonment takes place before March 10, 2003 and involves the disturbance of more than five acres of land a "stormwater permit" will be required. If the abandonment takes place after March 10, 2003 and involves the disturbance of more than one acre of land a "stormwater permit" will be required.

You should also be aware of a section of Wyoming law regarding abandonments W.S. 37-9-1301 (copy enclosed). While I suspect that the Wyoming and Colorado Railroad Company, Inc. may not meet the operating revenue criteria, if it does it must also comply with that section of law.

If you have any questions, please feel free to contact me at 307-777-7938.

Sincerely,

Dennis Hemmer
Director

Enclosure

BALL JANIK LLP

Exhibit 8

A T T O R N E Y S

1455 F STREET, NW, SUITE 225
WASHINGTON, D.C. 20005

www.balljanik.com

TELEPHONE 202-638-3307
FACSIMILE 202-783-6947

KARL MORELL

kmorell@dc.bjllp.com

January 21, 2003

U.S. Army Engineer
Omaha District
P.O. Box 5
Omaha, Nebraska 68101-4978

RE: Docket No. AB-307 (Sub-No. 4X), Wyoming and Colorado Railroad Company, Inc.--Abandonment Exemption--In Albany County, Wyoming

Dear Sir/Madam:

Wyoming and Colorado Railroad Company, Inc. ("WYCO") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about March 3, 2003, for WYCO to abandon its 1.12-mile rail line located between milepost 0.19 and milepost 1.31, in Laramie, WY. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on designated wetlands or 100-year flood plains. WYCO does not believe any permits under Section 404 of the Clean Water Act will be required.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,



Karl Morell
Attorney for:
Wyoming and Colorado Railroad Company, Inc.



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
WYOMING REGULATORY OFFICE
2232 DELL RANGE, BLVD., SUITE 210
CHEYENNE, WYOMING 82009-4942

REPLY TO
ATTENTION OF:

February 26, 2003

Wyoming Regulatory Office

Mr. Karl Morell
Attorney for:
Wyoming and Colorado Railroad Company, Inc.
1455 F Street, NW, Suite 225
Washington, D.C., 20005

Dear Mr. Morell:

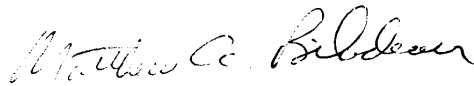
This is in response to your letter dated January 21, 2003, which we received in this office on February 24, 2003. Acting on behalf of the Wyoming and Colorado Railroad Company, Inc. (WYCO), you requested comments from our agency on WYCO's plan to file a Notice of Exemption with the Surface Transportation Board (STB) to abandon its 1.12-mile rail line located between milepost 0.19 and milepost 1.31, in Laramie, Wyoming. The line to be abandoned is located in approximately the N ½, Section 32, Township 16 North, Range 73 West, Albany County, Wyoming.

The U.S. Army Corps of Engineers regulates the placement of dredged and fill material into wetlands and other waters of the United States as authorized primarily by Section 404 of the Clean Water Act (33 U.S.C. 1344). The Corps regulations were published in the November 13, 1986, edition of the Federal Register (Vol. 51, No. 219) at 33 CFR Parts 320 through 330. Information on Section 404 program requirements in Wyoming can be obtained by visiting our web site at <http://www.nwo.usace.army.mil/html/od-rwy/Wyoming.htm>.

Based on the information provided, it has been determined that there are no wetlands or other waters of the United States in the project area. Therefore, Department of the Army authorization is not required for the project because it does not require the discharge of fill material in wetlands or other waters of the United States.

This determination does not eliminate the requirement to obtain any other applicable federal, state, tribal, or local permits that may be required. If you have any questions regarding this determination, please contact me at (307) 772-2300 and reference file No. 200340030.

Sincerely,

A handwritten signature in cursive script, reading "Matthew A. Bilodeau".

Matthew A. Bilodeau
Program Manager
Wyoming Regulatory Office

EXHIBIT E

HISTORIC REPORT
(49 C.F.R. 1105.8)
Docket No. AB-307 (Sub-No. 4X)
WYOMING AND COLORADO RAILROAD COMPANY, INC.
--ABANDONMENT EXEMPTION--
IN ALBANY COUNTY, WYOMING

The Historic Report should contain the information required by 1105.7(e)(1) of the Environmental Report. The following is excerpted from the Environmental Report prepared for the proposed abandonment:

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.

Wyoming and Colorado Railroad Company, Inc. ("WYCO"), proposes to abandon its 1.12-mile rail line located between milepost 0.19 and milepost 1.31, in Laramie, WY (the "Line"). Upon receipt of abandonment authority, WYCO intends to remove the remaining rail, track material, and crossties.¹ There is one railroad bridge structures along the Line. WYCO has donated the bridge to the City of Laramie for inclusion in its walking/biking path.

The proposed abandonment will not change rail freight operations or maintenance practices on the Line. No local traffic has been handled on the Line in recent years. Since the Line is stub-ended, no overhead traffic moves over the Line. The Line was previously used to serve a customer located on the adjacent track owned by the Union Pacific Railroad Company

¹ Without the prior knowledge of WYCO, the City of Laramie removed a portion of the rail and crossties on the Line when constructing a public street through the right-of-way. The City is currently using the bridge and a portion of the right-of-way for a walking/biking path.

("UP"). That former customer of WYCO will continue to have access to rail service over the UP line.

The only alternative to abandonment would be not to abandon the Line thereby forcing WYCO to absorb the opportunity costs of retaining this inactive Line. This would not be a prudent use of carrier resources.

A map of the proposed abandonment is attached hereto as Exhibit 1.

HISTORIC REPORT

1. A U.S.G.S. topographic map (or 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;

A map of the Line has been supplied to the Wyoming State Historic Preservation Office ("SHPO"). There is one railroad bridge on the Line. Photographs of the bridge were forwarded to the SHPO. See Exhibit 2.

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;

The right-of-way is approximately 100 feet in width. The 1.12-mile line traverses a high plains area passing next to the Wyoming Territorial Park within the city limits of Laramie. The Line was constructed sometime after 1903 as part of the Laramie, Hahn's Peak and Pacific Railroad Company ("Hahn's Peak"). On May 12, 1914, the Hahn's Peak was sold at foreclosure

to the Colorado, Wyoming and Eastern Railway Company ("CWER"). In December 1951, the CWER was acquired by the Union Pacific Railroad Company ("UP").

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 immediate surrounding area;

Attached to Exhibit 2 are photographs of the only bridge on the Line. At the time the SHPO was first contacted, WYCO was of the opinion that the current bridge was constructed around 1972 to 1974 after the former bridge was destroyed by fire. Because WYCO was not certain of its age, it forwarded photographs of the bridge to the SHPO. The SHPO response is attached as Exhibit 3. In its response, the SHPO seeks consultation because, according to the SHPO, the City of Laramie has extensively modified the bridge. Based on the SHPO's response, WYCO sought additional information as to the history of the bridge. Recently, WYCO was able to locate newspaper articles which explain that the railroad bridge over the Big Laramie River was built completely new in 1952. That bridge subsequently burned down in 1959 and the current West Laramie bridge was built completely new that year. WYCO was also able to obtain a 1963 bridge report from the UP, the prior owner of the Line, which confirms that the current bridge at milepost 0.71 on the Line was constructed completely new in 1959. A copy of the articles and the UP report are attached as Exhibit 4. Consequently, WYCO can now confirm that there are no structures on the Line that are 50 years old or older associated with the abandonment of the Line. Nevertheless, WYCO will work with the SHPO to address any remaining concerns they may have.

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;

See response to No. 3.

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;

WYCO acquired the Coalmont Branch, extending from milepost 0.19, at Laramie, to milepost 108.0, near Hebron, CO, from the UP in 1987. *See Finance Docket No. 31140, Wyoming and Colorado Railroad Company, Inc. – Acquisition and Operation – Certain Lines of Union Pacific Railroad Company* (not printed), served November 30, 1987. WYCO abandoned the 13.5-mile segment between Walden and Hebron in 1990. *See Docket No. AB-307 (Sub-No. 1X), Wyoming and Colorado Railroad Company, Inc.* (not printed), served June 25, 1990. At the time of its acquisition by WYCO, the Walden-Hebron segment had been out of service for over 10 years and had become inoperable. The 27.03-mile segment located between Walden and the Colorado-Wyoming state line was used to originate rail shipments of carbon dioxide, wood products and coal. That line segment was abandoned in 1995 because of the precipitous drop in traffic rendered operations uneconomical. *See Docket No. AB-307 (Sub-No. 2X), Wyoming and Colorado Railroad Company, Inc. – Abandonment Exemption – Jackson County, CO* (not printed), served May 19, 1995.

In 1996, WYCO was authorized to abandon the 66.16-mile segment located between the Colorado state line and Laramie. *See Docket No. AB-307 (Sub-No. 3X), Wyoming and Colorado Railroad Company, Inc. – Abandonment Exemption – In Albany County, WY* (not printed), served September 16, 1996. Historically, that segment of the Coalmont Branch was used to transport overhead traffic. Until 1995, WYCO also operated an excursion train on this

segment which was terminated because of its unprofitability. Prior to abandoning this segment, WYCO moved a stockpile of fluorspar located along the end of this segment to Laramie for interchange with the UP.

The Line has historically been used to handle the above-noted overhead traffic. In addition, WYCO utilized the Line to perform switching operations for a shipper located in Laramie. That shipper's facility can be directly accessed from the adjacent UP line and, therefore, will continue to have access to rail service.

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;

There is only one structure on the Line associated with the abandonment and that bridge is less than 50 years old. WYCO has no engineering drawings or similar documents regarding the bridge other than the previously mentioned UP bridge report.

7. An opinion (based on readily available information in the railroad'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);

The one bridge on the Line is less than 50 years old and, in any event, quite common in design and construction. It has no historical significance as to the history of railroad construction or operation. WYCO is not aware of any archeological resources or railroad related historic properties in the project area.

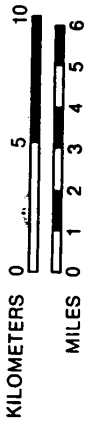
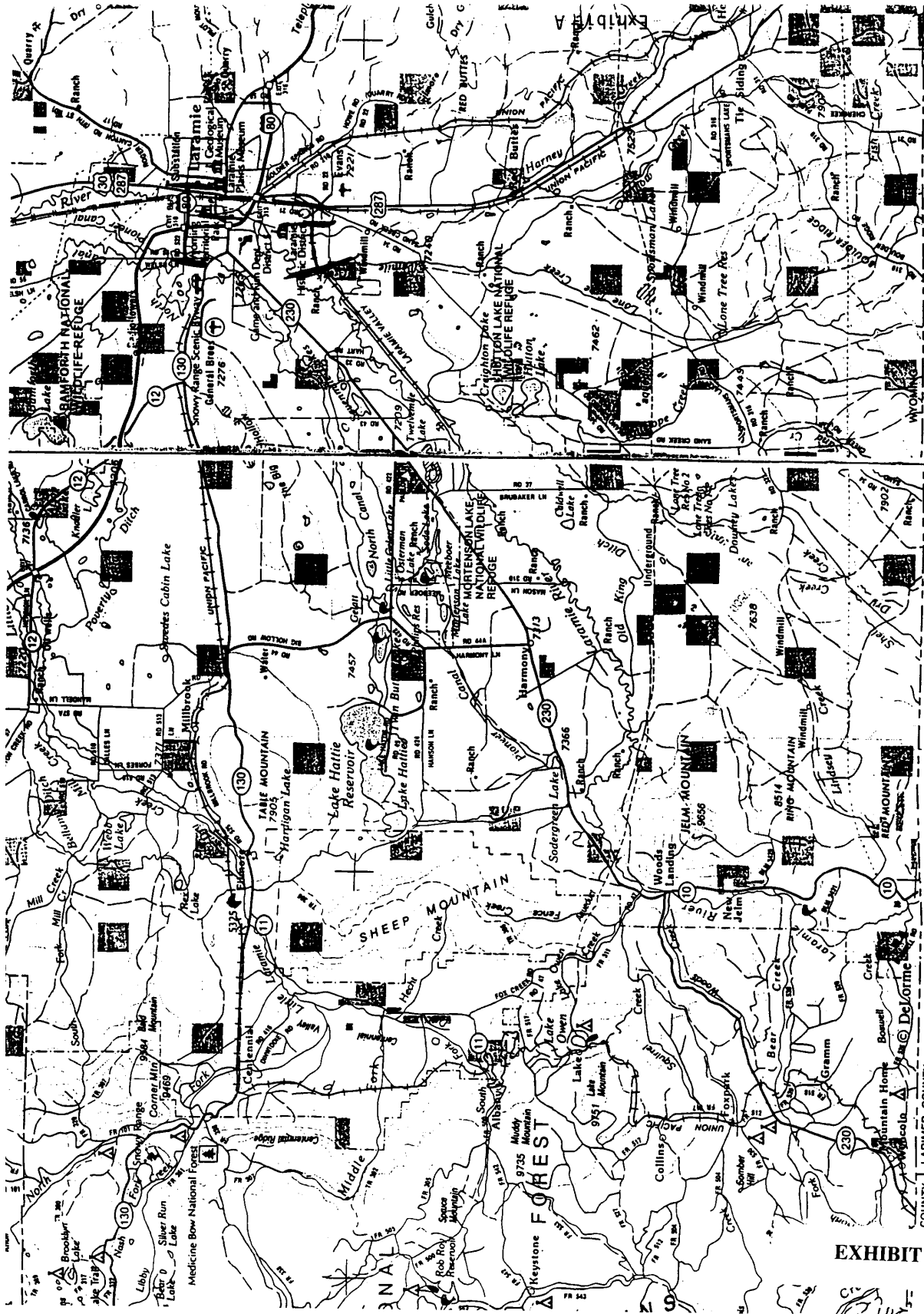
8. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological

recovery of resources (such as swampy conditions or the presence of toxic waste), and the surrounding terrain.

There are no existing records in WYCO's possession as to the nature of any known subsurface ground disturbance or fill, or environmental condition that might affect the archeological recovery of any potential resources.

9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific 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 location and type of the site (i.e. prehistoric or native American).

WYCO does not foresee the likelihood that any additional information will need to be supplied in association with the proposed line abandonment other than previously submitted. If additional information is requested, WYCO will promptly supply the necessary information.



Scale 1:250,000
1 inch represents 4 miles

BLM Lands State Lands
See pages 36-37 for Statewide Locator Map

EXHIBIT 1

BALL JANIK LLP

A T T O R N E Y S

1455 F STREET, NW, SUITE 225
WASHINGTON, D.C. 20005

www.balljanik.com

TELEPHONE 202-638-3307
FACSIMILE 202-783-6947

KARL MORELL

kmorell@dc.bjllp.com

January 21, 2003

Wyoming State Historic Preservation Division
4th Floor – Barrett Building
2301 Central Avenue
Cheyenne, Wyoming 82002

**RE: Docket No. AB-307 (Sub-No. 4X), Wyoming and Colorado Railroad
Company, Inc.--Abandonment Exemption—In Albany County,
Wyoming**

Dear Sir/Madam:

Wyoming and Colorado Railroad Company, Inc. ("WYCO") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about March 3, 2003, for WYCO to abandon its 1.12-mile rail line located between milepost 0.19 and milepost 1.31, in Laramie, WY. One of the requirements for this filing with the STB is that the carrier contact the State Historic Preservation Office regarding the proposed abandonment.

Enclosed is a map depicting the area where the rail line is located. The proposed abandonment will involve the removal of the rail, track material, and crossties. The only structure on the line associated with the abandonment is a bridge which will be donated to the City of Laramie

The line segment WYCO seeks to abandon is located in the County of Albany beginning at milepost 0.19 and extending generally in a southwesterly direction to milepost 1.31, within the city of Laramie, WY. The line traverses a high plains area passing near the Wyoming Territorial Park.

There is one bridge on the line. There are no other structures associated with the abandonment. The bridge is located at milepost .71 and is a 9-span timber pile trestle, open deck across the Laramie River. The bridge was constructed around 1972 to 1974 after the former bridge was destroyed by fire. Photographs of the bridge are attached.

BALL JANIK LLP

January 21, 2003

Page 2

We will send you a copy of WYCO's Historic Report as soon as it is completed. If I can of further assistance regarding this matter, please call me at (202) 638-3307.

Sincerely,

A handwritten signature in black ink, appearing to read "Karl Morell". The signature is fluid and cursive, with a large, sweeping "K" and a stylized "M".

Karl Morell

Attorney for:

Wyoming and Colorado Railroad Company, Inc.



Topographic Map Showing Site 48AB619 and Eastern Terminus in Laramie, Wyoming. Taken from Laramie, Wyoming (1963), USGS 7.5' Series Quadrangle (1:24,000 Scale).

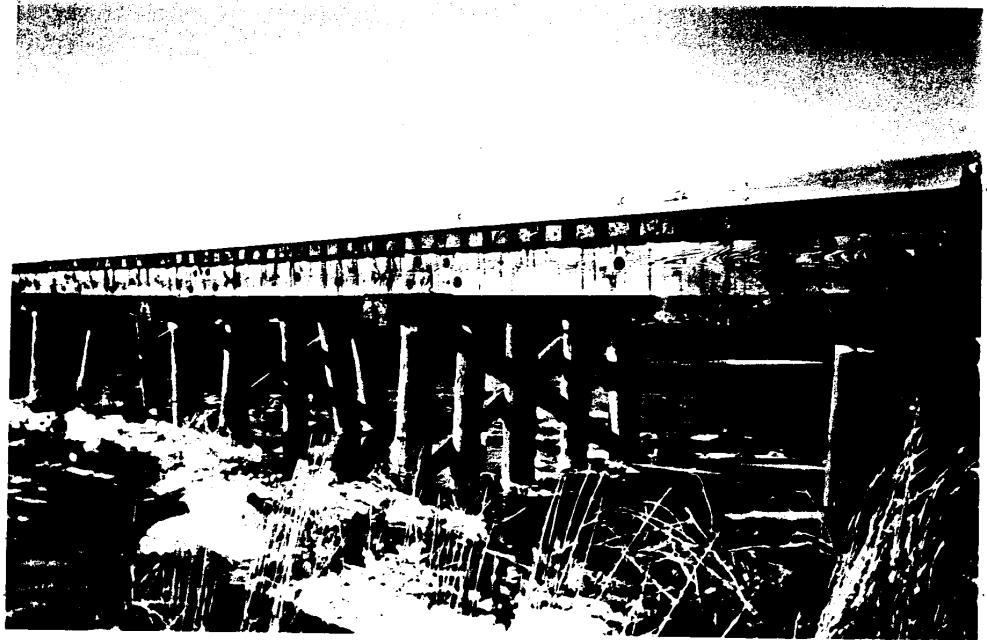




EXHIBIT 3

Wyoming Department of State Parks and Cultural Resources
State Historic Preservation Office

Richard Currit, SHPO
2301 Central Avenue
Barrett Building, 3rd Floor
Cheyenne, WY 82002

February 25, 2003

(307) 777-7697
FAX (307) 777-6421

Karl Morell
c/o Ball Janik LLP
1455 F Street, NW, Suite 225
Washington, DC 20005

FE: Wyoming and Colorado Railroad Co., Inc., Abandonment Exemption, Laramie
(SHPO #0201JKW003)

Dear Mr. Morell,

We have received information regarding the aforementioned project. Thank you for allowing us the opportunity to comment. As we understand it, the Wyoming and Colorado Railroad Company, Inc. (WYCO) is planning to file a Notice of Exemption with the Surface Transportation Board (STB) in early March for WYCO to abandon its 1.12-mile rail line located in T16N R73W Sec. 32, in Laramie. The proposed abandonment involves removal of the rail, track material, and crossties. The 9-span open deck bridge associated with the track will be donated to the City of Laramie.

Our research shows that the bridge (Smithsonian site number 48AB620) has already been incorporated into the walking/biking path in the City of Laramie greenbelt. It has been extensively modified, with new side rails made from pressure treated lumber and an asphalt top. In addition, most of the rail line has already been removed, with portions of the old railroad grade incorporated into the greenbelt. There are still some ties present but they have been disturbed.

This is unfortunate, because there is no evidence that the bridge was ever evaluated for its eligibility for listing in the National Register of Historic Places prior to becoming part of the greenbelt. It was not part of the original survey done for the earlier WYCO undertaking. Although there is a Wyoming Cultural Records site form (dated 1989) for the bridge, photographs associated with the form show a different deck on the bridge than that shown in the photographs included with your letter.

Our opportunity to comment has been precluded. The rail line (48AB619) was determined eligible and the bridge may have been a contributing feature. Thus the

Dave Freudenthal, Governor

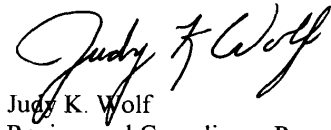


John T. Keck, Interim Director

undertaking constitutes an adverse effect. Pursuant to 36 CFR 800.5-6, consultation between your staff and the SHPO is necessary in order to discuss ways to reduce or eliminate the adverse effects. If a means to mitigate or avoid the adverse effects cannot be found, further consultation with the Advisory Council on Historic Preservation may be required. Appropriate mitigation by WYCO may be the installation of an interpretive sign at the site of the bridge, describing the history of the Laramie-Hahn's Peak rail line.

Please refer to the SHPO project control number 0203NNH023 on any future correspondence dealing with this project. If you have any questions, contact Nancy Hanks at 307-777-6312 or me at 307-777-6311.

Sincerely,

A handwritten signature in black ink, appearing to read "Judy K. Wolf". The signature is fluid and cursive, with the first name "Judy" being the most prominent.

Judy K. Wolf
Review and Compliance Program Manager

Cc: Gary Rimington Community Services Director, City of Laramie, 405 Grand Ave.,
Laramie, WY 82073

for purposes,
in specified,
alone or in
individuals
in the
elsewhere
to do any
incidental or
connected with
described,
thereof, if
the laws
corporation is
ration shall
necessary
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A trading firm representing the
Japanese government agency, C.
Itoh and Co. of New York, nego-
tiated the agreement here.

Glenn T. Sakai, an official of
the New York firm, said Japan
Atomic Fuel Corp. had reviewed
bids from uranium producers in
Canada and South Africa before
awarding the contract to Western
Nuclear.

Western Nuclear, founded as
a penny stock company in 1955,
has its mines in the Gas Hills area
of Wyoming.

Caboose, Rail Bridge Go Up In Flames

LARAMIE, Wyo. (UPI)—A fire
early Wednesday destroyed a Un-
ion Pacific caboose and rail-
road bridge, causing \$25,000 in
damage in the biggest UP loss
in Laramie in 20 years.

Laramie firemen said the blaze
eventually started Tuesday night
after the train pulled into the out-
skirts of the yards in west Lara-
mie.

The engine was disconnected,
firemen said, and the caboose
was sitting in the middle of the
railroad bridge.

An overheated stove in the ca-
boose eventually started the
blaze, firemen said. After it burn-
ed through the caboose walls, the
fire ignited the bridge.

nity.

The storm, described as the
state's second worst in history,
blanketed the broad expanse of
plain that is southeastern New
Mexico. From the air, on one of
the flights carrying hay to strand-
ed livestock, the land below ap-
peared as a white sheet, broken
only by occasional telephone poles

Legal Notice

ORDER APPOINTING TIME FOR HEARING ON A PETI- TION FOR PROBATE OF WILL

The petition of Kenneth C.
Franson for the probate of the
Last Will and Testament of Carl
R. Franson, deceased, and for
the issuance to Kenneth C. Fran-
son of Letters Testamentary, to-
gether with said last will and
testament, having been filed in
the office of the Clerk of this
Court on the 11th day of Decem-
ber, 1959,

IT IS NOW ORDERED that
the time of hearing upon said
petition be and is hereby fixed
for the 8th day of January, 1960,
at the hour of 10 o'clock a. m.,
or as soon thereafter as the same
can be heard at the District
Courtroom in the Courthouse of
said County of Laramie in the
City of Cheyenne, Wyoming,
when and where any person in-
terested may appear and contest
the same and show cause if any
there be why the prayer of said
petition should not be granted.

Dated this 16th day of Decem-
ber, 1959, at Cheyenne, Wyo-
ming.

SAM M. THOMPSON,
JUDGE

December 17, 24 31, 1959, and
January 7, 1960.

THE WYOMING EAGLE

Issued Every Morning Except Sunday and Monday

Printed and Published by Cheyenne Newspapers, Inc.
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Cheyenne, Wyoming under act of March 3, 1879

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Per Year \$10.00; Six Months \$5.75; Three Months \$4.00
Outside of State: One Year \$12.00.
By Carrier in Cheyenne: Two Weeks \$2; One Year \$14.50
Motor Route: \$1.25 Per Month
Payable in Advance

TRACY S. McCLAREN, Chairman of the Board

EXHIBIT 4



A smoldering caboose sits atop a flaming railroad bridge in West Laramie early Wednesday. Union Pacific started rebuilding the bridge Wednesday night. The \$25,000 blaze started in the caboose and spread to the bridge.

Rail Fire Causes \$25,000

A \$25,000 fire early Wednesday morning completely destroyed a Union Pacific caboose and railroad bridge in the most expensive single UP loss in Laramie in 20 years. Firemen said the blaze started through the caboose walls, the fire evidently started sometime Tuesday night after the train had pulled into the outskirts of the UP yard. Sometime Tuesday night, firemen made of heavy timber, probably have the bridge repaired in West Laramie.

The train had come to a halt scene until Wednesday at 4:30 a.m. The bridge was still burning on a mile from Pine Street in the bridge. Local firemen, who fought a blaze for two hours before the branch run on the Union Pacific, it under control, won Dur-

Welfare Department Acting
A. Y. L. Aid Clearing House Fire Chief Warns of Yu

ba Sends merican Prison

AVANA (UPI)—A war court Friday night sentenced an American electric engineer to 18 years imprisonment after his conviction on charges of trying to help the family of a "war criminal" escape from Cuba.

Martino, of Long Island N.Y., identified as president of Neptune Electronics Co., sentenced less than 72 hours after the conclusion of his five-hour trial at the military Tribunal in Havana.

The case involving another American, James C. Buchanan, a resident of the Miami (Fla.) Her was ordered tried by a revolutionary tribunal. Prime Minister Fidel Castro ruled Friday the newspaperman must also be charged with "complicity" in a recent jailbreak of Austin G. Miami soldier of fortune, an army prosecutor in Marti trial had asked a 20-year term. Martino steadfastly proved his innocence of the charge throughout his detention trial. It was assumed the man was in poor physical condition.

CUBA ASSOCIATED PRESS
(Cont'd. Page 15, Col. 2)

rushchev Keeps promise to Parents

EDITOR'S NOTE: United Press International staffer Joe Schuller was the first man to tell Mr. and Mrs. Paulus Leons that the Soviet government was sending their children home after 15 years' separation. The following is Miss Schuller's report.

By JOYCE SCHULLER
United Press International
CHICAGO (UPI)—Soviet Premier Nikita S. Khrushchev kept a promise Friday and let the 15-year-old son and daughter of a man who had been in the United States for 15 years.

Khrushchev made the promise in a lobby of a Moscow hotel last Sept. 23 during his tour of the United States.

Mr. and Mrs. Paulus Leons, who had fled the Communist invasion of Lithuania 15 years ago, were through the security agents' questioning. Khrushchev and his wife, Yelena, 20, and their 17-year-old son, returned to Moscow.

Khrushchev called Mrs. Leons and told her that her son and daughter were being sent home.

Friday, Gromyko saw to it. The Embassy in Moscow announced that the Leons children had been sent home.

The Leons children, 15-year-old Paulus, 42, and his wife, Yelena, 42, were out buying a Christmas tree and presents. This reporter was sitting in the office of their prosperous real estate firm when they returned.

The Leons family had been in the United States for 15 years.

KI KHRUSHCHEV
(Cont'd. Page 15, Col. 2)



A Union Pacific work crew uses a huge track-mounted pile driver to help swing another beam into place on reconstruction of the Laramie River bridge on the Centennial branch line across the half-way point Friday. Crews have been repairing the bridge since it burned down Wednesday in a \$75,000 fire that cut off all rail service to the Centennial and Walden areas. Service is expected to be restored by Sunday.

U. P. Rebuilds Burned Bridge; Walden Traffic Starts Sunday

By Don Belts
A 135-foot railroad bridge burned down in a Wednesday morning fire, will be completely rebuilt by Saturday evening and ready for the Sunday Union Pacific run to Walden, Colo., a UP official said Friday.

Three crews are working 24 hours a day to get the bridge back in operation.

The bridge and a caboose were destroyed in Wednesday's \$75,000 fire. An overhead wire for the caboose started the fire. After the fire ate through the caboose with-

it ignited the bridge. The train had just completed its daily run to Walden and was parked in the outskirts of the UP yards awaiting car distribution to the central yard.

Destruction of the bridge represents a \$15,000 loss.

• Weather •
Partly cloudy
Little warmer
Expected range 20-55
Full weather report
on page 10.

Firemen were called to the scene Wednesday at 4:30 a.m. and fought the blaze for two hours before getting it under control. UP officials said the fire caused the biggest single UP loss in Laramie in the past 20 years.

The bridge, located in West Laramie about a mile past Pine Street, was under construction again by Wednesday afternoon.

Crews destroyed the old bridge and began hauling timbers from the railroad's tie treating plant in Laramie. Most of the bridge and building crew working on the bridge are not from Laramie, Eugene Schwab, chief of the bridge crew, said.

(Cont'd. Page 15, Col. 2)

NATO Strength Is the Issue

PARIS (UPI)—President Eisenhower has decided to meet Gen. Charles de Gaulle head-on on the question of France's weakening support for NATO, in formal sources said Friday night.

According to the sources, the American chief executive is determined not to leave Paris without achieving some understanding with de Gaulle on the matter of a unified European air defense command and other key issues.

His decision to broach the matter directly in hard-talking negotiations Friday was a last-minute affair, reached during Friday's train ride from Toulon to Paris with Secretary of State Christian Herter, the sources indicated.

Eisenhower and de Gaulle were scheduled to have their first private talks after the opening session of their three-day conference with West German Chancellor Adenauer and British Prime Minister Macmillan on the West's summit strategy.

The sources made it clear de Gaulle did not bring up the NATO dispute during the private meeting, Eisenhower would.

The American President, after receiving Herter's detailed report, was said to be deeply concerned over the effects of French opposition to an integration of NATO.

SEE: IKE GETS
(Cont'd. Page 15, Col. 1)

President Arrives For Paris Talks

PARIS (UPI)—President Eisenhower, fit and rested, arrived in a red carpet welcome in Paris Friday night to attend a Western summit conference and to give the bucking allies in unity and seek peace from a position of strength.

French President Charles de Gaulle, most outspoken in his dissatisfaction with Western defense planning, greeted Eisenhower with a smile and a handshake in the Gare de Lyon when the special train carrying Eisenhower from the port city of Toulon rolled to a stop. There were no speeches. But a crowd in the station cheered as the two leaders shook hands.

Prospects of the Gaullist Republic, in planned silver helmets, white breeches and black boots, lined a 30-foot wide red carpet from the train to the formal reception platform where de Gaulle waited.

"Thank you very much for coming," Eisenhower told his host. "I am grateful."

The President went directly to the U.S. Embassy for dinner.

SEE: PRESIDENT
(Cont'd. Page 15, Col. 1)

There isn't Much Time

SHOPPING DAYS
TO CHRISTMAS

READ OUR ADS!

A Union Pacific work crew uses a huge track-mounted pile driver to help swing another beam into place as re-construction of the Laramie River bridge on the Coalmont branch line passed the halfway point Friday. Crews have been on round-the-clock duty rebuilding the bridge that burned down Wednesday in a \$25,000 blaze that cut off all rail service to the Centennial and Walden areas. Service is expected to be restored by Sunday.

U. P. Rebuilds Burned Bridge; Walden Traffic Starts Sunday

By Don Bettis

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Crews destroyed the old bridge and began hauling lumber from the railroad's tie treating plant in Laramie. Most of the bridge and building crew working on the bridge is not from Laramie, Eugene Schwe

SEE: UP REBUILDS

(Cont'd, Page 15, Col. 4)

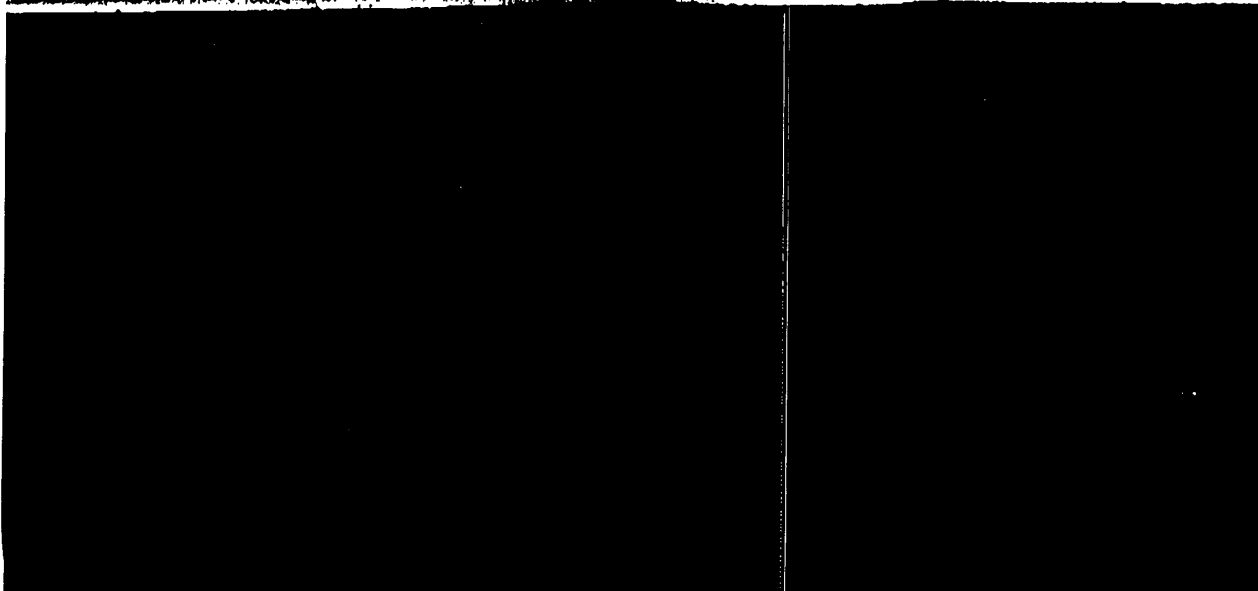
● Weather ●

Partly cloudy

Little warmer

Expected range 20-55

Full weather report
on page 10.



ends American to Prison

(Cont. from Page One)

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Cabana fortress.

Appeal Expected
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Appeal Expected
understood Martino's at-
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ued from Page One)
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no also stronger for pur-
peace than was possible
our history," he said.

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State Louis Jacquinot in-
lorful ceremonies as oth-
ern leaders began arriv-
aris for the summit con-
which starts Saturday and
nday.

Prime Minister Harold
in and West German

Cuba's most wanted war criminals. He is in exile in Miami.

Martino said his presence in Cuba was due only to a desire to patent a brushless generator he said he had developed. "I am a businessman, nothing else," he told the revolutionary tribunal.

Castro, in a four-hour television speech which ended early Friday, rejected new and urgent pleas for the immediate release of Buchanan. He did not make it clear if the newspaperman would be tried by a military or civil court. This point was expected to be decided by the Cuban Supreme Court to which the case has been referred. Only military tribunals may impose death sentences.

This newspaperman (Buchanan) will go before revolutionary trials and his situation will be resolved by revolutionary trials, Castro said. "What the revolutionary courts decide in their judgment, in accord with the proofs they have, afterwards will determine the corresponding sanction."

However, a hint of government lenience was indicated in a Castro statement that "perhaps they better remove him (Buchanan) from the country, but that he return to Cuba no more to molest us."

Castro rejected appeals from the Inter American Press Association and The Times of Havana for the release of Buchanan, "so that he may return to his job." He said that Cuba "has proofs" of Buchanan's "complicity" in Young's escape from a military jail.

Young, a former British R.A.F. pilot and adventurer, was under sentence of 30 years imprisonment for anti-government activities when he escaped a week ago Tuesday from a Pinar del Rio Military Jail. He was recaptured later. Buchanan's arrest followed shortly thereafter.

Castro held out little hope for executive clemency for Buchanan, despite the mounting clamor abroad for his release.

"The least they (those appealing for his release) can expect is that he will be judged," Castro said. "Meanwhile, they must wait."

He said that sole responsibility for determining Buchanan's guilt or innocence lies with the revolutionary government.

(In Washington, State Department officials indicated the U.S.

P. Rebuilds

(Continued from Page One)

rer, division engineer from Cheyenne, said.

The men are part of the Wyoming Division B and B crews that cover the entire state throughout the year.

The fine weather for the past three days, Schweitzer said, has been an important factor in the rush job. The calm wind and fairly warm nights have helped considerably, he added.

The bridge is 10 feet above the Laramie river, 12 feet wide, and 135 feet long.

First job in the bridge construction project was pile driving 50 poles, 20-feet long into the river bed. The poles were driven 10 feet into the earth. The workers first had to break the ice in the river. Depth of the river, right now, is about four feet, Schweitzer said.

Next the workers put 'caps' and 'awaybraces' over the long poles, called pillings, to keep them from wiggling. Stringers, 30-feet long, are then spiked down over the entire length of the bridge on top of the 'caps'. Six stringers are required for the bridge.

Workers then spike railroad ties, or more correctly bridge ties, to the top of the stringers and spike rails to the ties. Last the walkway and handrails are added and the job is complete.

The bridge is built in nine sections. The place where one section ends and another begins is called a 'bent'. There are 10 bents with five long poles or pillings at each bent.

Schweitzer said the West Laramie bridge was built completely new in 1932. The bridges are replaced periodically because of deterioration, he added. Some of the bridges last for as long as 20 years without deteriorating, he said.

"We should be done with the job Saturday at 6 p.m.," Schweitzer said.

DISCOVERS MEDICINE

LONDON (UPI)—A British doctor Friday announced a new drug for "evening colic," an ailment which causes babies up to about three months of age to howl at night after feedings.

Khrushchev

(Continued from Page One)

any news of our child? Haven't you heard?" told "The visas were day." Then Mrs. Leonas screamed with pure "No," she shouted.

zy! I don't believe it!" "I'm going out now Christmas presents," she said. "A fur coat daughter and a movie camera for my son."

Leonas, a tall, heavy beamed at her and Helen? Who was right, he hadn't really believed self, he's always told children would be back mas.

Although the Leonas positive assurance that Tomas would fly to time for Christmas, it really worried about i "When they come, Christmas," Leonas as they are here for Christmas. He said he would write to Khrushchev "to thank his very great generosity."

Breathlessly, the couple how they left their children when the woman, Tomas was a and Ginas was only half. Today their picture they are blond, hands people, Tomas a high-dent and Ginas a librarian. The couple lived through Germany and six in Canada, before coming go. Plea after plea children was rejected. Leonas received a letter from the Soviet government decided to make a plea to Khrushchev at all.

ROME (UPI)—A hearing of the long-drawn-out battle over the Ingrid Bergman and Ingmar Bergman divorce settlement. Attorneys for the estranged couple accepted and agreed to file a plea by Jan. 4.

SETH HEARING DATE

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