

**GREAT WESTERN RAILWAY
OF COLORADO, L.L.C.**

P.O. Box 537 Zip 80539
950 Taylor Avenue
Loveland, Colorado 80538
Telephone 970-667-6883
Fax 970-667-1444
Mobile 970-567-1388
<http://www.omnitrax.com>

209053



October 1, 2003

Surface Transportation Board
Section of Environmental Analysis
1925 K Street, N.W.
Washington, D.C. 20423-0001

Re: Docket No. AB-857 (Sub-No. 4X), Great Western Railway of Colorado, LLC –
Abandonment Exemption – Weld County, Colorado

Dear Sir/Madam:

On or shortly after October 20, 2003, Great Western Railway of Colorado, LLC ("GWRC") will file with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon a line segment consisting of 11.7 mile rail line located between milepost 30.8 near Windsor, Colorado and milepost 42.5 near Eaton, Colorado in Weld County, Colorado (the "Line"). Enclosed with this letter are 10 copies of the Environmental Report and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

Each of the governmental agencies that the statute and regulations require the applicant to serve has been sent a copy of these documents on this date. We requested each of those recipients to submit any comments concerning these reports to your office.

Please feel free to contact the undersigned at (303) 393-0033 or at 252 Clayton Street, 4th Floor, Denver, Colorado 80206 or at mogborn@omnitrax.com if you have any questions. Our representative is Karl Morell who may be reached at 1455 F Street N.W., Washington, D.C. 20005 or by telephone at (202) 638-3307 should you have any questions of him.

Thank you.

Sincerely,

Mike Ogborn
Manager
Great Western Railway of Colorado, LLC

cc: Karl Morell

ENTERED
Office of Proceedings

OCT 06 2003

Part of
Public Record

**ENVIRONMENTAL REPORT
(49 CFR SECTION 1105.7)**

DOCKET NO. AB-857 (SUB-NO. ~~4X~~)

**GREAT WESTERN RAILWAY OF COLORADO, LLC
– ABANDONMENT EXEMPTION –
WELD COUNTY, COLORADO**



1. *Proposed Actions 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 the current operations or maintenance procedures. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Great Western Railway of Colorado, LLC ("GWRC") proposes to abandon its Eaton Subdivision located between milepost 30.8 near Windsor, Colorado and milepost 42.5 near Eaton, Colorado, totaling approximately 11.7 miles (the "Line"). Upon receipt of abandonment authority, GWRC intends to remove the rail, track materials, and cross ties. There are currently no plans to remove any of the bridge structures on the Line.

The Line has not been used for local or overhead traffic for in excess of ten years and no maintenance has been performed on any portion of the Line. Therefore, the proposed abandonment will not change rail freight operations or maintenance practices on this Line.

The only alternative to abandonment would be to not abandon the Line and pass the opportunity costs or retaining the Line to all other GWRC customers. Obviously, this would not be a prudent use of GWRC's resources. The Line is in extremely poor condition.

A map of the proposed abandonment is attached 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 and freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

No local or overhead freight or passenger traffic has moved over the Line in over ten years. Therefore, the proposed abandonment will have no adverse effects on local or regional transportation systems or patterns because the traffic that once used the Line has long ago been transferred to other transportation modes or routes. Also, no traffic will be

diverted to other transportation systems or modes as a result of the proposed abandonment.

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 the 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) GWRC is confident that the proposed abandonment will be consistent with local land use plans. GWRC has contacted the local government of Weld County as shown in the letter attached as Exhibit 2. On September 23, 2003, Vickie Sprague called from the County Commission office and reported that the GWRC letter had been circulated among the 5 County Commissioners and that the proposed abandonment is consistent with local land use plans. In addition, GWRC wrote the National Geodetic Survey ("Survey") to solicit its views on this issue. That letter is attached as Exhibit 3 and the Survey's response is attached as Exhibit 3A. GWRC does not plan any activities that will disturb the two geodetic station markers identified by the Survey.

(ii) GWRC is confident the proposed abandonment will not have any detrimental effect on any prime agricultural land. GWRC contacted the U.S. Soil Conservation Service as is shown in the letter attached as Exhibit 4. Attached as Exhibit 4A is the response of State Conservationist that states the "proposed action will not impact any prime agricultural land."

(iii) The Line is not located in a designated coastal zone.

(iv) The right-of-way involved does not appear to be suitable for alternative public use other than as a recreational trail since it is located in a rural, sparsely populated area. No State or local entity has expressed an interest in the right-of-way.

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 or motor carriage or 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 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 adverse effect on overall energy efficiency since no local or overhead traffic has moved over the Line for ten years. Any traffic that previously moved over the Line has long ago been transferred either to other modes or other routings.

(iv) The proposed abandonment will not cause the diversion of any rail traffic to motor carriage since no local or overhead rail traffic has been handled over the Line in approximately ten years.

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 subsection (5)(i)(A) will apply. (ii) If the proposed action affects a class I or non-attainment 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 these thresholds.

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

(iii) The proposed abandonment will not affect the transportation of depletion 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 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) GWRC believes there will not be any impact on public health or safety associated with the proposed abandonment because no local or overhead traffic has moved on the Line in over ten years. The eventual removal of public and private rail crossings will, however, have a positive effect on vehicular traffic that will no longer have to deal with the crossings.

(ii) The proposed abandonment will have no effect on the transportation of hazardous materials.

(iii) GWRC is unaware of any hazardous waste sites or sites where hazardous spills have occurred on the right-of-way.

8. Biological Resources. (i) Based on consultations 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 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) GWRC is confident that the proposed abandonment will not have an adverse affect on threatened or endangered species or areas designated as a critical habitat. GWRC contacted the U.S. Fish and Wildlife Service as shown by the letter attached as

Exhibit 5. GWRC has supplied a copy of this report to the U.S. Fish and Wildlife Service for its information and comment.

(ii) GWRC believes there are no wildlife sanctuaries or refuges or National or State parks or forests that would be adversely affected by the proposed abandonment. GWRC has contacted the National Park Service as shown in the letter attached as Exhibit 6. GWRC has supplied a copy of this report to the National Park Service for its information and comment.

9. Water. (i) Based on consultation with the 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 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 Air 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.)

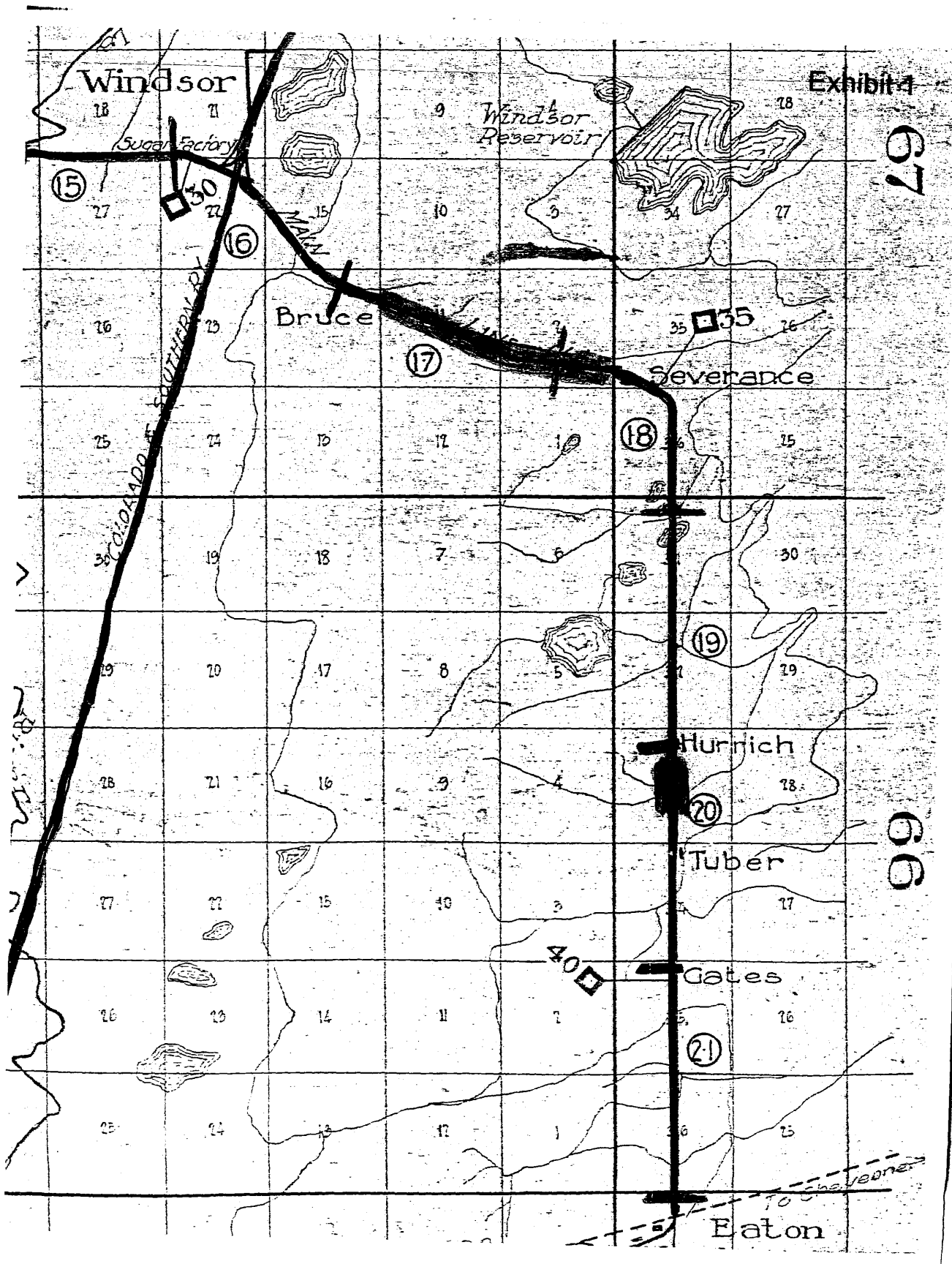
(i) GWRC is confident the proposed abandonment will not be inconsistent with applicable water quality standards. GWRC contacted the Colorado Department of Health as is shown by the letter attached as Exhibit 7. No response has been received to date. GWRC has sent the Department a copy of this report for its information and comment.

(ii) GWRC believes the proposed abandonment will not require the issuance of any permits under Section 404 of the Clean Water Act. Also, no designated wetlands or 100-year flood plains will be adversely affected by the proposed abandonment. GWRC contacted the U.S. Army Corps of Engineers as is shown by the letter attached as Exhibit 8. The Corps' response is attached as Exhibit 8A. GWRC has supplied the Corps with a copy of this report for its information and further comment.

(iii) GWRC believes the proposed abandonment will not require the issuance of any permits under Section 402 of the Clean Air Act. GWRC contacted the U.S. Environmental Protection Agency as is shown by the letter attached as Exhibit 9. No response has been received to date. GWRC supplied a copy of this report to the EPA 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.

GWRC does not anticipate any adverse environmental impact from the proposed abandonment nor have the recipients of this report advised of a need for special mitigation.



OmniTRAX, INC.

252 Clayton Street
Denver, CO 80206
Telephone 303-393-0033
Fax 303-393-0041
www.omnitrax.com



August 8, 2003

Mr. David Long
Chairman
Weld County Commission
915 10th Street
Greeley, Colorado 80631-1117

Re: Docket No. AB-857 SDM (Sub-No. 1X), Great Western Railway of Colorado, LLC
Notice of Exemption to Abandon 11.7 Miles of Trackage in Weld County, Colorado

Dear Mr. Long:

Great Western Railway of Colorado, LLC ("GWRCO") plans to file a Notice of Exemption with the Surface Transportation Board to abandon approximately 11.7 miles of trackage in Weld County, Colorado. A narrative description of the proposed abandonment is attached to this letter.

49 CFR §1105.7(e)(3)(i) states that "Based upon consultation with local and/or regional planning agencies and/or review of the planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies." GWRCO would appreciate your review of the proposed abandonment as required by this regulation. Your response will be included in the Environmental Report prepared for this abandonment and GWRCO will send a copy of it to you. To facilitate your reply, I have enclosed a stamped, self-addressed envelope for your use.

Please feel free to contact me at (303) 393-0033, at my e-mail address, which is mogborn@omnitrax.com, or at 252 Clayton Street, 4th Floor, Denver, Colorado 80206, if you have any questions concerning this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mike Ogborn".

Mike Ogborn
Manager, Great Western Railway of Colorado, LLC

OmniTRAX, INC.

252 Clayton Street
Denver, CO 80206
Telephone 303-393-0033
Fax 303-393-0041
www.omnitrax.com



August 8, 2003

The National Geodetic Survey
Department of Commerce/NOAA
SSMC3
1315 E. West Highway
Silver Springs, Maryland 20910

Re: Docket No. AB-857 SDM (Sub-No. 1X), Great Western Railway of Colorado, LLC
Notice of Exemption to Abandon 11.7 Miles of Trackage in Weld County, Colorado

To Whom It May Concern:

Great Western Railway of Colorado, LLC ("GWRCO") plans to file a Notice of Exemption with the Surface Transportation Board to abandon approximately 11.7 miles of trackage in Weld County, Colorado. A narrative description of the proposed abandonment is attached to this letter.

49 CFR §1105.7(e)(9)(ii) states that "Based upon consultation with local and/or regional planning agencies and/or review of the planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies." GWRCO would appreciate your review of the proposed abandonment as required by this regulation. Your response will be included in the Environmental Report prepared for this abandonment and GWRCO will send a copy of it to you. To facilitate your reply, I have enclosed a self-addressed, stamped envelope for your use.

Please feel free to contact me at (303) 393-0033, at my e-mail address, which is mogborn@omnitrax.com or at 252 Clayton Street, 4th Floor, Denver, Colorado 80206, if you have any questions concerning this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Ogborn".

Mike Ogborn
Manager, Great Western Railway of Colorado, LLC



UNITED STATES DEPARTMENT OF COMMERCE
National Ocean Service and Atmospheric Administration
NATIONAL OCEAN SERVICE
National Geodetic Survey
Silver Spring, Maryland 20910-3282

Exhibit 3a

SEP 9 2003

Ms. Victoria J. Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

Dear Ms. Rutson:

The area in question on the map with the Environmental and Historic Reports for the proposed rail line abandonment of Great Western Railway of Colorado, LLC for 11.7 miles of rail line between Milepost 30.8 near Windsor, and Milepost 42.5 near Eaton, Weld County, Colorado, STB Docket No. AB-857 SDM (Sub-No. 1X), has been reviewed within the areas of National Geodetic Survey (NGS) responsibility and expertise and in terms of the impact of the proposed actions on NGS activities and projects.

As a result of this review, 2 geodetic station markers have been identified that may be affected by the proposed abandonment; a listing of these markers is enclosed. Additional information about these station markers can be obtained via the Internet or NGS CD-ROM. A fact sheet for these two data retrieval methods is enclosed. If there are any planned activities which will disturb or destroy these markers, NGS requires not less than 90 days notification in advance of such activities in order to plan for their relocation.

If further information is needed for this geodetic marker, contact Mr. Frank C. Maida. His address is NOAA, N/NGS2, Room 8736, 1315 East-West Highway, Silver Spring, Maryland 20910-3282, telephone: 301-713-3198, fax: 301-713-4324, e-mail: Frank.Maida@noaa.gov.

Sincerely,

Richard A. Snay
Chief, Spatial Reference System Division

Enclosures

cc: N/NGS1 - G. Mitchell
Mike Ogborn, Great Western Railway of Colorado, LLC



Printed on Recycled Paper



GREAT WESTERN RAILWAY OF COLORADO, LLC
BETWEEN WINDSOR AND EATON, WELD COUNTY, COLORADO

STB DOCKET NO. AB-857 SDM (SUB-NO. 1X)

2 GEODETIC CONTROL MARKS IN THE PROPOSED ABANDONMENT AREA

PIDS	DESIGNATION	LATITUDE	LONGITUDE
LL0262	P 136	N402834	W1045310
LL0278	Z 208	N403148	W1044241



National Geodetic Survey - News Flash!



GEODETTIC DATA AVAILABLE FREE ON THE INTERNET

Are you interested in getting the most current position, height, and descriptive information for all the geodetic control points in the National Spatial Reference System? Are you interested in getting this information immediately, free of cost, and whenever you want it? With an Internet connection, this information is yours to download.

The National Geodetic Survey's (NGS) data sheet contains position, height, and descriptive information for approximately 750,000 control points throughout the United States. The data sheet provides:

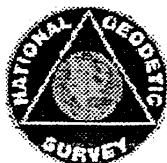
- ▶ The geodetic coordinates and the orthometric height for each point
- ▶ The horizontal and vertical datums on which the information is based
- ▶ State plane coordinates and Universal Transverse Mercator coordinates
- ▶ Modeled geoid height, ellipsoidal height, modeled gravity, and Laplace correction
- ▶ A description of the station's location and how to reach it

To obtain this information, set your Web browser to
http://www.ngs.noaa.gov/products_services.html

For more information contact:

NOAA, National Geodetic Survey, N/NGS12
1315 East-West Highway, Station 09202
Silver Spring, MD 20910

Telephone: (301) 713-3242; Fax: (301) 713-4172
Monday through Friday, 7:00 a.m. - 4:30 p.m., Eastern Time
<http://www.ngs.noaa.gov>



NGS: Tying America Together

**GREAT WESTERN RAILWAY
OF COLORADO, LLC.**

P.O. Box 537 Zip 80539
950 Taylor Avenue
Loveland, Colorado 80538
Telephone 970-667-6883
Fax 970-667-1444
Mobile 970-567-1388
<http://www.omnitrax.com>



August 8, 2003

Natural Resources Conservation Service
State Conservationist
655 Parfet Street, Room E200C
Lakewood, Colorado 80215-5517

Re: Docket No. AB-857 SDM (Sub-No. 1X), Great Western Railway of Colorado, LLC
Notice of Exemption to Abandon 11.7 Miles of Trackage in Weld County, Colorado

To Whom It May Concern:

Great Western Railway of Colorado, LLC ("GWRCO") plans to file a Notice of Exemption with the Surface Transportation Board to abandon approximately 11.7 miles of trackage in Weld County, Colorado. A narrative description of the proposed abandonment is attached to this letter.

49 CFR §1105.7(e)(8)(ii) states, "Based upon consultation with the U.S. Soil Conservation Service, state the effects of the proposed action on any prime agricultural land." GWRCO would appreciate your review of the proposed abandonment as required by the regulation. GWRCO will include your response in the Environmental Report prepared for this abandonment and will send a copy of that report to the National Park Service. To facilitate your reply, a stamped, addressed envelope is enclosed for your use.

Please feel free to contact me at (303) 393-0033, at my e-mail address, which is mogborn@omnitrax.com, or at 252 Clayton Street, 4th Floor, Denver, Colorado 80206, if you have any questions concerning this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Ogborn", written over a horizontal line.

Mike Ogborn
Manager, Great Western Railway of Colorado, LLC

United States Department of Agriculture

Exhibit 4a



Natural Resources Conservation Service

655 Parfet Street, Room E200C
Lakewood, Colorado 80215

720-544-2818 - Office
720-544-2965 - Fax
www.co.nrcs.usda.gov
tom.weber@co.usda.gov

August 13, 2003

File Code: 310-0

Mike Ogborn
Manager, Great Western Railway of Colorado, LLC
252 Clayton Street
Denver, CO 80206

RE: Docket No. AB-857 SDM (Sub-No. 1X), Great Western Railway of Colorado, LLC
Notice of Exemption to Abandon 11.7 Miles of Trackage in Weld County, Colorado.

After review of the proposed abandonment of approximately 11.7 miles of trackage in Weld County, Colorado, it was determined the proposed action will not impact any prime agricultural land.

Sincerely,

A handwritten signature in black ink that reads "Thomas J. Weber".

Thomas J. Weber
Assistant State Soil Scientist

Cc: Cameron Loerch, MO/SSS

**GREAT WESTERN RAILWAY
OF COLORADO, L.L.C.**

P.O. Box 537 Zip 80539
950 Taylor Avenue
Loveland, Colorado 80538
Telephone 970-667-6883
Fax 970-667-1444
Mobile 970-567-1388
<http://www.omnitrax.com>



August 6, 2003

United States Fish and Wildlife Service
P.O. Box 25486
Denver Federal Center
Denver, Colorado 80225

Re: Docket No. AB-857 SDM (Sub-No. 1X), Great Western Railway of Colorado, LLC
Notice of Exemption to Abandon 11.7 Miles of Trackage in Weld County, Colorado

To Whom It May Concern:

Great Western Railway of Colorado, LLC ("GWRCO") plans to file a Notice of Exemption with the Surface Transportation Board to abandon approximately 11.7 miles of trackage in Weld County, Colorado. A narrative description of the proposed abandonment is attached to this letter.

49 CFR §1105.7(e)(8)(i) states, "Based upon consultation with the U.S. Fish & Wildlife Service, state the effects of the proposed action is likely to adversely affect endangered and threatened species or areas designated as a critical habitat, and, if so, describe the effects." GWRCO would appreciate your review of the proposed abandonment as required by the regulation. GWRCO will include your response in the Environmental Report prepared for this abandonment and will send a copy of that report to the National Park Service. To facilitate your reply, a stamped, addressed envelop is enclosed for your use.

Please feel free to contact me at (303) 393-0033, at my e-mail address, which is mogborn@omnitrax.com, or at 252 Clayton Street, 4th Floor, Denver, Colorado 80206, if you have any questions concerning this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mike Ogborn", written over a horizontal line.

Mike Ogborn
Manager, Great Western Railway of Colorado, LLC

**GREAT WESTERN RAILWAY
OF COLORADO, L.L.C.**

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950 Taylor Avenue
Loveland, Colorado 80538
Telephone 970-667-6883
Fax 970-667-1444
Mobile 970-567-1388
<http://www.omnitrax.com>



August 8, 2003

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

Re: Docket No. AB-857 SDM (Sub-No. 1X), Great Western Railway of Colorado, LLC
Notice of Exemption to Abandon 11.7 Miles of Trackage in Weld County, Colorado

To Whom It May Concern:

Great Western Railway of Colorado, LLC ("GWRCO") plans to file a Notice of Exemption with the Surface Transportation Board to abandon approximately 11.7 miles of trackage in Weld County, Colorado. A narrative description of the proposed abandonment is attached to this letter.

GWRCO would appreciate your assistance in identifying the existence of any wildlife sanctuaries or refuges, national or state parks or forests in the area of the proposed abandonment as required by 49 CFR §1105.7(e)(8)(ii). GWRCO will include your response in the Environmental Report prepared for this abandonment and will send a copy of that report to the National Park Service. To facilitate your reply, a stamped, addressed envelope is enclosed for your use.

Please feel free to contact me at (303) 393-0033, at my e-mail address, which is mogborn@omnitrax.com, or at 252 Clayton Street, 4th Floor, Denver, Colorado 80206, if you have any questions concerning this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Ogborn", written over a horizontal line.

Mike Ogborn
Manager, Great Western Railway of Colorado, LLC

OmniTRAX, INC.

252 Clayton Street
Denver, CO 80206
Telephone 303-393-0033
Fax 303-393-0041
www.omnitrax.com



August 8, 2003

Colorado Public Health and Environment Department
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

Re: Docket No. AB-857 SDM (Sub-No. 1X), Great Western Railway of Colorado, LLC
Notice of Exemption to Abandon 11.7 Miles of Trackage in Weld County, Colorado

To Whom It May Concern:

Great Western Railway of Colorado, LLC ("GWRCO") plans to file a Notice of Exemption with the Surface Transportation Board to abandon approximately 11.7 miles of trackage in Weld County, Colorado. A narrative description of the proposed abandonment is attached to this letter.

49 CFR §1105.7(e)(9)(i) states, "Based upon consultation with the State Water Quality Officials, state whether the proposed action is consistent with applicable federal, state or local water quality standards. Describe any inconsistencies." GWRCO would appreciate your review of the proposed abandonment as required by the regulation. GWRCO will include your response in the Environmental Report prepared for this abandonment and will send a copy of that report to you. To facilitate your reply, a stamped, addressed envelope is enclosed for your use.

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Sincerely,

A handwritten signature in black ink, appearing to read "Mike Ogborn", with a long horizontal flourish extending to the right.

Mike Ogborn
Manager, Great Western Railway of Colorado, LLC

**GREAT WESTERN RAILWAY
OF COLORADO, LLC.**

Exhibit 8

P.O. Box 537 Zip 80539
950 Taylor Avenue
Loveland, Colorado 80538
Telephone 970-667-6883
Fax 970-667-1444
Mobile 970-567-1388
<http://www.omnitrax.com>



August 8, 2003

U.S. Army Corps of Engineers
106 South 15th Street
Omaha, Nebraska 68102-1618

Re: Docket No. AB0857 SDM (Sub-No. 1X), Great Western Railway of Colorado, LLC
Notice of Exemption to Abandon 11.7 Miles of Trackage in Weld County, Colorado

To Whom It May Concern:

Great Western Railway of Colorado, LLC ("GWRCO") plans to file a Notice of Exemption with the Surface Transportation Board to abandon approximately 11.7 miles of trackage in Weld County, Colorado. A narrative description of the proposed abandonment is attached to this letter.

49 CFR §1105.7(e)(9)(ii) indicates that abandonment applicants should contact your agency to determine if permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and to determine whether any designated wetlands or 100-year flood plains will be affected. GWRCO would appreciate your review of the proposed abandonment as required by this regulation. Your response will be included in the Environmental Report prepared for this abandonment and GWRCO will send a copy of it to you. To facilitate your reply, I have enclosed a self-addressed, stamped envelope for your use.

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Sincerely,

A handwritten signature in dark ink, appearing to read "Mike Ogborn", written over a horizontal line.

Mike Ogborn
Manager, Great Western Railway of Colorado, LLC



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
106 SOUTH 15TH STREET
OMAHA, NEBRASKA 68102-1618

September 4, 2003

REPLY TO:

Planning, Programs and Project Management Division

Mr. Mike Ogborn, Manager
Great Western Railway of Colorado, LLC
950 Taylor Avenue
P.O. Box 80539
Loveland, Colorado 80538

Dear Mr. Ogborn:

We have reviewed your letter dated August 6, 2003 regarding the proposed abandonment of trackage in Weld County, Colorado, Ref. Docket No. AB0857 SDM (Sub-No. 1X), and we offer the following comments.

If the abandoned railway embankment is used as or is part of a Federal flood control project, it should be ensured that the abandoned railway portion of the embankment is maintained to protect the integrity of the Federal flood control project.

Your plans should be coordinated with the U.S. Environmental Protection Agency, which is currently involved in a program to protect groundwater resources.

If you have not already done so, we recommend that you consult with the U.S. Fish and Wildlife Service and Colorado Division of Wildlife regarding fish and wildlife resources. In addition, the Colorado State Historic Preservation Office should be contacted for information and recommendations on potential cultural resources in the project area.

If construction activities involve any work in waters of the United States, a Section 404 permit may be required. For a detailed review of permit requirements, final project plans should be sent to:

Mr. Tim Carey
Tri Lakes Project Office
U.S. Army Corps of Engineers
9307 Colorado State Highway #121
Littleton, Colorado 80123-6901

If you have any questions, please contact Mr. Tim Fleegeer at (402) 221-3069. Thank you for the opportunity to review this proposal.

Sincerely,

A handwritten signature in cursive script that reads "Candace Gorton".

Candace Gorton
Chief, Environmental, Economics and Cultural
Resources Section
Planning Branch

Exhibit 9



OmniTRAX, INC.

252 Clayton Street
Denver, CO 80206
Telephone 303-393-0033
Fax 303-393-0041
www.omnitrax.com



August 8, 2003

United States Environmental Protection Agency
999 18th Street, Suite 300
Denver, Colorado 80202-2466

Re: Docket No. AB-857 SDM (Sub-No. 1X), Great Western Railway of Colorado, LLC
Notice of Exemption to Abandon 11.7 Miles of Trackage in Weld County, Colorado

To Whom It May Concern:

Great Western Railway of Colorado, LLC plans to file a Notice of Exemption with the Surface Transportation Board to abandon approximately 11.7 miles of trackage in Weld County, Colorado. A narrative description of the proposed abandonment is attached to this letter.

49 CFR §1105.7(e)(9)(iii) provides that abandonment applicants should contact your agency to determine if permits under Section 402 of the Clean Air Act (33 U.S.C. 1342) are required for the proposed action. GWRCO would appreciate your review of the proposed abandonment as required by the regulation. Your response will be included in the Environmental Report prepared for this abandonment and a copy of the report will be mailed to you. To facilitate your reply, I have enclosed a stamped, addressed envelope for your use.

Please feel free to contact me at (303) 393-0033, at my e-mail address, which is mogborn@omnitrax.com or at 252 Clayton Street, 4th Floor, Denver, Colorado 80206, if you have any questions concerning this matter.

Sincerely,

Mike Ogborn
Manager, Great Western Railway of Colorado, LLC

SUPPLEMENTAL HISTORIC REPORT
(49 CFR SECTION 1105.8)

DOCKET NO. AB – 857 (SUB-NO. 1X)

GREAT WESTERN RAILWAY OF COLORADO, LLC
– ABANDONMENT EXEMPTION –
IN WELD COUNTY, COLORADO

The Historic Report should contain the information required by Section 1105.7(e)(1) of the Environmental Report prepared for the proposed abandonment:

1. ***Proposed Actions and Alternatives.*** Describe the proposed action, including commodities transported, the planned disposition (if any) of the 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.

Great Western Railway of Colorado, LLC ("GWRC") proposes to abandon its Eaton Subdivision located between milepost 30.8 near Windsor, Colorado and milepost 42.5 near Eaton, Colorado, totaling approximately 11.7 miles (the "Line"). Upon receipt of abandonment authority, GWRC intends to remove the rail, track materials, and cross ties. There are currently no plans to remove any of the bridge structures on the Line.

The Line has not been used for local or overhead traffic for in excess of ten years and no maintenance has been performed on any portion of the Line. Therefore, the proposed abandonment will not change rail freight operations or maintenance practices on this Line.

The only alternative to abandonment would be to not abandon the Line and pass the opportunity costs or retaining the Line to all other GWRC customers. Obviously, this would not be a prudent use of GWRC's resources. The Line is in extremely poor condition.

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

HISTORIC REPORT

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 or older and are part of the proposed action.

A map showing the route of the Line proposed for abandonment is attached as Exhibit 1. The Line proposed for abandonment is highlighted on the map. There are four (4) bridges on the Line that are fifty years old or older. All of these bridges are open deck timber pile or timber frame trestle bridges. They are of ordinary railroad construction. None is of historic value or significance. No other structures or buildings on the Line are fifty years or older.

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 on the Line proposed for abandonment traverse predominantly rural, rolling plains. The basic rail corridor right-of-way is approximately 80 feet in width for the majority of the length of the Line.

The portion of the Eaton Branch that GWRC seeks to abandon begins at milepost 30.8 near Windsor, Colorado (population 5,062) and extends northeast to Eaton, Colorado (population 1,959). This Line passes through Severance (population unknown).

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

Photographs of the bridges are attached as Exhibit 2.

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

The construction dates of the bridges, to the extent such information is known, are as follows:

<u>Bridge Number</u>	<u>Length</u>	<u>Type</u>	<u>Spans</u>	<u>Year Built</u>
31.55	48.4 feet	OPDT ¹	3	1939
31.99	62.9 feet	ODPT	4	1943

¹ ODPT refers to an open deck timber pile bridge.

35.89	14.0 feet	ODWS ²	1	unknown ³
36.06	309.8 feet	ODPT	20	unknown

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.

GWRC is the successor to the Great Western Railway Company that constructed the Line in 1901 primarily to transport sugar beets. This Line has not been used for any service since at least 1990, when Union Pacific Railroad Company removed the interlocker at Eaton. Because no traffic has moved over this Line in over 10 years, the proposed abandonment will not result in any change in rail 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.

GWRC does not possess any such documents.

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 CFR 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 Line contains no historic structures and GWRC is unaware of any archeological resources or railroad historic properties along the Line. The bridges are of common railroad construction with no historic or architectural significance.

On August 19, 2003, GWRC sent a letter to the Colorado Historical Society (the "Society") eliciting its views on the proposed abandonment. The Society responded on August 27, 2003, indicating abandonment of the Eaton Subdivision would have no adverse effect on the rail line provided certain measures were taken. It also said the Line was determined to be eligible for listing in the National Register of Historic Places and that several rail sidings were determined to be National Register-eligible in 1989. Attached to this Report as Appendix 1 is GWRC's letter to the Society and its response is attached as Appendix 1A.

First, notwithstanding those two determinations referenced by the Society, to GWRC's knowledge, neither the subdivision nor the sidings were ever in fact listed in the National Register of Historic Places. Second, the grade of the rail bed will not be changed during

² ODWS refers to an open deck wood span bridge.

³ It is assumed these bridges were constructed at or about the same time as the other two bridges. Thus, GWRC assumes they are 50 years or older.

the track removal process. Third, as requested by the Society, GWRC has taken black and white photographs of the bridges and sidings and will supply them to the Society.

8. A opinion (based on readily available information in the railroad's possession) of any prior sub-surface 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), and the surrounding terrain.

There are no existing records about 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 specified non-railroad owned properties or groups of properties immediately 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).

GWRC does not foresee any likelihood that any additional information will need to be supplied in association with the proposed Line abandonment. If any additional information is requested, GWRC will promptly supply it.

Exhibit 1

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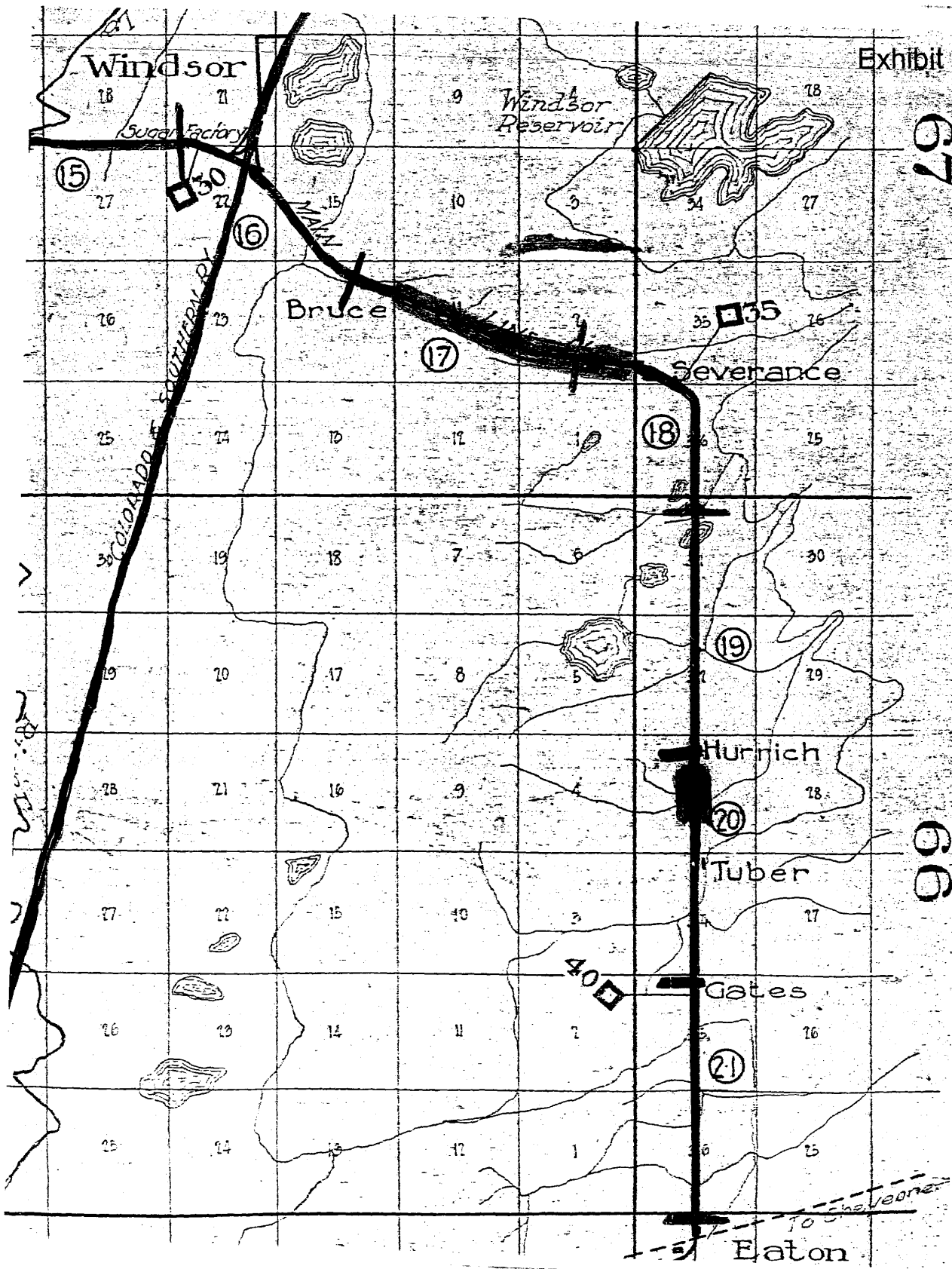
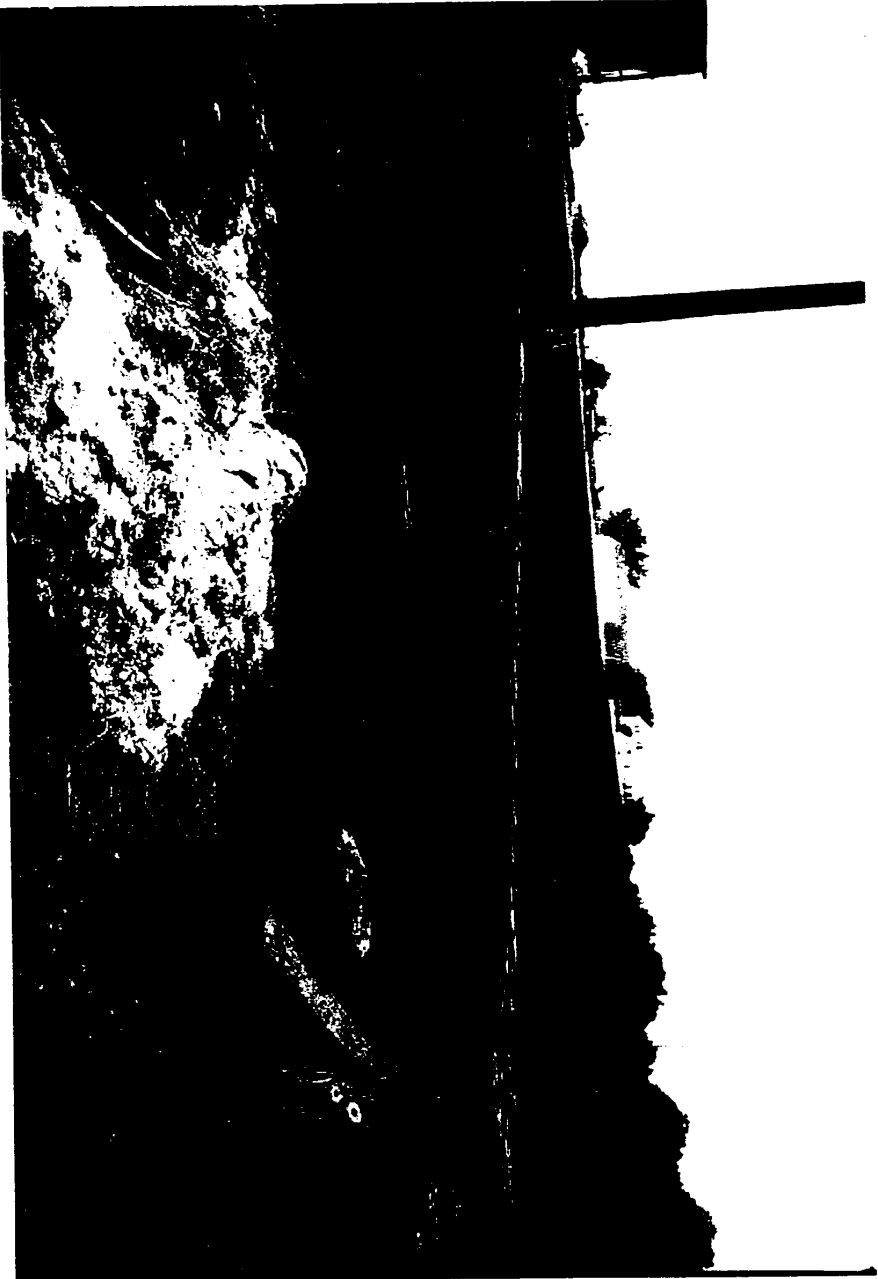


Exhibit 2



EATON SUBDIVISION
BR. 31.9



EATON SUBDIVISION
BR. 31.99

EATON SUBDIVISION
BR. 31.55



EATON SUBDIVISION
BR. 36.06

GREAT WESTERN RAILWAY
OF COLORADO, LLC.

Appendix 1

P.O. Box 537 Zip 80539
950 Taylor Avenue
Loveland, Colorado 80538
Telephone 970-667-6883
Fax 970-667-1444
Mobile 970-567-1388
<http://www.omnitrax.com>



August 19, 2003

Colorado Office of Archeological & Historic Preservation
1300 Broadway
Denver, Colorado 80203

Re: Docket No. AB-857 SDM (Sub-No. 1X), Great Western Railway of Colorado, LLC
Notice of Exemption to Abandon 11.7 Miles of Trackage in Weld County, Colorado

To Whom It May Concern:

Great Western Railway of Colorado, LLC ("GWRCO") plans to file a Notice of Exemption with the Surface Transportation Board to abandon approximately 11.7 miles of trackage in Weld County, Colorado. I have attached a narrative description of the proposed abandonment to this letter.

Pursuant to the requirements of 49 CFR §1105.8(c), GWRCO is enclosing its Historic Report concerning the captioned abandonment.

Please feel free to contact me at (303) 393-0033, at my e-mail address, which is mogborn@omnitrax.com, or at 252 Clayton Street, 4th Floor, Denver, Colorado 80206, if you have any questions concerning this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mike Ogborn", written over a horizontal line.

Mike Ogborn
Manager, Great Western Railway of Colorado, LLC



**COLORADO
HISTORICAL
SOCIETY**

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

27 August 2003

Mike Ogborn, Manager
Great Western Railway of Colorado, LLC
P.O. Box 537
550 Taylor Ave.
Loveland, CO 80538

RE: Docket No. AB-857 SDM (Sub-No. 1X), Great Western Railway of Colorado, LLC, Notice
of Exemption to Abandon 11.7 Miles of Trackage in Weld County, Colorado

Dear Mr. Ogborn:

Thank you for your recent correspondence dated 19 August 2003, concerning the proposed abandonment of the Great Western Railway's Eaton Subdivision rail line. Our office has reviewed the submitted materials. In 1998, this segment of the GWRCO line was determined to be eligible for listing in the National Register of Historic Places. In addition, there are several rail sidings that were determined to be National Register-eligible in 1989.

Abandonment of the line and removal of the trackage will have no adverse effect on the rail line, provided that the following measures are taken:

- 1) The grade of the railroad bed should not be changed during the track removal process. Road-rail crossings can be altered if removal of the tracks and rails creates a travel hazard for road vehicles.
- 2) The four bridges on the line (BR.31.55, BR.31.99, BR.35.89, and BR.36.06) must be photographed prior to track removal, using black and white film. One set of prints must be forwarded to our office for our records.
- 3) There are five rail sidings along this corridor. They were originally used to load goods onto the passing freight trains. These five sidings are at Bruce, Severance, Hurrich, Tuber, and Gates. These five rail sidings must be photographed using black and white film prior to track removal. One set of prints must be forwarded to our office for our records. These sidings were last surveyed in 1989. If no structures remain at the present, please supply a black and white photograph of the vacant site with an explanatory note.

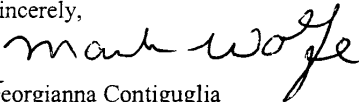
OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION

303-866-3392 * Fax 303-866-2711 * E-mail: oahp@chs.state.co.us * Internet: www.coloradohistory-oahp.org

- 4) In the future, if the bridge superstructures or railroad embankment are to be altered/demolished, you will need to consult with our office.

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

Sincerely,

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