

Great Western Trail Authority

231 West Fourth Avenue
Severance, CO 80546

217731

September 22, 2006

VIA FAX: 202-565-9004 and Overnight Mail

Vernon A. Williams, Secretary
Surface Transportation Board
Case Control Unit, Suite 713
1925 K Street, N.W.
Washington, D.C. 20423-0001

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Office of Proceedings

OCT 3 - 2006

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Public Record



RE: STB Docket No. AB-857X, *Great Western Railway of Colorado, LLC – Abandonment Exemption – in Weld County, CO*

Dear Mr. Williams:

The municipalities of Eaton, Severance and Windsor (the “Three Towns”), Colorado filed a Notice of Interim Trail Use (“NITU”) in the referenced matter on December 10, 2003. In order to properly govern the use of any trail that is transferred, the Three Towns, in August 2006, by Intergovernmental Agreement formed a separate governmental entity known as the Great Western Trail Authority (“Trail Authority”). Trail Authority is an entity that is controlled by the Three Towns. Since the NITU was originally issued to the Three Towns, the Trail Authority is requesting a new NITU issued to it, but the purpose and intent of the original request remains the same.

Accordingly, the Trail Authority hereby petitions the Board in the above proceeding for the purpose of requesting a condition for railbanking and interim trail use under the National Trail System Act.

The Trail Authority seeks a condition for railbanking and interim trail use rather than an outright abandonment authorization for the entire rail line covered by the above proceeding, i.e., between Milepost 30.8 near Windsor and Milepost 42.5 near Eaton, a distance of 11.7 miles, in Weld County, Colorado.

Pursuant to 49 C.F.R. § 1152.29(a)(3), the Trail Authority submits the following in support of the requested condition:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trial use and railbanking under section 8(d) of the National Trails system Act, 16 U.S.C. § 1247(d), and 49 C.F.R. § 1152.29, the Trail Authority identified above is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by Great Western Railway of Colorado, LLC (“GWRC”).

The property, known as GWRC's Eaton Subdivision, extends from Milepost 30.8 near Windsor to Milepost 42.5 near Eaton, a distance of 11.7 miles in Weld County, Colorado. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. AB-857X.

A map of the property depicting the right-of-way is attached.

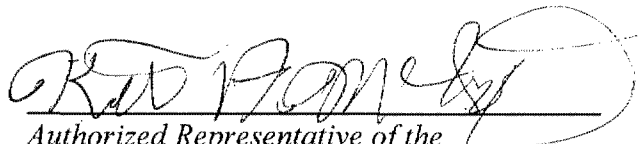
The Trail Authority acknowledges that use of the right-of-way is subject to the users continuing to meet their responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

A copy of this statement is being served on the representative of GWRC on the same date that it is being served on the Board.

The \$150 filing fee should be waived inasmuch as the Trail Authority is exempt from the filing fee as a governmental entity.

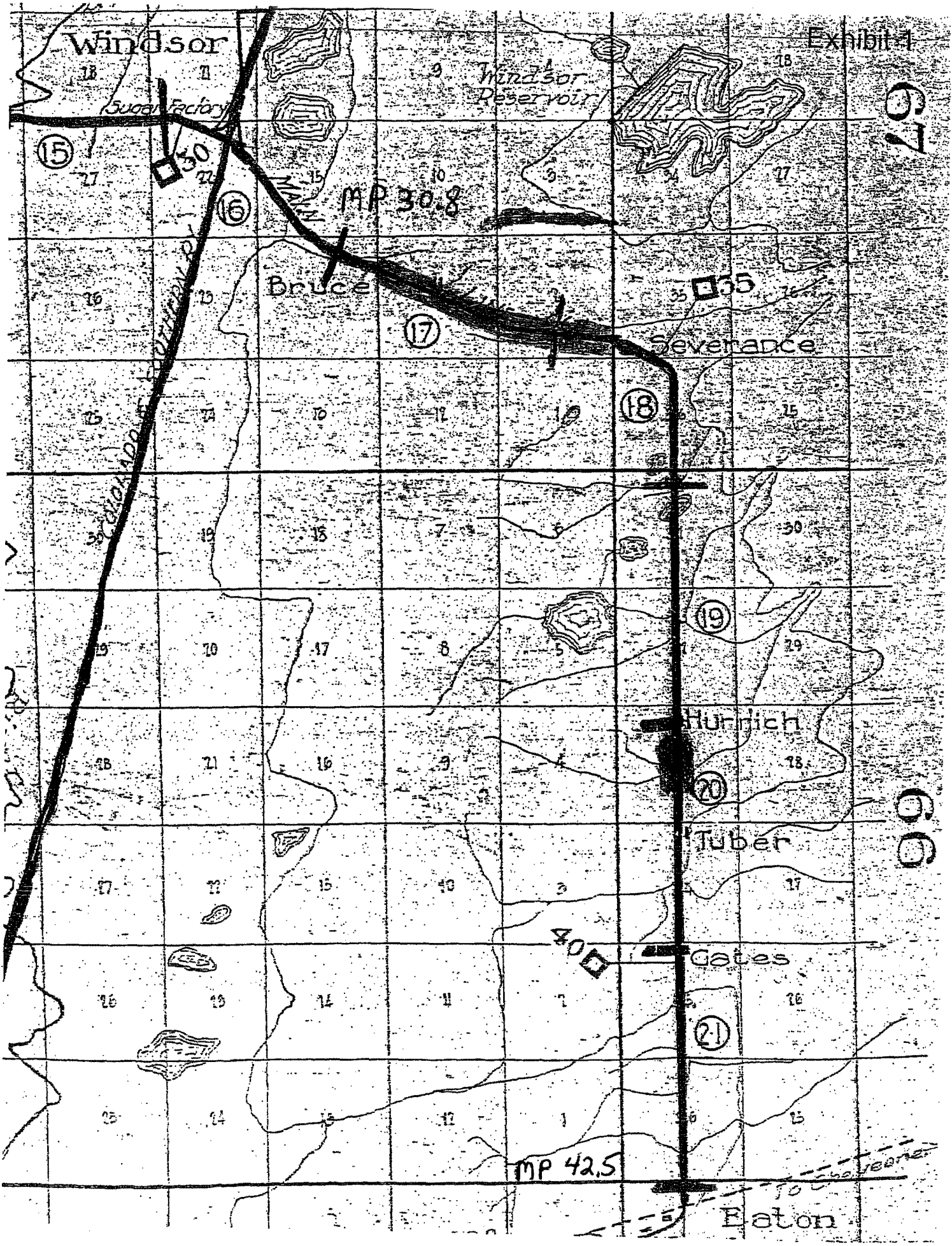
Ten copies accompany the original of this request.

Very truly yours,


Authorized Representative of the
Great Western Trail Authority

xc: Karl Morell, Esq.
Ball, Janik
1455 F Street, N.W., Suite 225
Washington, D.C. 20005

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MP 42.5

Eaton