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ENTERED  
Office of Proceedings  
September 30, 2016  
Part of  
Public Record

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September 30, 2016

### VIA E-FILING

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

Re: Roaring Fork Railroad Holding Authority – Abandonment  
Exemption – In Garfield, Eagle, and Pitkin Counties, CO,  
AB-547X  
**Notice of Intent to Partially Vacate Trail Use & Clarify the Record**

Dear Ms. Brown:

Pursuant to 49 C.F.R. § 1152.29(d)(2) the Roaring Fork Transportation Authority (“RFTA”) respectfully requests that the Surface Transportation Board (“Board”) partially vacate and modify the Notice of Interim Trail Use or Abandonment (“NITU”) issued by the Board in this proceeding<sup>1</sup> effective October 7, 2016. RFTA also writes to clarify certain portions of the record as explained herein.

Via a notice of exemption served July 21, 1997, RFTA’s predecessor, Roaring Fork Railroad Holding Authority (“RFRHA”), acquired authority to own and operate approximately 33.44 miles of Southern Pacific Transportation Company (“SP”) rail line between MP 360.22 (at Glenwood Springs, CO) and MP 393.66 (at Woody Creek), in Garfield, Eagle, and Pitkin Counties, CO (the “Line”).<sup>2</sup> By a decision served October 16, 1998, the Board granted authority

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<sup>1</sup> A copy of the existing NITU is attached as Exhibit A.

<sup>2</sup> See Roaring Fork Railroad Holding Authority – Acquisition and Operation Exemption – Southern Pacific Transportation Company, FD 33390 (STB served July 21, 1997) (“RFRHA Acquisition”). As part of the purchase and sale agreement, RFRHA’s acquisition included a Wye track (consisting of an Eastern Wye and a Western Wye) connecting the Line at Glenwood Springs, CO with SP’s Denver, CO to Salt Lake, UT main line (SP is now Union Pacific

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for RFRHA to abandon and railbank the Line, with RFRHA as the trail sponsor.<sup>3</sup> In a decision served November 30, 2001, the Board reopened the 1998 Proceeding and issued a replacement NITU substituting RFTA as the interim trail user for the rail banked Line.<sup>4</sup> In 2004, RFTA, who already served as the interim trail user for the Line, acquired RFRHA's remaining interest in the Line, *i.e.* all of RFRHA's rights to reactivate rail service over the Line.<sup>5</sup> Accordingly, today, RFTA is both the trail sponsor and owner of the underlying residual common carrier obligation for the Line.

The City of Glenwood Springs is preparing to undertake a significant road relocation and improvement project. Part of the project involves portions of the RFTA right-of-way. In order to facilitate the City's project, RFTA now seeks to remove certain portions of the Line from the NITU and to consummate the underlying abandonment of those underlying portions. Before providing the Board with the relevant mileposts, however, it is first important to correct a mistake in the RFRHA Acquisition, the RFTA Abandonment Proceedings, and the RFTA Acquisition proceedings. As a result of survey and title work done by the Farnsworth Group, it has come to RFTA's attention that in all of these proceedings, the description of the Line was noted as beginning at MP 360.22, which is located on the Eastern Wye in Glenwood Springs. RFTA's actual ownership begins at MP 360.31, not MP 360.22. The portion of the Line from MP 360.22 to MP 360.31 is owned by UP and was never sold to RFRHA. RFTA regrets any inconvenience this inadvertent error may have caused the Board and respectfully asks the Board to correct the mistake in its records and in any replacement NITU.<sup>6</sup>

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Railroad ("UP")). As part of that transaction, SP (UP) retained an easement to operate over the Wye track. The RFRHA Acquisition notice did not specifically note the acquisition of the Western Wye, which is from MP 0.27 to MP 360.51. See Exhibit B – Wye Track Exhibit, attached hereto.

<sup>3</sup> See Roaring Fork Railroad Holding Authority – Abandonment Exemption – In Garfield, Eagle, and Pitkin Counties, CO, AB-547X (STB served Oct. 16, 1998) (“1998 Proceeding”).

<sup>4</sup> See Roaring Fork Railroad Holding Authority – Abandonment Exemption – In Garfield, Eagle, and Pitkin Counties, CO, AB-547X (STB served Nov. 30, 2001) (“Nov. 30<sup>th</sup> Decision”). RFTA is the successor in interest to RFRHA. The 1998 Proceeding and the Nov. 30<sup>th</sup> Decision are collectively referred to as the “RFTA Abandonment Proceedings.”

<sup>5</sup> Roaring Fork Transportation Authority — Acquisition and Operation Exemption — Roaring Fork Railroad Holding Authority, FD 34532 (STB served Aug. 23, 2004) (“RFTA Acquisition”).

<sup>6</sup> Despite the subtraction of nine one-hundredths of a mile, the zip codes remain the same and the physical location of the Line is otherwise correct. In the past, the Board has granted similar requests to clarify a mistaken milepost. See Lake State Railway Company – Abandonment Exemption – In Alpena and Presque Isle Counties, MI, AB-534 (Sub-No. 2X) (STB served May 6, 2004); see also Georgia Southwestern Division, South Carolina Central Railroad Co. – Abandonment Exemption – In Dodge and Wilcox Counties, GA, AB-385 (Sub-No. 1X) (STB served Jan. 22, 1996).

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With that clarification, RFTA requests that the Board terminate interim trail use on the Line from MP 360.31 to MP 360.51. RFTA intends to consummate its abandonment authority for that portion of the Line as soon as the replacement NITU is issued. In order to preserve RFTA's connection to the UP main line and the interstate rail system, RFTA simultaneously designates the Western Wye as its main line.<sup>7</sup> Accordingly, RFTA seeks a replacement NITU that will now begin at RFTA's connection with UP on the Western Wye at MP 0.27 and continue to MP 393.66 near Woody Creek.

If there are any questions about this matter, please contact me directly or contact my associate, Crystal Zorbaugh, who can be reached at (202) 663-7831 or by e-mail at [czorbaugh@bakerandmiller.com](mailto:czorbaugh@bakerandmiller.com).

Respectfully submitted,



William A. Mullins  
Attorney for Roaring Fork Transportation Authority

cc: Parties of Record

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<sup>7</sup> Previously, the Eastern Wye had been RFTA's main line connection to the UP main line. With its abandonment and removal, RFTA's connection to UP will be over the Western Wye.

# Exhibit A

32279  
DO

SERVICE DATE - NOVEMBER 30, 2001

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-547X

ROARING FORK RAILROAD HOLDING AUTHORITY—ABANDONMENT EXEMPTION—  
IN GARFIELD, EAGLE, AND PITKIN COUNTIES, CO

Decided: November 28, 2001

By decision and notice of interim trail use or abandonment (NITU) served on October 16, 1998, the Roaring Fork Railroad Holding Authority (RFRHA) was granted an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a 33.44-mile line of railroad known as the Aspen Branch, extending from milepost 360.22 near Glenwood Springs to the end of the line at milepost 393.66 near Woody Creek, in Garfield, Eagle, and Pitkin Counties, CO. The NITU also authorized RFRHA to rail bank the right-of-way in its own name.

On October 22, 2001, RFRHA and the Roaring Fork Transportation Authority (RTA) jointly filed a request, pursuant to 49 CFR 1152.29(f), for the substitution of RTA as the interim trail user. The parties have submitted a copy of the extant NITU and a statement of willingness to assume financial responsibility by RTA. They have also indicated the date of transfer of responsibility for the right-of-way, as on or after November 1, 2001. The parties' submission meets the requirements of 49 CFR 1152.29(f). Accordingly, the request will be granted.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. The NITU served on October 16, 1998, is vacated.
3. A replacement NITU applicable to RTA as interim trail user is issued, effective on the service date of this decision.
4. The new trail user is required to assume, for the term of the agreement, full responsibility for management of, for any legal liability arising out of the transfer of use of (unless a 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.

5. Interim trail use/rail banking is subject to the future restoration of rail service and to the new user's continuing to meet the financial obligations for the right-of-way.

6. If the new trail user intends to terminate trail use, it must send the Board a copy of this NITU and request that it be vacated on a specified date.

7. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary

# Exhibit B

# WYE TRACK EXHIBIT

SEPTEMBER 19, 2016

## GLENWOOD SPRINGS WYE AREA REDESIGNATION OF MAIN TRACK TO WEST LEG OF WYE

NOTE: BACKGROUND INFORMATION SHOWN ON THIS EXHIBIT IS FROM A RAILROAD RIGHT-OF-WAY SURVEY PERFORMED BY FARNSWORTH GROUP IN DECEMBER, 2008. THIS SEGMENT OF THAT SURVEY IS RECORDED IN THE LSP SURVEY MAP RECORDS OF GARFIELD COUNTY AT RECEPTION NO. 787.

Issue	Date	By	Description
1	8/03/07	MCG	ORIGINAL ISSUE
2	12/02/08	AEP	REVISION FOR CORRECTION NEED

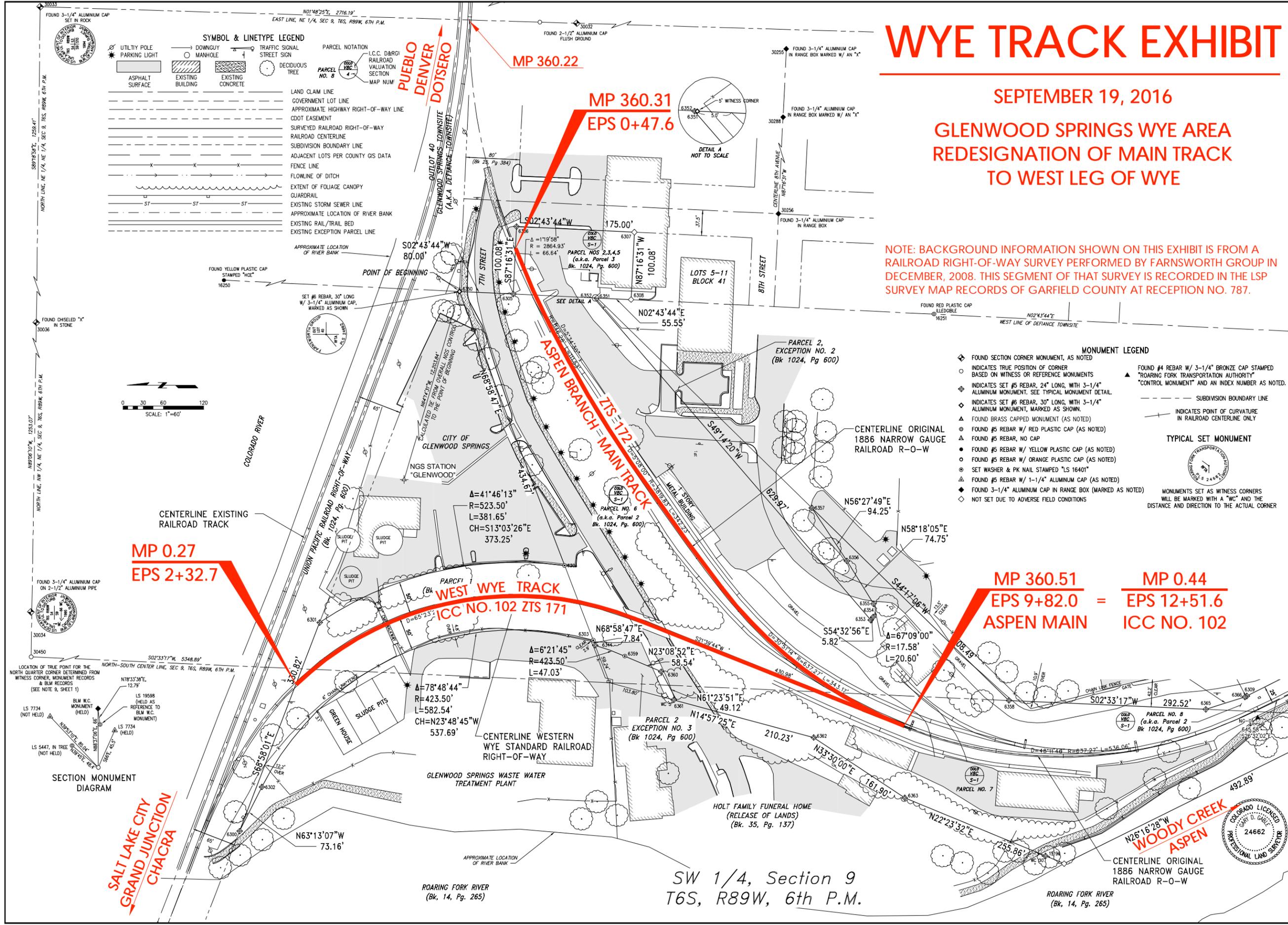
Roaring Fork  
Transportation Authority  
0766 Industry Way  
Carbondale, CO 81623

Date: 8-03-07  
Drawn: MCG  
Checked: MCG  
Book No.: 2195

**Farnsworth GROUP**  
ENGINEERS ARCHITECTS SURVEYORS SCIENTISTS  
8058 EAST TURTLE AVENUE, SUITE 800 - DENVER, COLORADO 80237  
(303) 662-8838 / (303) 692-5470 Fax: www.fwg.com

Railroad ROW Survey - Glenwood Springs Segment  
Portion of Former Denver & Rio Grande Railroad  
Aspen Branch Right-Of-Way  
Township 6 South, Range 89 West, 6th P.M.  
Sections 9, 16, 21, 22  
Garfield County, State of Colorado

Project No.: 305007.7  
SHEET 3 OF 10  
OVERALL SHEET 3 OF 126



**SYMBOL & LINETYPE LEGEND**

	UTILITY POLE		TRAFFIC SIGNAL
	PARKING LIGHT		DECIDUOUS TREE
	ASPHALT SURFACE		EXISTING BUILDING
	EXISTING CONCRETE		LAND CLAIM LINE
	DOWNGUY MANHOLE		GOVERNMENT LOT LINE
	EXISTING BUILDING		APPROXIMATE HIGHWAY RIGHT-OF-WAY LINE
	EXISTING CONCRETE		CDOT EASEMENT
	TRAFFIC SIGNAL		SURVEYED RAILROAD RIGHT-OF-WAY
	DECIDUOUS TREE		RAILROAD CENTERLINE
	UTILITY POLE		SUBDIVISION BOUNDARY LINE
	PARKING LIGHT		ADJACENT LOTS PER COUNTY GIS DATA
	ASPHALT SURFACE		FENCE LINE
	EXISTING BUILDING		FLOWLINE OF DITCH
	EXISTING CONCRETE		EXTENT OF FOLIAGE CANOPY
	TRAFFIC SIGNAL		GUARDRAIL
	DECIDUOUS TREE		EXISTING STORM SEWER LINE
	UTILITY POLE		APPROXIMATE LOCATION OF RIVER BANK
	PARKING LIGHT		EXISTING RAIL/TRAIL BED
	ASPHALT SURFACE		EXISTING EXCEPTION PARCEL LINE
	EXISTING BUILDING		APPROXIMATE LOCATION OF RIVER BANK

**MONUMENT LEGEND**

- ◆ FOUND SECTION CORNER MONUMENT, AS NOTED
- INDICATES TRUE POSITION OF CORNER BASED ON WITNESS OR REFERENCE MONUMENTS
- ◆ INDICATES SET #5 REBAR, 24" LONG, WITH 3-1/4" ALUMINUM MONUMENT. SEE TYPICAL MONUMENT DETAIL.
- ◆ INDICATES SET #6 REBAR, 30" LONG, WITH 3-1/4" ALUMINUM MONUMENT, MARKED AS SHOWN.
- ▲ FOUND BRASS CAPPED MONUMENT (AS NOTED)
- ▲ FOUND #5 REBAR W/ RED PLASTIC CAP (AS NOTED)
- ▲ FOUND #5 REBAR, NO CAP
- FOUND #5 REBAR W/ YELLOW PLASTIC CAP (AS NOTED)
- FOUND #5 REBAR W/ ORANGE PLASTIC CAP (AS NOTED)
- SET WASHER & PK NAIL STAMPED "LS 16401"
- ▲ FOUND #5 REBAR W/ 1-1/4" ALUMINUM CAP (AS NOTED)
- ◆ FOUND 3-1/4" ALUMINUM CAP IN RANGE BOX (MARKED AS NOTED)
- ◇ NOT SET DUE TO ADVERSE FIELD CONDITIONS
- ▲ FOUND #4 REBAR W/ 3-1/4" BRONZE CAP STAMPED "ROARING FORK TRANSPORTATION AUTHORITY" "CONTROL MONUMENT" AND AN INDEX NUMBER AS NOTED.
- SUBDIVISION BOUNDARY LINE
- ⤴ INDICATES POINT OF CURVATURE IN RAILROAD CENTERLINE ONLY

**TYPICAL SET MONUMENT**

MONUMENTS SET AS WITNESS CORNERS WILL BE MARKED WITH A "WC" AND THE DISTANCE AND DIRECTION TO THE ACTUAL CORNER

MP 0.27  
EPS 2+32.7

MP 360.51  
EPS 9+82.0  
ASPEN MAIN

MP 0.44  
EPS 12+51.6  
ICC NO. 102

SW 1/4, Section 9  
T6S, R89W, 6th P.M.

Xref Files: \\ftr-tlous\...  
Operations | P: 0205\03007\_rfh\dwg\top\w-glenwood\1-5007-GLENWOOD.DWG | DATE: 12/04/2008 | TIME: 15:34 |