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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