

232418

LAW OFFICES
FRITZ R. KAHN, P.C.
1919 M Street, NW (7th fl.)
Washington, DC 20036

ENTERED
Office of Proceedings
June 8, 2012
Part of
Public Record

June 8, 2012

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, D. C. 20423

re: Docket No. AB 603 (Sub-No. 2X), V & S Railway, LLC
-- Discontinuance of Service Exemption -- in Pueblo.
Crowley and Kiowa Counties, Colo.

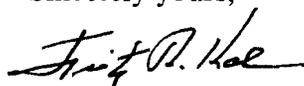
Dear Ms. Brown:

Attached is the Notice of Exempt Discontinuance of V & S Railway, LLC.

My credit card information in payment of the \$3,600.00 filing fee was facsimile transmitted to the Board earlier today.

If you have any question concerning this filing or if I otherwise can be of assistance, please let me know.

Sincerely yours,


Fritz R. Kahn

FEE RECEIVED
June 8, 2012
SURFACE
TRANSPORTATION BOARD

FILED
June 8, 2012
SURFACE
TRANSPORTATION BOARD

232418

SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings
June 8, 2012
Part of
Public Record

Docket No. AB 603 (Sub-No. 2X)

V & S RAILWAY, LLC
--DISCONTINUANCE OF SERVICE EXEMPTION--
IN PUEBLO, CROWLEY AND KIOWA COUNTIES, COLO.

NOTICE OF EXEMPT DISCONTINUANCE
OF
V & S RAILWAY, LLC

Fritz R. Kahn
Fritz R. Kahn, P.C.
1919 M Street, NW (7th fl.)
Washington, DC 20036
Tel.: (202) 263-4152

Attorney for

V & S RAILWAY, LLC

Dated: June 8, 2012

FEE RECEIVED
June 8, 2012
SURFACE
TRANSPORTATION BOARD

FILED
June 8, 2012
SURFACE
TRANSPORTATION BOARD

SURFACE TRANSPORTATION BOARD

Docket No. AB 603 (Sub-No. 2X)

V & S RAILWAY, LLC
--DISCONTINUANCE OF SERVICE EXEMPTION--
IN PUEBLO, CROWLEY AND KIOWA COUNTIES, COLO.

NOTICE OF EXEMPT DISCONTINUANCE
OF
V & S RAILWAY, LLC

V & S Railway, LLC ("V & S"), a Class III railroad subject to this Board's jurisdiction, pursuant to 49 U.S.C. §10502(a) and 49 C.F.R. §1152.50, states, as follows:

1. The railroad line over which service is proposed to be discontinued extends between Milepost 868.5 near NA Junction 81022 and Milepost 808.3 near Haswell 81045, a distance of 60.2 miles in Pueblo, Crowley and Kiowa Counties, Colorado.
2. The anticipated consummation date is July 28, 2012, fifty days from the date of filing of this notice.
3. V & S, by the attached Verification of its Managing Member, Ms. Rhonda Nicoloff, certifies that no local traffic has moved over the railroad line for at least two years' time, and any overhead traffic on the line can be rerouted over other lines.
4. V & S, by the attached Verification of its Managing Member, Ms. Rhonda Nicoloff, further certifies that no formal complaint by a user of rail service on the railroad line (or a State or local government entity acting on behalf of such user) regarding

cessation of service over the line either is pending before the Board or any U.S. District Court or has been decided in favor of a user within the two year period.

5. The exact name of the applicant seeking the discontinuance authority is V & S Railway, LLC.

6. V & S is a Class III rail carrier subject to the Board's jurisdiction under 49 U.S.C. subtitle IV.

7. V & S invokes the Board's two-year out-of-service class exemption, 49 C.F.R. §1152.50(b), for authority to discontinue rendering service on the subject line.

8. A map of the railroad line is attached as Exhibit A.

9. The representative of V & S to whom correspondence regarding the proposed discontinuance of service should be addressed is:

Fritz R. Kahn
Fritz R. Kahn, P.C.
1919 M Street, NW (7th fl.)
Washington, DC 20036
Tel.: (202) 263-4152
Fax: (202) 331-8330
e-mail: xiccgc@gmail.com

10. The United States Postal Zip Codes traversed by the railroad line are 81022, 81025, 81039, 81062, 81033, 81063 and 81045.

11. There will be no adverse rural and community impact as a result of the proposed discontinuance of service on the railroad line. There are no shippers served by the line, and no freight has been transported on the line in over two years' time. Railroad service via the Union Pacific Railroad Company and BNSF Railway Company is available at nearby Pueblo, Colorado, on the west and the Union Pacific Railroad

Company at Towner, Colorado, on the east. Colorado Highway No. 96 parallels the railroad line and provides a means for truck transportation of freight shipments.

12. Since this is a proposal for the discontinuance of railroad service, trail use/rail banking and public use conditions would be inappropriate.¹ Offers to subsidize continued service on the line for one year's time may be filed pursuant to 49 C.F.R. §1152.27.

13. No employee of V & S is expected to be adversely affected by the proposed discontinuance of service, but V & S understands that Board's decision will be subject to the employee protective conditions of Oregon Short Line R. Co.--Abandonment--Goshen, 360 I.C.C. 91 (1979).

14. Since this is a discontinuance of service proposal, no environmental or historic report is required. See, footnote 1.

15. V & S has served notices of the proposed discontinuance as required by 49 C.F.R. §1152.50(d) (1), and copies of the letters sent to the designated officials are attached as Exhibit B.

16. V & S has complied with the notice requirement of 49 C.F.R. §1105.11 by having a notice published in the May 12, 2012, edition of the Pueblo Chieftain, a newspaper of general circulation in Pueblo County, the May 31, 2012, edition of the Fowler Tribune, a newspaper of general circulation in Crowley County, and the May 19,

¹ See, Docket No. AB 33 (Sub-No. 299X), Union Pacific Railroad Company--Discontinuance of Service Exemption--in Pittsburg, Hughes and Seminole Counties, Okla., served January 12, 2012; Docket No. AB 290 (Sub-No. 333X), Norfolk Southern Railway Company--Discontinuance of Service Exemption--in Forsyth County, N.C., served October 2011; Docket No. AB 991X, Yellowstone Valley Railroad ,L.L.C.--Discontinuance of Service Exemption--in Dawson and Richland Counties, Mont., served June 28, 2011.

2012, edition of the Kiowa County Press, a newspaper of general circulation in Kiowa County. Copies of the affidavits of publication are attached as Exhibit C.

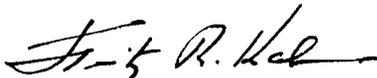
15. A draft Federal Register notice is attached as Exhibit D.

WHEREFORE, V & S Railway, LLC asks that the notice of exempt discontinuance be accepted and allowed to become effective.

Respectfully submitted,

V & S RAILWAY, LLC

By its attorney,



Fritz R. Kahn
Fritz R. Kahn, P.C.
1919 M Street, NW (7th fl.)
Washington, DC 20036
Tel.: (202) 263-4152

Dated: June 8, 2012

EXHIBIT A

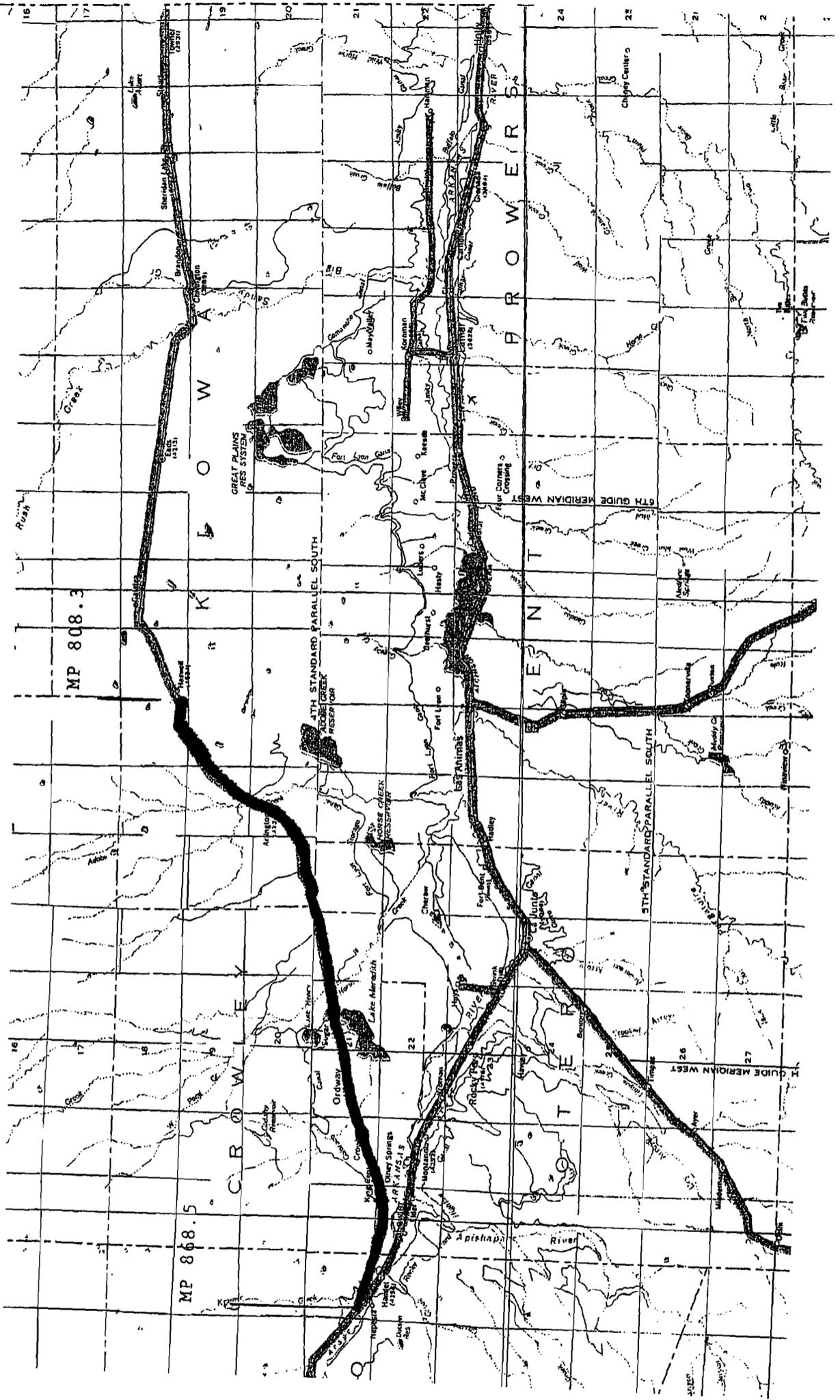


EXHIBIT B

LAW OFFICES
FRITZ R. KAHN, P.C.
1919 M Street, NW (7th fl.)
Washington, DC 20036

May 10, 2012

Mr. William T. Spitzer, Chief
Recreation Resources Assistance Division
National Park Service
1849 C Street, NW
Washington, DC 20240

Dear Mr. Spitzer:

V & S Railway, LLC gives notice that on or about June 1, 2012, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR Subpart F -- *Exempt Abandonments and Discontinuances*, permitting the discontinuance of service on a 60.2-mile line of railroad between railroad milepost 868.5 near NA Junction 81022, which traverses through United States Postal Service ZIP Codes 81022, 81025, 81039, 81062, 81033, 81063 and 81045, and railroad milepost 808.3 near Haswell 81045, in Pueblo, Crowley and Kiowa Counties, Colorado. The proceeding has been docketed as No. AB-603 (Sub-No. 2X).

Based on information in the railroad's 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.

Sincerely yours,


Fritz R. Kahn

LAW OFFICES
FRITZ R. KAHN, P.C.
1919 M Street, NW (7th fl.)
Washington, DC 20036

May 10, 2012

Mr. Tom Tidwell, Chief
Forest Service
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Dear Mr. Tidwell:

V & S Railway, LLC gives notice that on or about June 1, 2012, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR Subpart F -- *Exempt Abandonments and Discontinuances*, permitting the discontinuance of service on a 60.2-mile line of railroad between railroad milepost 868.5 near NA Junction 81022, which traverses through United States Postal Service ZIP Codes 81022, 81025, 81039, 81062, 81033, 81063 and 81045, and railroad milepost 808.3 near Haswell 81045, in Pueblo, Crowley and Kiowa Counties, Colorado. The proceeding has been docketed as No. AB-603 (Sub-No. 2X).

Based on information in the railroad's 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.

Sincerely yours,



Fritz R. Kahn

LAW OFFICES
FRITZ R. KAHN, P.C.
1919 M Street, NW (7th fl.)
Washington, DC 20036

May 10, 2012

Ms. Barbara J. Kelley
Executive Director
Public Utilities Commission
1560 Broadway (Ste. 1550)
Denver, CO 80202

Dear Ms. Kelley:

V & S Railway, LLC gives notice that on or about June 1, 2012, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR Subpart F -- *Exempt Abandonments and Discontinuances*, permitting the discontinuance of service on a 60.2-mile line of railroad between railroad milepost 868.5 near NA Junction 81022, which traverses through United States Postal Service ZIP Codes 81022, 81025, 81039, 81062, 81033, 81063 and 81045, and railroad milepost 808.3 near Haswell 81045, in Pueblo, Crowley and Kiowa Counties, Colorado. The proceeding has been docketed as No. AB-603 (Sub-No. 2X).

Based on information in the railroad's 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.

Sincerely yours,


Fritz R. Kahn

LAW OFFICES
FRITZ R. KAHN, P.C.
1919 M Street, NW (7th fl.)
Washington, DC 20036

May 10, 2012

Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense Program)
1 Soldier Way, Building 1900W
Scott AFB, IL 62225-5006

Dear Sir/Madam:

V & S Railway, LLC gives notice that on or about June 1, 2012, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR Subpart F -- *Exempt Abandonments and Discontinuances*, permitting the discontinuance of service on a 60.2-mile line of railroad between railroad milepost 868.5 near NA Junction 81022, which traverses through United States Postal Service ZIP Codes 81022, 81025, 81039, 81062, 81033, 81063 and 81045, and railroad milepost 808.3 near Haswell 81045, in Pueblo, Crowley and Kiowa Counties, Colorado. The proceeding has been docketed as No. AB-603 (Sub-No. 2X).

Based on information in the railroad's 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.

Sincerely yours,

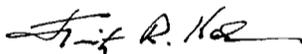

Fritz R. Kahn

EXHIBIT C

THE PUEBLO CHIEFTAIN

State of Colorado)

Pueblo Chieftain

FRITZ R KAHN PC
1919 M STREET NW 7TH FLR
WASHINGTON DC 20036

REFERENCE: 811290
L51332 EXEMPTION NO AB-603

GEFRI L. ELIZONDO, being first duly sworn upon her oath says: That she is a representative of THE STAR-JOURNAL PUBLISHING CORPORATION, and has personal knowledge of the facts set forth herein; that said Corporation is a corporation organized under the laws of the State of Colorado and that its principal office and place of business is in the city of Pueblo, in the County of Pueblo, in the State of Colorado; that it is the proprietor, printer and publisher of THE PUEBLO CHIEFTAIN, which is, and at all times herein mentioned was a daily newspaper of general circulation printed and published in said City of Pueblo; that said newspaper is, and at all times herein mentioned was, published daily: has been admitted to the United States Mails as a second class matter under the provisions of the Act of Congress of March 3, 1879, and any amendments thereof, and is duly qualified for publishing legal notices and advertisements within the meaning of the laws of the state of Colorado of which is attached a true copy cut from said newspaper and was published on the following dates:

PUBLISHED ON: 05/12

FILED ON: 05/15/12

In witness whereof, I have hereunto set my hand this 17th day of May A.D. 2012

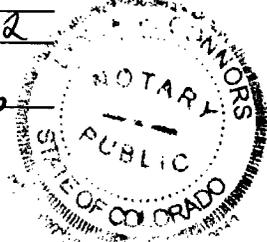
Subscribed and sworn to before me this 17 day of May A.D. 2012
My commission expires March 5, 2013.

Notary Lynda K Connor

V & S Railway, LLC gives notice that on or about June 1, 2012, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR Subpart F - Exempt Abandonments and Discontinuances, permitting the discontinuance of service on a 60.2-mile line of railroad between railroad milepost 868.5 near NA Junction 81022, which traverses through United States Postal Service ZIP Codes 81022, 81025, 81039, 81062, 81033, 81063 and 81045, and railroad milepost 808.3 near Haswell 81045, in Pueblo, Crowley and Kiowa Counties, Colorado. The proceeding has been docketed as No. AB-603 (Sub-No. 2X).

The Board's Office of Environmental Analysis ("OEA") generally will prepare an Environmental Assessment ("EA"), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of Proceedings, 395 E Street, SW, Washington, DC 20423 [See 49 C.F.R. 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 C.F.R. 1104.12(a)] Fritz R. Kahn, Esq., Fritz R. Kahn, P.C., 1919 M Street, NW (7th fl.), Washington, DC 20036. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative Fritz R. Kahn, Esq., Fritz R. Kahn, P.C., 1919 M Street, NW (7th fl.), Washington, DC 20036.



PROOF OF PUBLICATION

Fowler Tribune

Legal Notice Published in the
STATE OF COLORADO
SS.
County of Otero.

Candi Hill being first duly sworn,
deposes and says:

That she is an officer of the
GateHouse Media Inc., to wit the Publisher
thereof

The said GateHouse Media Inc. officer
is the publisher of the *Fowler Tribune* a
weekly newspaper as defined by Colorado
Revised Statutes 24-70-102 as amended,
published and printed in La Junta, Otero
County, Colorado;

That said newspaper is duly qualified
as a legal newspaper within the meaning of
Colorado Revised Statutes 24-70-103, as
amended, having been published in Otero
County uninterruptedly and continuously as a
weekly newspaper for a period of at least six
months prior to the first publication of the
attached or annexed Legal Notice.

That the attached or annexed

LEGAL NOTICE NO. 1757

was published in the *Fowler Tribune* issues of

May 31, 2012

Candi Hill
Publisher

Subscribed and sworn to before me this 8th

day of June, 2012

My commission expires 2-5-16

Kristy Gada
Notary Public

LEGAL 1757

OFFICIAL NOTICES

V & S Railway, LLC gives
notice that on or about June 1,
2012, it intends to file with the Sur-
face Transportation Board, Washing-
ton, DC 20423, a notice of exemp-
tion under 49 CFR Subpart F -- Ex-
empt Abandonments and Discon-
tinuances, permitting the discon-
tinuance of service on a 60.2-mile
line of railroad between railroad
milepost 868.5 near NA Junction
81022, which traverses through
United States Postal Service ZIP
Codes 81022, 81025, 81039,
81062, 81033, 81063 and 81045,
and railroad milepost 808.3 near
Haswell 81045, in Pueblo, Crowley
and Kiowa Counties, Colorado. The
proceeding has been docketed as
No. AB-603 (Sub-No. 2X).

The Board's Office of Envi-
ronmental Analysis ("OEA") generally
will prepare an Environmental As-
sessment ("EA"), which will normally
be available 25 days after the filing
of the notice of exemption. Com-
ments on environmental and energy
matters should be filed no later than
15 days after the EA becomes avail-
able to the public and will be ad-
dressed in a Board decision. Inter-
ested persons may obtain a copy of
the EA or make inquiries regarding
environmental matters by writing to
the Office of Environmental Analysis
(OEA), Surface Transportation Board,
Washington, DC 20423 or by calling
that office at (202) 245-0295.

Appropriate offers of finan-
cial assistance to continue rail serv-
ice can be filed with the Board. Re-
quests for environmental conditions,
public use conditions, or rail bank-
ing/trails use also can be filed with
the Board. An original and 10 cop-
ies of any pleading that raises mat-
ters other than environmental issues
(such as trails use, public use, and
offers of financial assistance) must
be filed directly with the Board's Of-
fice of Proceedings, 395 E Street,
SW, Washington, DC 20423 [See 49
C.F.R. 1104.1(a) and 1104.3(a)],
and one copy must be served on ap-
plicant's representative [See 49
C.F.R. 1104.12(a)] Fritz R. Kahn,
Esq., Fritz R. Kahn, P.C., 1919 M
Street, NW (7th fl.), Washington, DC
20036. Questions regarding offers
of financial assistance, public use or
trails use may be directed to the
Board's Office of Public Assistance,
Governmental Affairs, and Compli-
ance at (202) 245-0238. Copies of
any comments or requests for condi-
tions should be served on the appli-
cant's representative Fritz R. Kahn,
Esq., Fritz R. Kahn, P.C., 1919 M
Street, NW (7th fl.), Washington, DC
20036.

Published in the Fowler Tribune May
31, 2012.

PROOF of PUBLICATION



STATE OF COLORADO,)
COUNTY OF KIOWA) SS.

Chris Sorensen

do solemnly swear that I am

Publisher

(Editor, Asst. Editor, Publisher)

I, **Chris Sorensen**, of the Kiowa County Press; that the same is a weekly newspaper printed in whole or in part, and published in the County of Kiowa, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of Kiowa for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 8, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly

newspaper for the period of 1 consecutive insertions and that the first publication of said notice was in the issue of

said newspaper dated MAY 18

A.D., 20 12, and that the last publication of said notice

was in the issue of said newspaper dated MAY 18

A.D., 20 12

In witness whereof I have unto set my hand this

18 day of MAY A.D., 20 12

(Editor, Asst. Editor, Publisher)

Subscribed and sworn to before me a notary public in and for the County of Kiowa, State of Colorado, this

18 day of May A.D., 20 12

Notary Public

My commission expires April 30 20 16

CLASSIFIED ADS

OFFICIAL NOTICES

Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

V & S Railway, LLC gives notice that on or about June 1, 2012, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR Subpart F — *Exempt Abandonments and Discontinuances*, permitting the discontinuance of service on a 60.2-mile line of railroad between railroad milepost 868.5 near NA Junction 81022, which traverses through United States Postal Service ZIP Codes 81022, 81025, 81039, 81062, 81033, 81063 and 81045, and railroad milepost 808.3 near Haswell 81045, in Pueblo, Crowley and Kiowa Counties, Colorado. The proceeding has been docketed as No. AB-603 (Sub-No. 2X).

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of Proceedings, 395 E Street, SW, Washington, DC 20423 [See 49 C.F.R. 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 C.F.R. 1104.12(a)] Fritz R. Kahn, Esq., Fritz R. Kahn, P.C., 1919 M Street, NW (7th fl.), Washington, DC 20036. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative Fritz R. Kahn, Esq., Fritz R. Kahn, P.C., 1919 M Street, NW (7th fl.), Washington, DC 20036.

The Board's Office of Environmental Analysis ("OEA") generally will prepare an Environmental Assessment ("EA"), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis (OEA),

Published May 18, 2012
In the Kiowa County Press

EXHIBIT D

DRAFT FEDERAL REGISTER NOTICE

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB-603 (Sub-No. 2X)]

V & S Railway, LLC -- Discontinuance Exemption -- in Pueblo, Crowley and Kiowa Counties, Colo.

V & S Railway, LLC on June 6, 2012, filed a verified notice of exemption pursuant to 49 U.S.C. §10502(a) and 49 C.F.R. §1152.50, to discontinue rendering service on its line of railroad extending between milepost 868.5 near NA Junction 81022 and milepost 808.3 near Haswell 81045, a distance of 60.2 miles, in Pueblo, Crowley and Kiowa Counties, Colorado. The line traverses United States Postal Service Zip Codes 81022, 81025, 81039, 81062, 81033, 81063 and 81045.

V & S Railway, LLC has certified that: (1) no local traffic has mover over the line for at least 2 years' time; (2) no overhead traffic has been, or would need to be, rerouted; and (3) no formal complaint filed by a user of rail service on the line (or state or local agency acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant with the 2-year period. The railroad has further certified that the requirements of 49 C.F.R. §1105.12 (newspaper publication) and 49 C.F.R. §1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employees adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad --Abandonment-- Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects

affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Petitions to stay the effective date of the notice on other than environmental or historic preservation grounds must be filed within 10 days of the notice's Federal Register publication. Petitions to stay the effective date of the notice on environmental or historic preservation grounds may be filed at any time but must be filed sufficiently in advance of the effective date in order to allow the Board to consider and act on of the petition before the notice becomes effective. Petitions for reconsideration must be filed within 20 days after publication.

This exemption will be effective 30 days from the date of the Federal Register publication of the notice, unless stayed by decision of the Board.

A copy of any pleading filed with the Board should be sent to the railroad's representative, Fritz R. Kahn, Esq., Fritz R. Kahn, P.C., 1919 M Street, NW (7th fl.), Washington, DC 20036.

If the verified notice contains false or misleading information, the exemption is void *ab initio*, and the Board summarily shall reject the exemption notice.

Board decisions and notices are available on its website at *www.stb.dot.gov*.

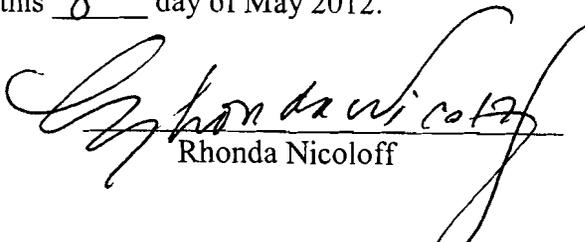
Decided: _____

By the Board, Rachel Campell, Director, Office of Proceedings.

VERIFICATION

I, Rhonda Nicoloff, Managing Member of V & S Railway, LLC., declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing Verified Notice of Exemption and that its assertions are true and correct to the best of my knowledge, information and belief. No local traffic has moved over the subject line for at least two years' time, and any overhead traffic on the line can be rerouted over other lines. Moreover, no formal complaint by a user of rail service on the subject line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the subject line is pending before the Board or any U.S. District Court or has been decided in favor of a user within the two year period. I further declare that I am qualified and authorized to submit this verification on behalf of V & S Railway, LLC. I know that willful misstatements or omission of material fact constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

Dated at Salt Lake City, Utah, this 8th day of May 2012.


Rhonda Nicoloff