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By E-Filing

July 19, 2011

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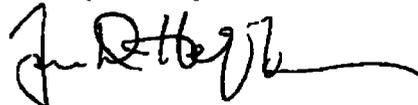
Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20423-0001

**RE: FD 35496, Denver & Rio Grande Railway Historic Foundation  
Petition for a Declaratory Order**

Dear Ms. Brown:

I am e-filing on behalf of the San Luis & Rio Grande Railroad ("SLRG") its Notice of Intent to Participate in the above-captioned proceeding.

Respectfully submitted,

  
John D. Heffner

Enclosure

cc. Mr. Donald H. Shank

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**FD 35496**

**DENVER & RIO GRANDE RAILWAY  
HISTORICAL FOUNDATION'S  
PETITION FOR DECLARATORY ORDER  
SAN LUIS & RIO GRANDE RAILROAD  
NOTICE OF INTENT TO PARTICIPATE**

Submitted By:

John D. Heffner  
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Counsel for  
San Luis & Rio Grande Railroad

Dated: July 19, 2011

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**FD 35496**

**DENVER & RIO GRANDE RAILWAY  
HISTORICAL FOUNDATION'S  
PETITION FOR DECLARATORY ORDER  
SAN LUIS & RIO GRANDE RAILROAD  
NOTICE OF INTENT TO PARTICIPATE**

San Luis & Rio Grande Railroad files this Notice of Intent to Participate in the above-captioned proceeding initiated by the Denver & Rio Grande Railway Historic Foundation ("D&RGHF"). D&RGHF seeks a ruling from the Board whether certain land located in Monte Vista, CA, leased from and owned by D&RGHF's corporate affiliate is subject to that city's ordinances and whether the I.C.C. Termination Act preempts the application of those laws to that property.

SL&RG seeks to participate in this proceeding as its interest may appear because this property abuts SL&RG's line of railroad and the track that D&RGHF uses on this property is owned by SL&RG. Accordingly, SL&RG has a significant interest in the outcome of this proceeding. SL&RG urges the Board to institute a proceeding on D&RGHF's petition so that SL&RG and all other interested and affected parties may participate.

Submitted By:



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Counsel for  
San Luis & Rio Grande Railroad

Dated: July 19, 2011

### **CERTIFICATE OF SERVICE**

I, John D. Heffner, hereby certifies that I mailed a copy of the "Notice of Intent to Participate" of the San Luis & Rio Grande Railroad to the following party by first class U.S. Mail on the 19<sup>th</sup> day of July, 2011.:

Donald H. Shank  
Denver & Rio Grande Railway Historic  
Foundation  
20 N. Broadway St.,  
Monte Vista, CO 81144



John D. Heffner