

239187

Before the  
**SURFACE TRANSPORTATION BOARD**

Docket No. AB 603 (Sub-No. 4X)

ENTERED  
Office of Proceedings  
September 11, 2015  
Part of  
Public Record

**V AND S RAILWAY, LLC  
- ABANDONMENT EXEMPTION -  
IN PUEBLO, CROWLEY AND KIOWA COUNTIES, CO**

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**COMMENTS TO ENVIRONMENTAL ASSESSMENT**

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Dated: September 11, 2015

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**COMMENTS TO ENVIRONMENTAL ASSESSMENT**

The Board's Office of Environmental Analysis issued an Environmental Assessment (the "EA") on August 28, 2015, in connection with the proposed abandonment by V and S Railway, LLC ("V&S") of its line of railroad between milepost 747.5 near Towner, Colorado, and milepost 869.4 near NA Junction, Colorado, a total distance of 121.9 miles (collectively, the "Line"). The EA found that an environmental impact statement process would be unnecessary, but did recommend a number of conditions be imposed by the Board on any abandonment of the Line. V&S files these comments to respond to certain of the proposed conditions which V&S believes go beyond what should be required.

Initially, it should be noted that a notice of intent to file an offer of financial assistance ("OFA") to purchase the Line has been filed in this proceeding. If the Line were to be sold pursuant to an OFA, then the line would not be abandoned and the proposed conditions on salvage of the Line would not be relevant. However, if the Line were not sold pursuant to an OFA, then the V&S has concerns about the scope of the conditions that have been opposed.

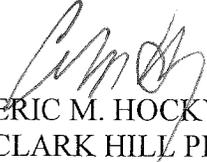
Kiowa County makes clear in its comments that it opposes the abandonment of the Line. Its list of requested conditions on salvage of the Line, are not tied to any local regulations or any

described interest in the property (other than the location of the property in the County).<sup>1</sup> Rather, the requested conditions seemed designed to be so onerous that V&S would reconsider abandoning the Line. Neither Pueblo nor Crowley County raised any questions or requested any conditions with respect to the proposed abandonment. Generally, V&S believes that the conditions requested by Kiowa County are not reasonable, and V&S has concerns about the implications of Condition 1 as proposed in the EA.

V&S is willing to consult with the Kiowa County and the other counties prior to beginning any salvage, and to employ best practices for the salvage of lines of railroad. And, V&S will, of course, comply with what is required by any applicable local laws and regulations imposed on a non-discriminatory basis on property owners in the respective counties. Any proposed environmental condition should require no more and no less.

Similarly, Conditions 3 and 5 should be limited to compliance with “applicable legal requirements” of the Colorado Department of Public Health and Environment and the US Army Corps of Engineers, respectively.

Respectfully submitted,

  
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Attorneys for V&S Railway, LLC

Dated: September 11, 2015

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<sup>1</sup> By contrast, the Colorado Public Service Commission limits its request to compliance with its existing regulatory requirements for closing public highway-rail crossings.

## CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of September, 2015, I served a copy of the foregoing document on the parties listed below by the method indicated:

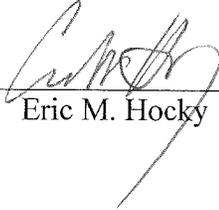
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