

CLARK HILL

Eric M. Hocky
T 215.640.8523
F 215.640.8501
Email: ehocky@clarkhill.com

Clark Hill PLC
One Commerce Square
2005 Market Street
Suite 1000
Philadelphia, PA 19103
T 215.640.8500
F 215.640.8501
clarkhill.com

January 25, 2016

239938

ENTERED
Office of Proceedings
January 27, 2016
Part of
Public Record

VIA E-FILING

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

Re: V and S Railway, LLC - Discontinuance Exemption -
In Pueblo, Crowley, Kiowa and Otero Counties, CO
STB Docket No. AB 603 (Sub-No. 4X)

Dear Ms. Brown:

By decision served January 15, 2016, the Board rejected the amended verified notice of exemption (Amended Notice) filed by V and S Railway, LLC (V&S), finding that the proposed discontinuance transaction raised issues not suitable for the notice of exemption process. The decision indicated that if V&S wishes to seek discontinuance authority, it will need to do so either through a petition for exemption or an application. The decision also provided that if V&S wishes to continue to pursue abandonment authority, it could do so by supplementing its "Original Notice."

V&S is hereby notifying the Board that it does not wish to continue to pursue abandonment at this time, and that it will not be supplementing the Original Notice. V&S accordingly gives notice of the withdrawal of the Original Notice (and of its request for an exemption to abandon the Towner Line, as defined in the decision). Such withdrawal is without prejudice to V&S's right to seek abandonment of the Towner Line in the future.

As noted in the decision, V&S has already discontinued service over the "Western Segment." V&S has not yet determined whether, or in what manner, to seek discontinuance authority with respect to the remainder of the Towner Line.

January 25, 2016

Page 2

V&S is serving a copy of this letter on all parties of record, and on all other persons that were served with a copy of the Amended Notice.

Please let me know if there are any questions regarding this filing.

Respectfully,

CLARK HILL PLC



Eric M. Hooky

EMH/e

cc: All parties on the attached service list

January 25, 2016

Page 3

Thomas W. Wilcox
CKG Law, PC
The Foundry Building, Suite 500
1055 Thomas Jefferson Street, NW
Washington, DC 20007

Richard Scott
Cindy McLoud
Donald Oswald
Kiowa County
1305 Goff Street
Eads, CO 81036

Board of County Commissioners
Otero County
Otero County Courthouse
13 West 3rd Street, Room 212
La Junta, CO 81050

Chairman, Public Utilities Commission
1560 Broadway, Suite 250
Denver, CO 80202

US Department of the Army
Military Surface Deployment & Distribution
Command Transportation Engineering Agency
Attn: SDTE-SA (Railroads for Nat'l Defense)
1 Soldier Way (Building 1900W)
Scott AFB, IL 62225

Chief, USDA Forest Service
1400 Independence Avenue SW
Washington, DC 20250-0003

US Department of the Interior
National Park Service
RTCA Program
1849 C Street NW (Org Code 2240)
Washington, DC 20240

Hon. Joshua B. Epel, Chairman
Colorado Public Utilities Commission
1560 Broadway, Suite 250
Denver, CO 80202

Board of County Commissioners
215 West 10th Street
Pueblo, CO 81005

Frank Grant
Crowley County Commissioners
603 Main Street, Suite 2
Ordway, CO 81063

Mr. Edward C. Nichols
State Historic Preservation Officer
Office of Archeology & Historic Preservation
1200 Broadway
Denver, CO 80203

Ute Mountain Ute Tribe
PO Box 52
Towaoc, CO 81335

January 25, 2016

Page 4

Colorado Department of Public Health
and Environment
4300 Cherry Creek South
Denver, CO 80246

US Environmental Protection Agency
1596 Wynkoop Street
Denver, CO 80292

Corps of Engineers, Albuquerque District
4101 Jefferson Plaza NE
Albuquerque, NM 87109-3435

Ms. Phyllis Ann Phillips
State Conservationist
Natural Resource Conservation Service
Denver, CO 80202

Dr. Pamela M. Fischhaber
Chief of Rail/Transit Safety
Colorado Public Utilities Commission
1560 Broadway, Suite 250
Denver, CO 80202

Ms. Susan C. Linner
US Fish & Wildlife Service
PO Box 25486 DFC (65412)
Denver, CO 89225-0486

US National Geodetic Survey
NGS/12
1315 East-West Highway
Silver Spring, MD 20910-3282

Mr. Charlie Stockman
Park & Planning Special Studies
National Park Service
1201 Oakridge Drive, Suite 150
Fort Collins, CO 80525