

LAW OFFICES
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

August 3, 2015

238958

VIA ELECTRONIC FILING

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

ENTERED
Office of Proceedings
August 3, 2015
Part of
Public Record

re: Docket No. AB 603 (Sub-No. 4X), V and S Railway, LLC—Abandonment
Exemption—In Pueblo, Crowley and Kiowa Counties, Colo.

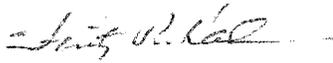
Dear Ms. Brown:

Attached for filing in the subject proceeding is the Verified Notice of Exempt
Abandonment of V and S Railway, LLC.

Information about this firm's credit card used to pay the \$3,800.00 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, and I shall endeavor to respond.

Sincerely yours,



Fritz R. Kahn

SURFACE TRANSPORTATION BOARD

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

V AND S RAILWAY, LLC
--ABANDONMENT EXEMPTION--
IN PUEBLO, CROWLEY AND KIOWA COUNTIES, COLO.

VERIFIED NOTICE OF EXEMPT ABANDONMENT
OF
V AND S RAILWAY, LLC

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

Attorney for

V AND S RAILWAY, LLC

Dated: August 3, 2015

SURFACE TRANSPORTATION BOARD

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

V AND S RAILWAY, LLC
--ABANDONMENT EXEMPTION--
IN PUEBLO, CROWLEY AND KIOWA COUNTIES, COLO.

VERIFIED NOTICE OF EXEMPT ABANDONMENT
OF
V AND S RAILWAY, LLC

V and S Railway, LLC (“V&S”), a Class III rail carrier subject to this Board's jurisdiction, pursuant to 49 U.S.C. § 10903, 49 U.S.C. § 10502 and 49 C.F.R.

§ 1152.50, states, as follows:

1. The railroad line (“Line”) which is proposed to be abandoned extends between Milepost 747.5 near Towner 81071 and Milepost 869.4 near NA Junction 81022, a distance of 121.9 miles in Pueblo, Crowley and Kiowa Counties, Colorado.
2. The anticipated consummation date is October 1, 2015.
3. V&S, by the attached Verification of Ms. Rhonda Nicoloff, a Manager of V&S, Exhibit G, certifies that no local traffic has moved over the Line for at least two years' time, and any overhead traffic on the Line can be rerouted over other lines. and that no formal complaint by a user of rail service on the Line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period.

4. The exact name of the entity seeking the abandonment authority is V and S Railway, LLC.

5. V&S is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105, having acquired the Line, generally referred to as the Towner Line, pursuant to the Decision in Docket No. FD 35664, V and S Railway, LLC—Acquisition and Operation Exemption—Colorado Department of Transportation, (STB served November 13, 2012), 77 Fed Reg. 69542-69543, November 17, 2012.

6. V&S seeks the Board's authorization to abandon the Line.

7. A map of the Line is attached as Exhibit A.

8. The representative of V&S to whom correspondence should be addressed is:

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

9. The United States Postal Zip Codes traversed by the Line are 81022, 80125, 81062, 81033, 81063, 81076, 81021, 81045, 81036 and 81071.

10. Portions of the Line were constructed on easements through public lands obtained under the General Railroad Right-of-Way Act of 1875. Therefore, the use of the property for other than rail purposes is limited. Its continued use as a railroad can be obtained by offers of financial assistance filed pursuant to 49 U.S.C. § 10904 and 49 C.F.R. § 1152.27, and its right-of way can be acquired for interim trail use//rail banking, pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29.

11. Any adversely affected employee of V&S will be subject to the employee protective conditions of Oregon Short Line R. Co.--Abandonment--Goshen, 360 I.C.C. 91 (1979).

12. V&S, by its attorney, certifies that notices of exemption were mailed on June 4, 1950, in compliance with 49 C.F.R. § 1152.50(d)(1). A list of the addressees is attached as Exhibit B.

13. V&S, by its attorney, certifies that copies of the Environmental and Historic Report were mailed on July 13, 2015, in compliance with 49 C.F.R. § 1105.11. A list of the addressees is attached as Exhibit C.

14. The Environmental and Historic Report is attached as Exhibit D.

15. V&S, by its attorney, certifies that an Official Notice of the proposed abandonment of the Line was published in the June 8, 2015, edition of The Pueblo Chieftain, the June 11, 2015, edition of the Fowler Tribune and the June 12, 2015, edition of the Kiowa County Press, newspapers of general circulation in Pueblo, Crowley and Kiowa Counties in compliance with 49 C.F.R. § 1105.11. Copies of the affidavits of publication are attached as Exhibit E.

16. A draft Federal Register notice is attached as Exhibit F.

17. The Verification of Ms. Rhonda Nicoloff is attached as Exhibit G.

Respectfully submitted,

V AND S RAILWAY, LLC

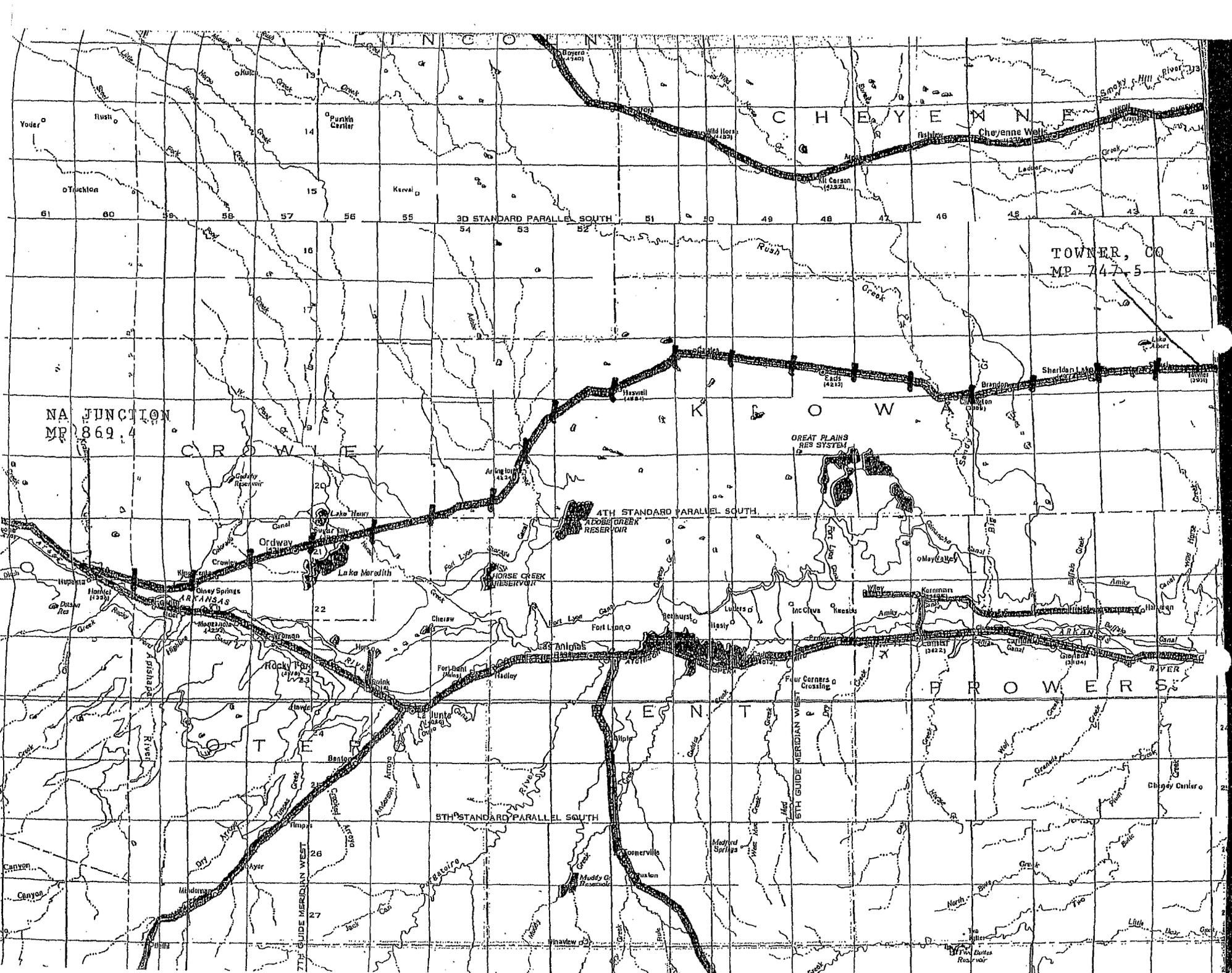
By its attorney,



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

Dated: August 3, 2015

EXHIBIT A



NA JUNCTION
MP 869.4

TOWNER, CO
MP 747.5

3D STANDARD PARALLEL SOUTH

4TH STANDARD PARALLEL SOUTH

5TH STANDARD PARALLEL SOUTH

7TH GUIDE MERIDIAN WEST

8TH GUIDE MERIDIAN WEST

C R O W E Y

K R O W

F R O W E R S

C O L O R A D O

C H E Y E N N E

EXHIBIT B

LIST OF ADDRESSEES FOR LETTERS SENT
JUNE 4, 2015, PURSUANT TO 49 C.F.R. § 1152.50(d)(1)

Chairman, Public Utilities Commission
1560 Broadway (Ste. 250)
Denver, CO 80202

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

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

Recreation Resources Assistance Division
National Park Service
1201 I Street, NW (12th fl.)
Washington, DC 20005

EXHIBIT C

ADDRESSEES OF THE 49 C.F.R. §1105.7 TRANSMITTALS ON
JULY 13, 2015, OF THE ENVIRONMENTAL AND HISTORIC REPORTS

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

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

Crowley County Commissioners
603 Main Street (Ste. 2)
Ordway, CO 81063

Kiowa County Commissioners
1305 N. Goff Street
Eads, CO 81036

Ute Mountain Ute Tribe
P.O. Box 52
Towaoc, CO 81334

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

U.S. 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 Philipps
State Conservationist
Natural Resource Conservation Service
Denver, CO 80202

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

Ms. Susan C. Linner
U.S. Fish and Wildlife Service
P.O. Box 25486 DFC (65412)
Denver, CO 89225-0486

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

Mr. Charlie Stockman
Park and Planning Special Studies
National Park Service
1201 Oakridge Drive (Ste. 150)
Fort Collins, CO 80525

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

EXHIBIT D

SURFACE TRANSPORTATION BOARD

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

V AND S RAILWAY, LLC
-- VERIFIED NOTICE OF EXEMPT ABANDONMENT --
IN PUEBLO, CROWLEY AND KIOWA COUNTIES, COLO.

ENVIRONMENTAL AND HISTORIC REPORT

V and S Railway, LLC ("V&S"), pursuant to 49 C.F.R. § 1105.7(e), 49 C.F.R. § 1105.8(d) and 49 C.F.R. § 1152.50, submits this Environmental and Historic Report in support of its Verified Notice of Exempt Abandonment.

1. Proposed action and alternatives. The line which V&S proposes to abandon, generally referred to as the Towner Line, extends between Milepost 747.5 near Towner 81071 and Milepost 869.4 near NA Junction 81022, a distance of 121.9 miles in Pueblo, Crowley and Kiowa Counties, Colorado ("Rail Line"). The Rail Line traverses U.S. Postal Service Zip Codes 81022, 80125, 81062, 81033, 81063, 81076, 81021, 81045, 81036 and 81071.

The Rail Line was acquired as a rail carrier by V&S from its former owner, the Colorado Department of Transportation, pursuant to the Board's Decision in Docket No. FD 35664 , V and S Railway, LLC--Acquisition and Operation Exemption—Colorado Department of Transportation, (STB served November 13, 2012), 77 Fed. Reg. 69542-69543, November 17, 2012.

No local or overhead traffic has been transported on the Rail Line in at least two years' time. *See*, the Declaration of Aaron Parsons, attached as Exhibit 1. V&S will want to salvage the rails and track materials, but otherwise V&S will leave undisturbed the Rail Line's right-of-way, including its berms, bridges, trestles and culverts to permit alternative uses.

Portions of the Rail Line were constructed on easements through public lands obtained under the General Railroad Right-of-Way Act of 1875. Therefore, the uses of the Rail Line's right-of-way for other than rail purposes are limited. Its continued use as a railroad can be obtained by offers of financial assistance filed pursuant to 49 U.S.C. § 10904 and 49 C.F.R. § 1152.27, and the property can be acquired for interim trail use/rail banking, pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29. Any documents in the possession of V&S pertaining to the right-of-way will be made available promptly to those requesting it.

2. Transportation system As already noted, no local or overhead traffic has moved on the 121.9-mile Rail Line in at least two years' time. No shipper currently is located on the Rail Line. Nevertheless, alternative rail service is available from the Kansas & Oklahoma Railroad at Towner and the Union Pacific Railroad Company at NA Junction, as well as from the BNSF Railway Company between Holly, CO, and NA Junction. Highway 96 runs parallel and immediately adjacent to the Rail Line and is yet another transportation alternative.. By letters dated May 14 and June 5, 2015, copies of which were sent to Director Rutson of the Board's Office of Environmental Analysis ("OEA"), V&S' representative advised the Colorado Public Utilities Commission of the proposed abandonment of the Rail Line. Attached as Exhibit 2 is a copy of the letter,

dated June 11, 2015, from the Commission's Dr. Pamela Fischhaber, Chief of Rail/Transit Safety, relating primarily to the closing of railroad-public highway crossings, as well as a copy of V&S' representative's email reply, dated July 2015.

3. Land use. V&S will want to salvage the rails and track materials, but otherwise V&S will leave undisturbed the Rail Line's right-of-way, including its berms, bridges, trestles and culverts to permit alternative uses. Hence, there should be no effect on land use as a result of the proposed abandonment. The Rail Line is not within a coastal zone. By letters dated May 14 and June 5, 2015, copies of which were sent to OEA, V&S's representative advised the USDA Natural Resources Conservation Service in Colorado of the proposed abandonment of the Rail Line. Attached as Exhibit 3 is a copy of the agency's letter, dated June 15, 2015, stating, "[W]e have no concerns with [the Rail Line's] abandonment."

4. Energy. As already noted, no local or overhead traffic has moved on the Rail Line in more than two years' time. No shipper currently is located on the Rail Line. Accordingly, no material increase in energy consumption will result from the proposed abandonment. Alternative rail service is available from the Kansas & Oklahoma Railroad at Towner and the Union Pacific Railroad Company at NA Junction, as well as from the BNSF Railway Company between Holly, CO, and NA Junction. Truck transportation is available via Highway 96 paralleling and adjacent to the Rail Line. By letters dated May 14 and June 5, 2015, copies of which were sent to OEA, V&S' representative advised the U.S. Environmental Protection Agency of the proposed abandonment. Attached as Exhibit 4 is a copy of the email, dated June 11, 2015, received from the Agency, stating, "We have not identified any environmental issues of concern

regarding abandonment of the Towner railroad line in southeastern Colorado.” By letter dated May 14, 2015, a copy of which was sent to OEA, V&S’ representative advised the Colorado Department of Public Health and Environment of the proposed abandonment, and a copy of its letter, dated May 27, 2015, expressing concern only about the appropriate disposition of the salvaged track materials, is attached as Exhibit 5.

5. Air. As already noted, no local or overhead traffic has moved on the Rail Line in more than two years’ time. No shipper currently is located on the Rail Line. Therefore, no material emissions or pollutants will despoil the air as a result of the proposed abandonment of the Rail Line. The threshold levels of 49 C.F.R. § 1105.7(e)(5)(i)-(iii) will not be exceeded. By letters dated May 14 and June 5, 2015, with copies to OEA, V&S’ representative advised the U.S. Environmental Protection Agency of the proposed abandonment of the Railroad Line. Attached as Exhibit 4 is a copy of the Agency’s response, stating, “We have not identified any environmental issues of concern regarding abandonment of the Towner railroad line in southeastern Colorado..” By letter dated May 14, 2015, a copy of which was sent to OEA,, V&S’ representative advised the Colorado Department of Public Health and Environment of the proposed abandonment, and a copy of its letter, dated May 27, 2015, expressing concern only about the appropriate disposition of the salvaged track materials, is attached as Exhibit 5.

6. Noise. As already noted, no local or overhead traffic has moved on the Rail Line in more that two years’ time. No shipper currently is located on the Rail Line. Hence, no material increase in the level of noise will result from the proposed abandonment of the Rail Line. The threshold levels of 49 C.F.R.

§ 1105.7(e)(6)(i) & (ii) will not be exceeded. By letters dated May 14 and June 5, 2015, with copies to OEA, V&S' representative advised the U.S. Environmental Protection Agency of the proposed abandonment of the Railroad Line. Attached as Exhibit 4 is a copy of the Agency's email response of June 11, 2015, stating, "We have not identified any environmental issues of concern regarding abandonment of the Towner railroad line in southeastern Colorado ". By letter dated May 14, 2015, a copy of which was sent to OEA, V&S' representative advised the Colorado Department of Public Health and Environment of the proposed abandonment, and a copy of its letter, dated May 27, 2015, expressing concern only about the appropriate disposition of the salvaged track materials, is attached as Exhibit 5.

7. Safety. As already noted, no local or overhead traffic has moved on the Rail Line in more than two years' time. No shipper currently is located on the Rail Line. Accordingly, there will be no material additional highway traffic, especially on Highway 96, adjacent and parallel to the Rail Line, as a result of the proposed abandonment of the Rail Line and no increased risk to public health or safety. Railroad-public highway crossings will not be disturbed or removed only after filing applications with, and securing the consent of, the Colorado Public Utilities Commission. By letters dated May 14 and June 5, 2015, with copy to OEA, V&S's representative advised the Colorado Public Utilities Commission of the proposed abandonment of the Railroad Line. Attached as Exhibit 2 is a copy of the letter, dated June 11, 2015, received from Dr. Pamela M. Fischhaber, Chief of Rail/Transit Safety of the Commission, as well as of a copy V&S' representative's email reply of July 1, 2015.

There are no hazardous waste sites or sites on which there were hazardous spills on the right-of-way of the Rail Line proposed for abandonment of which V&S is aware.

8. Biological resources. The proposed abandonment of the Rail Line will not affect endangered or threatened animal or plant species or areas designated as critical habitats, as far as V&S is aware. By letters dated May 14 and June 5, 2015, with copies to OEA, V&S' representative notified the U.S. Environmental Protection Agency of the proposed abandonment. Attached as Exhibit 4 is a copy of the email, dated June 11, 1950, from the Agency stating, "We have not identified any environmental issues of concern regarding abandonment of the Towner railroad line in southeaster Colorado.". By letters dated May 14, 2015, with copies to OEA, V&S' representative advised the Colorado Department of Public Health and Environment and the U.S.. Fish and Wildlife Service of the proposed abandonment of the Railroad Line. A copy of the Department's letter, dated May 27, 2015, expressing concern only about the appropriate disposition of the salvaged track materials, is attached as Exhibit 5. A copy of the May 21, 2015, stamped copy received from the U.S. Fish and Wildlife Service expressing "No Concerns" is attached as Exhibit 6.

9. Water. As already noted, following the Rail Line's abandonment, V&S will leave undisturbed the Rail Line's right-of-way, including its berms, bridges, trestles and culverts. The abandonment, therefore, should not affect any designated wetlands or 100-year flood plains, and no permits under section 402 of the Clear Water Act should be required. Nevertheless, by letters dated May 14 and June 5, 2015, with copies to OEA, V&S's representative notified the U.S. Army Corps of Engineers of the proposed

abandonment of the Railroad Line. To date, no response has been received from the Corps of Engineers.

10. Proposed mitigation. Since the proposed abandonment of the Rail Line will result in no material adverse environmental impacts, V&S perceives of no need for mitigating measures. Nevertheless, in accordance with the Board's regulations, by letters dated May 14 and June 5, 2015, with copies to OEA, V&S's representative advised the Colorado Public Utilities Commission, the National Park Service and the National Geodetic Survey of the proposed abandonment of the Railroad Line. To date, no reply has been received from the National Park Service or the National Geodetic Survey. Attached as Exhibit 2 is a copy of the letter, dated June 11, 2015, from Dr. Pamela M. Fischhaber, Chief of Rail/Transit Safety, of the Commission, as well as a copy of the email reply, dated July 1, 2015, sent by V&S' representative.

HISTORIC REPORT

1. A seven-part Geodetic Survey map of the Rail Line proposed for abandonment is attached as Exhibit 7.

2. The right-of-way of the Rail Line proposed to be abandoned primarily is 100 feet in width. The Rail Line runs through rural Colorado, between Milepost 747.5 near Towner 81071 and Milepost 869.4 near NA Junction 81022. The terrain of the 121.9--mile Rail Line is generally flat. The largest community on the Rail Line is Eads 81036 which in the 2000 census had a population of 747.

3. There are 58 bridges, trestles, culverts and other structures within the right-of-way of the Railroad Line proposed to be abandoned that are 50 years old or older. A list of the 58 structures, identifying the nature of the structure, its date of construction, the

basic material of which it was built and its milepost location is attached as Exhibit 8. The location of each of the structures is pin pointed on the seven-part map attached as Exhibit 7. The Colorado State Historic Preservation Officer was provided with two 8 ½” x 11” color photographs of each of the 58 fifty-year old structure and of the seven-part map pin pointing their location, as was the Chief of OEA. Each of the photographs bore an insert identifying the nature of the structure, its date of construction, the basic material of which it was built, its milepost location and the longitude and latitude of its location.

4. The Towner Line formerly was that of the Missouri Pacific Railroad and was built toward the end of the 19th century, when the railroad was under the control of one of the pioneer railroad financiers, Jay Gould. The Union Pacific Railroad acquired the Towner Line when in 1982 it purchased the Missouri Pacific Railroad. Union Pacific Corp., et al.—Cont.—MO-KS-TX Co., et al., 4 I.C.C.2d 409 (1988). The Missouri Pacific Railroad lost its significance under the ownership of the Union Pacific the main line of which ran between Missouri origins and Denver, whereas the MoPac’s main line ran between Missouri origins and Pueblo. The Union Pacific was authorized to abandon the MoPac. as part of its acquisition of the Southern Pacific Transportation Company. Union Pacific/Southern Pacific Merger, 1 S.T.B. 233, 582 (1996). As far as V&S has been able to determine, the STB’s abandonment authorization was unconditional. The Colorado Department of Transportation bought the abandoned Towner Line in 1998, and, in turn, V&S bought the Rail Line in 2005. and sought and obtained the Board’s acquisition authority in 2012. V and S Railway, LLC—Acquisition and Operation Exemption—Colorado Department of Transportation , Docket No. FD35664 (STB November 13, 2012. 77 Fed. Reg. 69542, November 19, 2012_

5. The berms, bridges, trestles, culverts and other structures 50 years old or older will remain in place if the Board were to authorize the Rail Line's abandonment. V&S has no plans to demolish or remove any of those structures following the Rail Line's abandonment, and the salvaging by V&S of the rails and other track materials of the Rail Line should not disturb those structures. There are no rails or other track materials or structures of the originally built Missouri Pacific Railroad. The San Creek Massacre National Historic Site is situated about 10 miles north Chivington, and the Towner Line and would be unaffected by the proposed abandonment.

6. V&S has no engineering drawings or other documents relating to the 50 year old structures. They may be in the possession of one or another of the prior owners of the 121.9-mile Rail Line.

7. Neither the site of the 121.9-mile Rail Line or any of the structures within its right-of-way, in the opinion of V&S, meet the criteria for listing in the National Register of Historic Places.

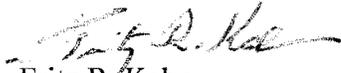
8. There is no evidence of ground disturbances or fill which might affect the archeological recovery of resources along the Rail Line and the surrounding terrain, and V&S has no knowledge of such changes in the subject area's environmental conditions.

9. By letter, dated May 14, 2015, with copy to OEA, V&S' representative alerted Mr. Howard C. Nichols, the State Historic Preservation Officer, of the proposed abandonment of the Towner Line, and attached as Exhibit 9 is a copy of his letter, dated June 2, 2015, as well as a copy of the letter, dated July 10, 2015, sent to Mr. Nichols by V&S' representative providing Mr. Nichols with additional information and inviting his review of the subject Environmental and Historic Report.

Respectfully submitted,

V AND 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: July 13, 2015

EXHIBIT 1

DECLARATION OF AARON PARSONS

I am Aaron Parsons, Assistant Vice President of V&S Railway, Inc. ("V&S"). As the individual at V&S who schedules traffic movements, and manages all operations on V&S's railroad line located between NA Junction, CO and Towner, CO ("Towner Line"), I am also shown as the contact person, to receive requests for service on the Towner Line, in the widely distributed rail industry publication *The Official Railway Guide*.

During the prior three years, I have received no calls, written communications, or other requests by shippers of any kind for rail service to be provided by V&S on the Towner Line. More specifically, as it pertains to the abandonment proceeding, there have been no revenue operations on this line since late February of 2012.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

A handwritten signature in black ink, consisting of a stylized 'A' followed by a large 'P' and a horizontal line extending to the right.

Aaron Parsons

Executed on May 26, 2015.

EXHIBIT 2



COLORADO

Department of
Regulatory Agencies

Public Utilities Commission

Rail/Transit Safety
1560 Broadway, Suite 250
Denver, CO 80202

Joshua B. Epel, Chairman
Pamela J. Patton, Commissioner
Glenn A. Vaad, Commissioner
Doug Dean, Director

Joe Neguse, Executive Director
John W. Hickenlooper, Governor

June 11, 2015

Fritz R. Kahn, Esq.
Law Offices of Fritz R. Kahn, P.C.
1919 M Street, NW, 7th Floor
Washington, DC 20036

Dear Mr. Kahn,

The Colorado Public Utilities Commission ("Commission") received your letter dated May 14, 2015 on behalf of V and S Railway, Inc. ("V&S") regarding proposed abandonment of a railroad line known as the Towner Line from milepost 869.4 near N.A. Junction a distance of approximately 121.9 miles in Pueblo, Crowley, and Kiowa Counties to milepost 747.5 near Towner in Colorado.

The letter does not specify the issue(s) that V&S would like the Commission to evaluate. The general citations to 49 U.S.C. § 4332 *et seq.*, and 49 C.F.R. § 1105.1, *et seq.*, as well as a map of the railroad line are not sufficient for the Commission to identify and meaningfully evaluate any effects of the proposed abandonment. In addition, the Commission did not receive the letter "far enough in advance to afford [the Commission] a reasonable opportunity to provide meaningful input"¹ before the July 1, 2015 anticipated filing date with the Surface Transportation Board ("STB").

The Commission has jurisdiction over railroad-public highway crossings.^{2,3} Commission Rules require a railroad company abandoning a public crossing to file an application for approval with the Commission.⁴ The Commission will decide the merits of any abandonment applications, and it decides issues in its jurisdiction through written orders.⁵ V&S has not filed any applications to abandon public crossings along the above referenced segment of the Towner Line, and, without this required factual presentation, the Commission cannot evaluate the one issue identified in the federal rules arguably within its jurisdiction, which is the "effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings)."⁶

¹ 49 C.F.R. §1105.7(c).

² Section 40-4-106, C.R.S.

³ Please note that other Colorado government agencies may have jurisdiction over the matters discussed in 49 U.S.C. §4332 *et seq.* and 49 C.F.R. §1105.1, *et seq.*

⁴ See *e.g.* Rule 7102, 4 Code of Colorado Regulations (CCR) 723-7, available at www.dora.state.co.us/puc.

⁵ Section 40-2-106, C.R.S.

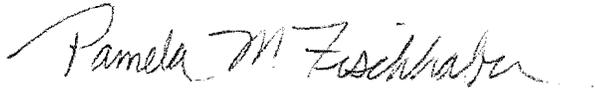
⁶ 49 C.F.R. § 1105.7(e)(7).



Mr. Fritz Kahn
June 11, 2015
Page 2 of 2

If you have further questions regarding the Commission's role in V&S's anticipated filing with the STP, please contact me at Pamela.fischhaber@state.co.us or (303) 894-2529.

Sincerely,

A handwritten signature in cursive script that reads "Pamela M. Fischhaber".

Pamela M. Fischhaber, Ph.D., P.E., WSO-CSS(Rail)
Chief of Rail/Transit Safety



Fritz Kahn <xiccgc@gmail.com>

Railroad-public highway crossings

1 message

Fritz Kahn <xiccgc@gmail.com>

Wed, Jul 1, 2015 at 4:26 PM

To: pamela.fischhaber@state.co.us

Cc: victoria.rutson@stb.dot.gov

Bcc: Fritz Kahn <xiccgc@gmail.com>

Dear Dr. Fischhaber:

Thank you for your letter of July 1, 2015, responding to my letter of May 14, 2015, alerting you that V and S Railway, LLC ("V&S") anticipates filing its Verified Notice of Exempt Abandonment seeking the authorization of the Surface Transportation Board in Docket No. AB 603 (Sub-No. 4X) to abandon the Towner Line, extending 121.9 miles through Pueblo, Crowley and Kiowa Counties, Colorado..

V&S is aware of the fact that the Colorado Public Utilities Commission is vested with the authority to regulate railroad-public highway crossing, and it has every intention of complying with its regulations.

If V&S were authorized by the Board to abandon the Towner Line, it will not remove rail or otherwise close public crossings, particularly those at North Avondale, Boone, Olney Springs, Crowley, Ordway, Sugar City, Arlington, Haswell, Eads, Chivington, Brandon, Sheridan Lake and Towner.

Before V&S were to abandon a railroad-public highway crossings, it will file an application with you in an endeavor to secure the Commission's authorization.

Fritz R. Kahn
Attorney for V&S

--

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

This message is intended for the addressee. If it is misdelivered, please mail it to the sender and telephone him to advise him of the misdelivery. Thank you.

EXHIBIT 3

United States Department of Agriculture



Natural Resources Conservation Service
Denver Federal Center
Building 56, Room 2604
P.O. Box 25426
Denver, Colorado 80225

Date: June 15, 2015

SUBJECT: Proposed Railroad abandonment,

Dear Mr. Kahn,

NRCS received your letter dated 5/14/15 addressed to our former State Conservationist, Mrs. Phyllis Ann Philipps in regards to abandon the railroad between Milepost 747.5.3 and Milepost 869.4 for a distance of approximately 121.9 miles in Pueblo, Crowley and Kiowa Counties, Colorado. After a full review of the letter and map you provided albeit the railroad maybe historic property we have no concerns with its abandonment and that we will leave the environmental review to the U.S. Fish and Wildlife Service and others. Thanks for the opportunity to comment and please let us know if you need any additional information

A handwritten signature in black ink that reads "Deric Clemons".

Deric Clemons
Acting State Resource Conservationist
720-544-2868

Helping People Help the Land

An Equal Opportunity Provider and Employer

EXHIBIT 4



Fritz Kahn <xiccgc@gmail.com>

STB docket AB 603

1 message

Allen, Dana <Allen.Dana@epa.gov>
To: "xiccgc@gmail.com" <xiccgc@gmail.com>

Thu, Jun 11, 2015 at 8:22 PM

We have not identified any environmental issues of concern regarding abandonment of the Towner railroad line in southeastern Colorado.

We do note that the area is largely agricultural and has been in a period of extreme to severe drought for the past several years.

The lack of rail traffic for two years may be a result of the drought, rather than an absence of potential shipments in years with more normal precipitation.

Dana Allen

EPA Region 8 (EPR-N)

allen.dana@epa.gov

1595 Wynkoop St.

(303) 312-6870

Denver, CO 80202-1129

EXHIBIT 5



COLORADO

Department of Public
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

May 27, 2015

Fritz R. Kahn, P.C.
1919 M Street, NW (7th fl.)
Washington, DC 20036

RE: V and S Railway, Inc.

Dear Mr. Kahn,

The Colorado Department of Public Health and Environment (the Department) has reviewed the information provided for the proposed V and S Railway line abandonment in Pueblo, Crowley and Kiowa Counties in Colorado. Based on the information received by the Department, the V and S Railway will be salvaging the track, ties and other track materials along this rail line leaving the other apparatus in place. Removal and disposal of the track, ties and track materials is normally the environmental concern for the Department. For this project, the Department advises the V and S Railway to comply with all state and federal environmental rules and regulations for the removal and disposal of the track materials.

Please contact Kent Kuster at 303-692-3662 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kent Kuster'.

Kent Kuster
Environmental Specialist
Colorado Department of Public Health and Environment



EXHIBIT 6

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

2015TA0668
May 14, 2015

Ms. Susan C. Linner
U.S. Fish and Wildlife Service
P.O. Box 25486 DFC (65412)
Denver, CO 80225-0486

U.S. FISH AND WILDLIFE SERVICE	
<input checked="" type="checkbox"/> NO CONCERNS	
<input type="checkbox"/> CONCUR NOT LIKELY TO ADVERSELY AFFECT	
<input type="checkbox"/> NO COMMENT	
	5-21-15
TYLER ABBOTT, ACTING COLORADO FIELD SUPERVISOR	DATE

5/21/15

Dear Ms. Linner:

V and S Railway, Inc ("V&S"), anticipates on or about July 1, 2015, filing a Notice of Exemption with the Surface Transportation Board ("STB") for authority to abandon its line of railroad between Milepost 747.5.3 near Towner and Milepost 869.4 near N.A. Junction, a distance of approximately 121.9 miles in Pueblo, Crowley and Kiowa Counties, Colorado. A map of the railroad line proposed to be abandoned is enclosed.

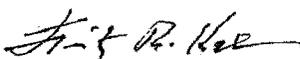
No local or overhead freight shipments have been carried on the railroad line sought to be abandoned in more than two years' time. Upon the line's abandonment, the track, ties and other track materials are expected be salvaged, but the berms, bridges, trestles, culverts and other structures will not be disturbed to permit the right-of-way to be available for public purposes or recreational use.

V&S is required to prepare an environmental and historic report, pursuant to 49 U.S.C. § 4332, et seq., and 49 C.F.R. § 1105.1, et seq.. The report needs to include an expression of your views as to the effects, if any, of V&S' proposed abandonment on the programs administered by your office. A copy of the report will be provided you in advance of V&S's filing of its Notice with the Board to permit your review of the Report.

V&S needs to hear from you about its proposed abandonment so that it can draft the environmental and historic report, and, therefore, a prompt reply would be greatly appreciated.

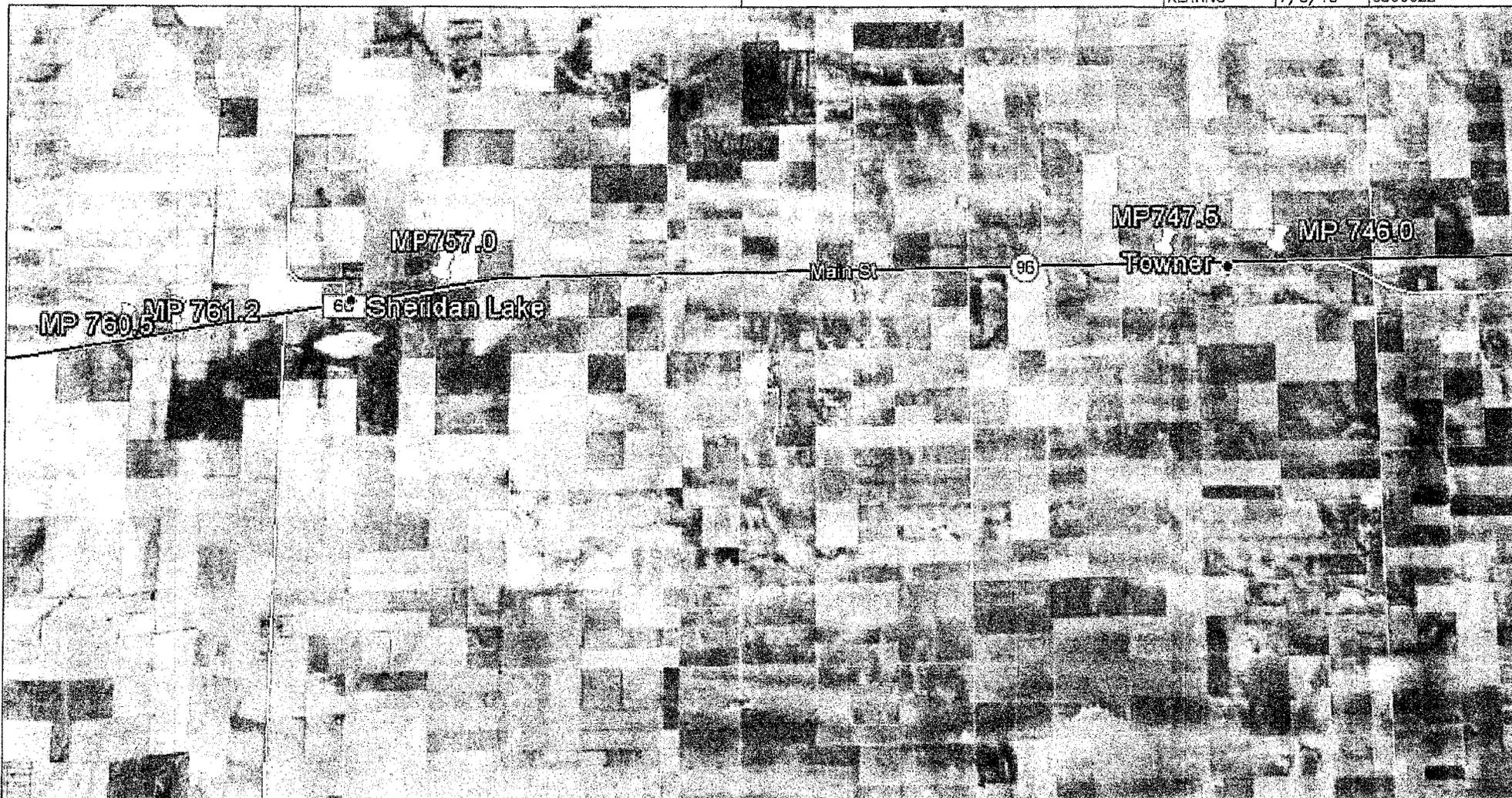
If you require additional information or have any questions concerning the STB's environmental review process, please contact me or the STB's Office of Environmental Analysis, 395 E Street, SW, Washington, DC 20423, Tel.: (202) 245-0295, referring to Docket No. AB 603 (Sub-No. 4X).

Sincerely yours,


Fritz R. Kahn

cc: Victoria J. Rutson, Esq.

EXHIBIT 7



LEGEND

— Rail Road

MP 746.0 Mile Post Number

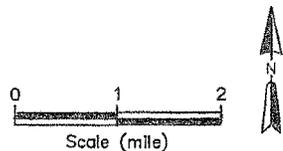
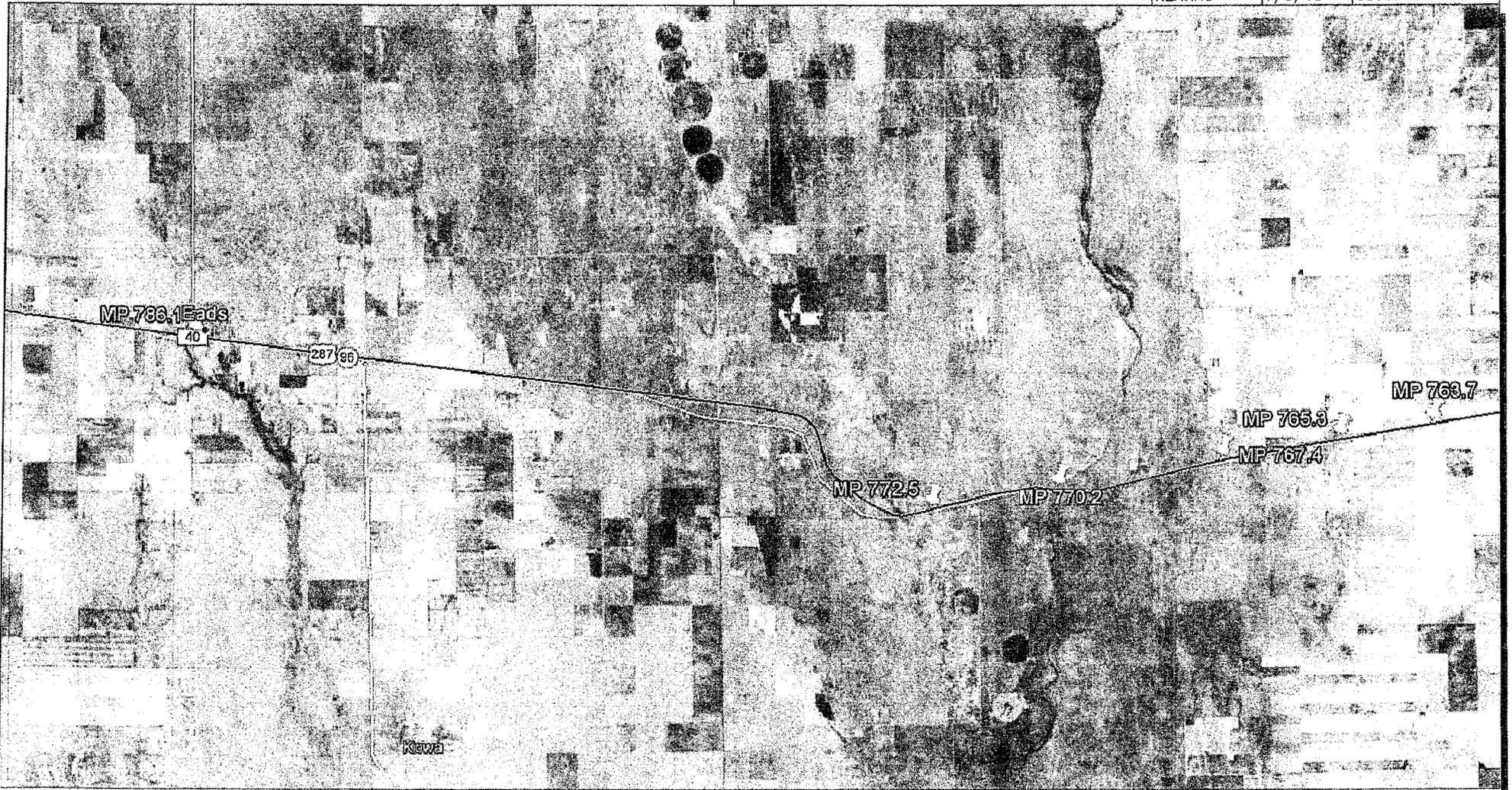


FIGURE 1
TOWNER LINE STRUCTURE SURVEY (MP 746.0-869.2)
A & K RAILROAD MATERIALS, INC.
COLORADO





LEGEND

— Rail Road

MP 746.0 Mile Post Number

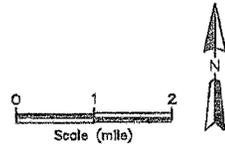
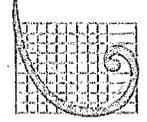
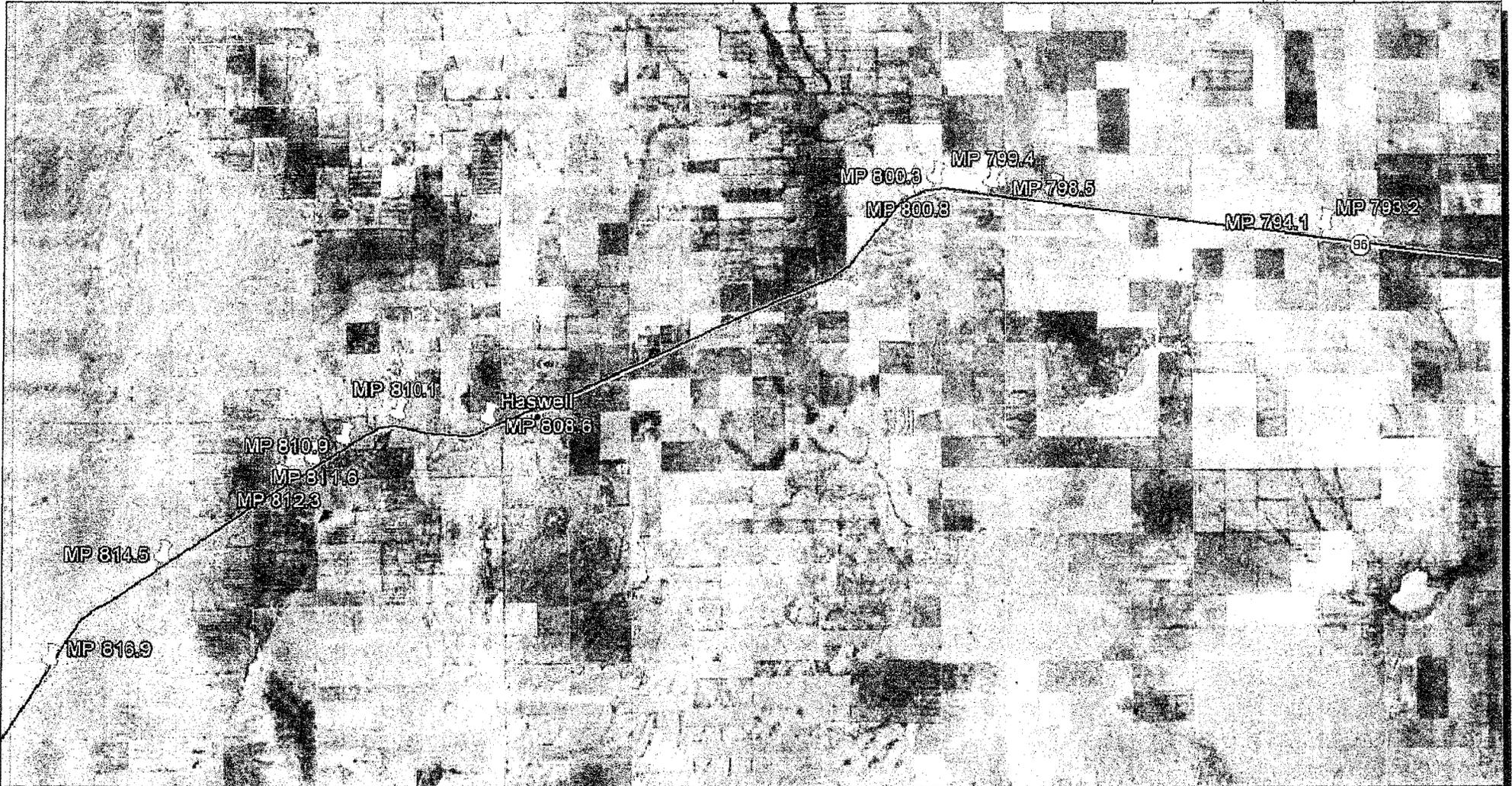


FIGURE 2
TOWNER LINE STRUCTURE SURVEY (MP 746.0-869.2)
A & K RAILROAD MATERIALS, INC.
COLORADO





LEGEND

- Rail Road
- MP 746.0 Mile Post Number

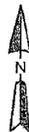
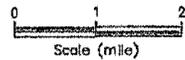
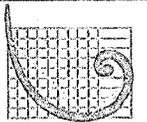
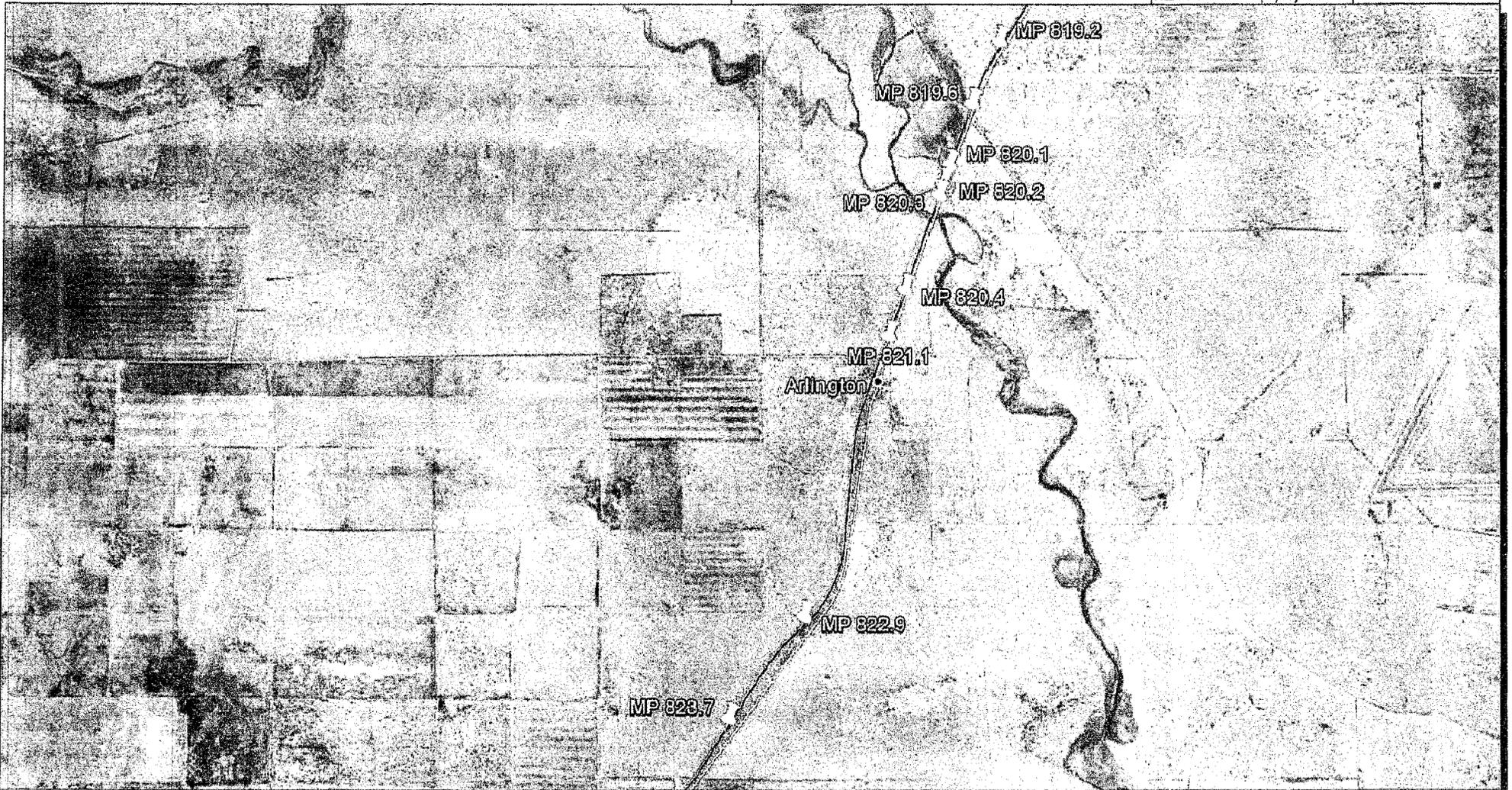


FIGURE 3
TOWNER LINE STRUCTURE SURVEY (MP 746.0-869.2)
A & K RAILROAD MATERIALS, INC.
COLORADO





LEGEND

— Rail Road

MP 746.0 Mile Post Number

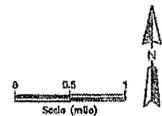
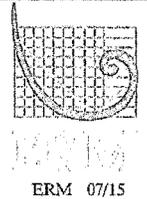
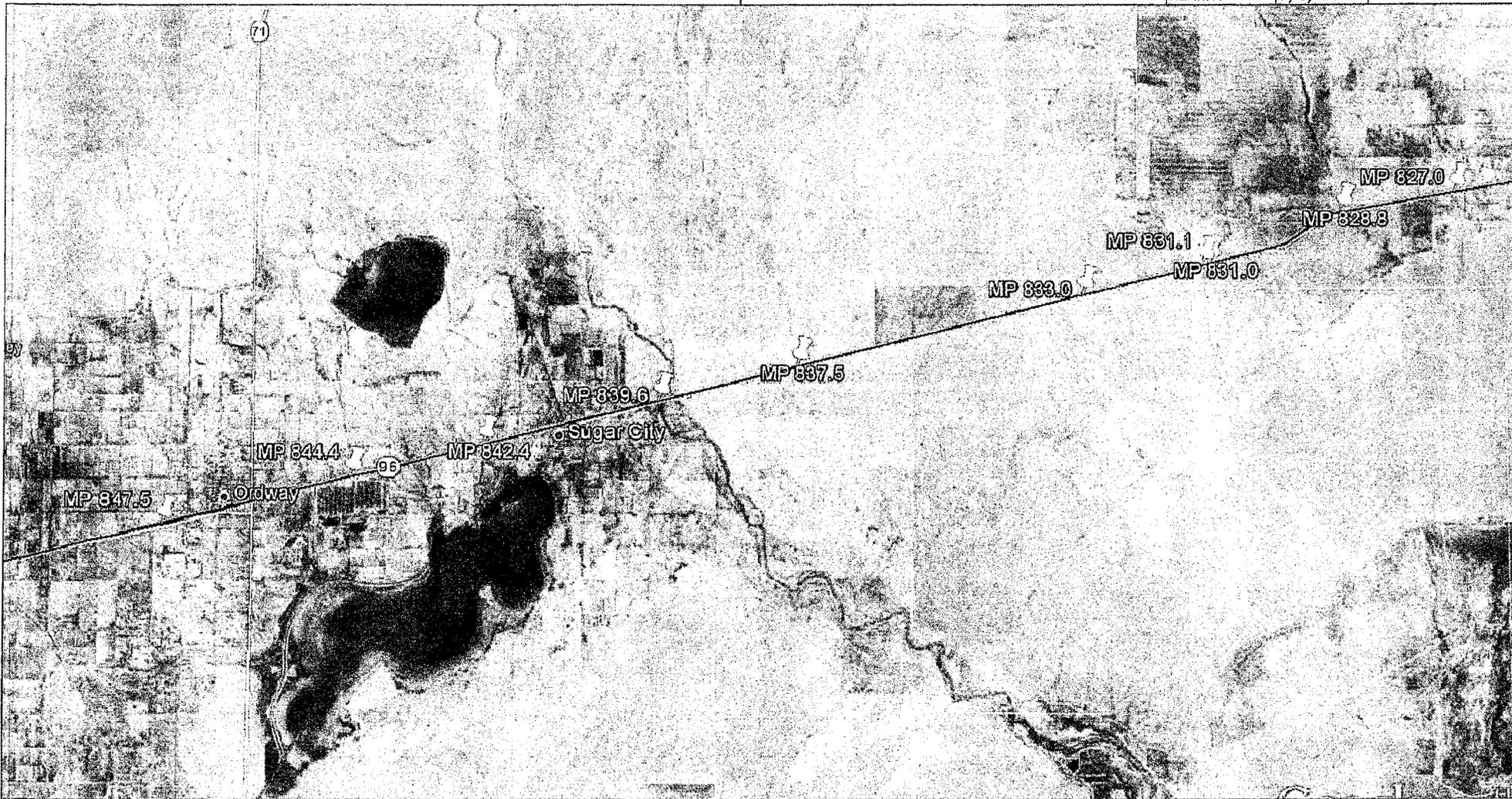


FIGURE 4
TOWNER LINE STRUCTURE SURVEY (MP 746.0-869.2)
A & K RAILROAD MATERIALS, INC.
COLORADO





LEGEND

— Rail Road

MP 746.0 Mile Post Number

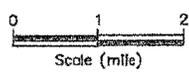
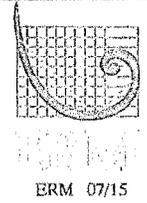


FIGURE 5
TOWNER LINE STRUCTURE SURVEY (MP 746.0-869.2)
A & K RAILROAD MATERIALS, INC.
COLORADO





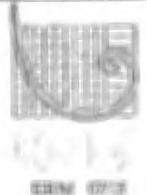
LEGEND

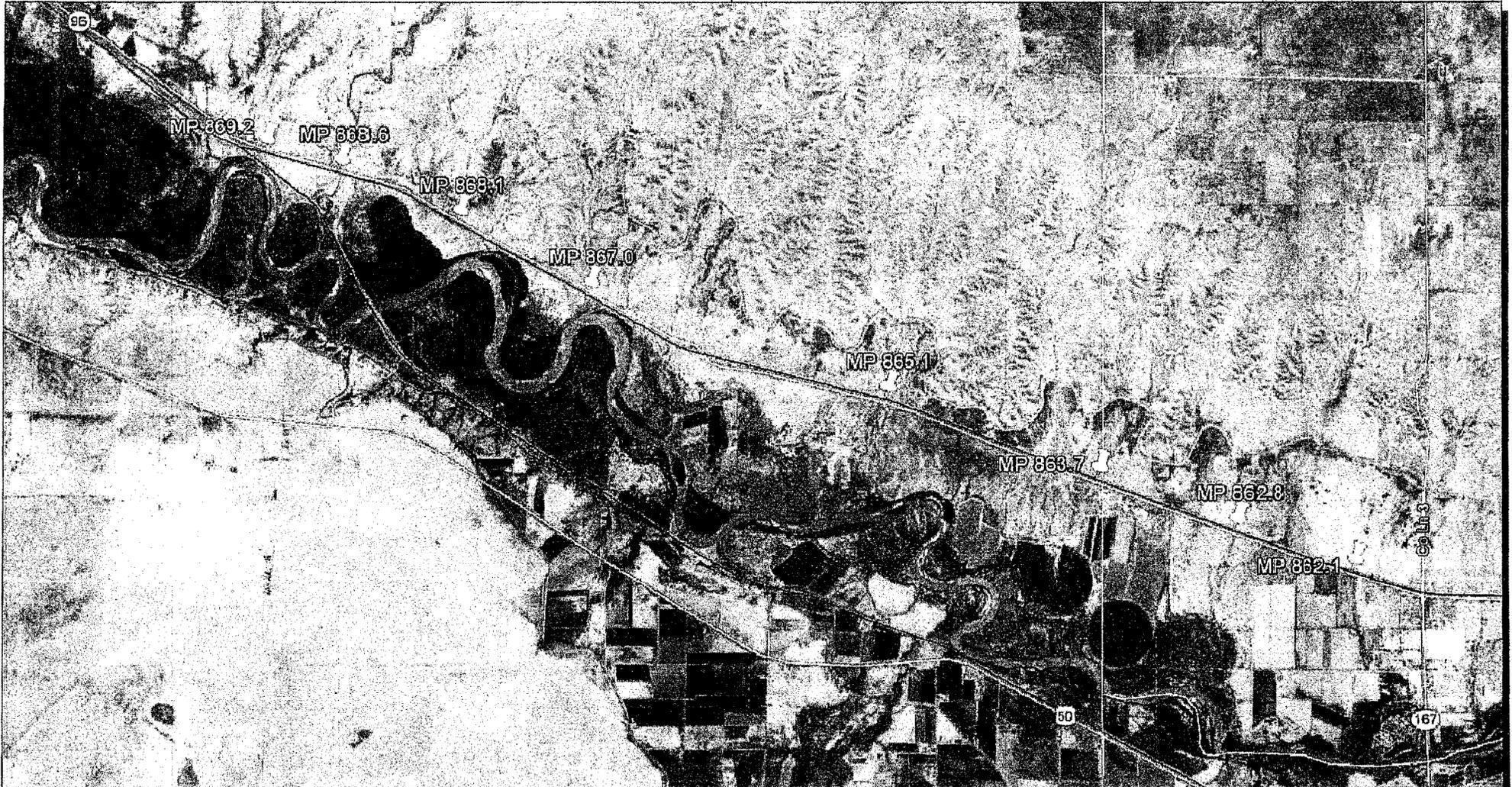
— Rail Road

MP 746.0 MP 746.5



FIGURE 6
TOWNER LINE STRUCTURE SURVEY (MP 746.0-869.2)
A & K RAILROAD MATERIALS, INC.
COLORADO





LEGEND

— Rail Road

MP 746.0 Mile Post Number

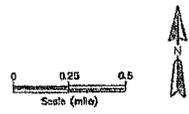


FIGURE 7
TOWNER LINE STRUCTURE SURVEY (MP 746.0-869.2)
A & K RAILROAD MATERIALS, INC.
COLORADO

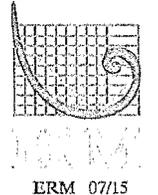


EXHIBIT 8

TOWNER LINE 50 YEAR OLD STRUCTURES

<u>Structure</u>	<u>Date of construction</u>	<u>Basic material</u>	<u>Milepost</u>
Bridge	<1965	Wood, timber trestle	746.0
Casing	1920	Concrete	747.5
Casing	1926	Concrete, steel	757.0
Bridge	>1965	Wood, timber trestle	760.5
Casing	1938	Wood, timber trestle	761.2
Casing	1938	Wood, timber trestle	763.7
Casing	1938	Wood, timber trestle	765.3
Culvert	1922	Concrete, steel	767.4
Bridge	1953	Concrete	770.2
Casing	1934	Concrete	772.5
Bridge	1939	Concrete, steel	786.1
Bridge	1961	Wood, timber trestle	793.2
Casing	1954	Concrete	794.1
Bridge	1939	Wood, timber trestle	798.5
Bridge	1936	Wood, timber trestle	799.4
Bridge	1937	Wood, timber trestle	800.3
Bridge	1947	Wood, timber trestle	800.8
Casing	1922	Concrete	808.6
Bridge	1937	Wood, timber trestle	810.1
Culvert	1922	Concrete, steel	810.9
Casing	1940	Wood, timber trestle	811.6

Bridge	1922	Wood, timber trestle	812.3
Bridge	1945	Wood, timber trestle	814.5
Bridge	1962	Wood, timber trestle	816.9
Culvert	1921	Concrete, steel	819.2
Bridge	1935	Concrete	819.6
Bridge	1939	Wood, timber trestle	820.1
Bridge	1939	Wood, timber trestle	820.2
Bridge	1935	Concrete, steel	820.3
Bridge	1961	Wood, timber trestle	820.4
Casing	1941	Wood, timber trestle	821.1
Bridge	1936	Wood, timber trestle	822.9
Bridge	1920	Concrete, wood trestle	823.7
Bridge	1940	Wood, timber trestle	827.0
Bridge	1929	Wood, timber trestle	828.8
Bridge	1940	Wood, timber trestle	831.0
Casing	1932	Concrete	831.1
Casing	>1965	Wood, timber trestle	833.0
Bridge	1933	Concrete	837.5
Bridge	1956	Concrete	839.6
Bridge	1923	Concrete, steel	842.4
Casing	1930	Concrete	844.4
Bridge	1956	Concrete	847.5
Bridge	1932	Concrete, steel	850.7

Casing	1937	Concrete	853.2
Culvert	1917	Concrete	856.6
Casing	1930	Wood, timber trestle	856.7
Bridge	1926	Concrete	858.2
Bridge	1937	Wood, timber trestle	858.6
Bridge	1934	Wood, timber trestle	858.9
Bridge	1926	Concrete	862.1
Culvert	1919	Concrete	862.8
Bridge	1936	Concrete, steel	863.7
Bridge	1961	Concrete	865.1
Bridge	1940	Wood, timber trestle	867.0
Bridge	1922	Concrete	868.1
Bridge	1934	Concrete	863.6
Bridge	1931	Concrete	869.2

EXHIBIT 9

HISTORY  Colorado

2 June 2015

HC #68172

Fritz R. Kahn
Law Offices of Fritz R. Kahn, P.C.
1919 M Street, NW (7th Floor)
Washington, DC 20036

RE: Proposed Abandonment of a Segment of the Towner Line, MP 747.5 to MP 869.4, Pueblo,
Kiowa, and Crowley Counties

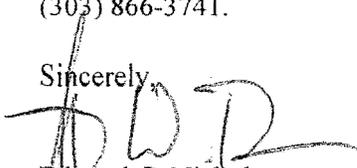
Dear Mr. Kahn:

Thank you for your recent correspondence dated 14 May 2015, concerning the proposed abandonment by V and S Railway of a length of track from Milepost 747.5 to Milepost 869.4 in southeastern Colorado. Our office has reviewed the submitted materials. This segment of the former Missouri Pacific Railroad was determined to be eligible for listing on the National Register of Historic Places in 1998.

Your letter dated 14 May 2015 notes that upon abandonment, the line will be made available “for public purposes or recreational use.” It is not clear from your letter whether any plans for reuse of the line for these purposes have been developed at this time. In the absence of a written agreement between the Railway and a public entity, the abandonment of the line would have an adverse effect on historic resources as the transfer out of federal oversight would remove the resource from the protections afforded by Section 106 of the National Historic Preservation Act. The recent Supreme Court decision in *Marvin M. Brandt Revocable Trust v. United States* (572 U.S. ___ (2014)) furthers our concern that abandonment in the absence of a reuse agreement would leave the historic resource open to development, alteration, or destruction by private interests.

If you have any questions, please contact Joseph Saldibar, Architectural Services Manager, at (303) 866-3741.

Sincerely,


Edward C. Nichols
State Historic Preservation Officer, and
President, Colorado Historical Society

LAW OFFICES
FRITZ R. KAHN, P.C.
1010 M STREET, NW (7TH FL.)
WASHINGTON, DC 20036

TEL.: (202) 268-4152
FAX: (202) 331-8330
e-mail: xiccg@gmail.com

VIA UPS 2nd DAY AIR

July 10, 2015

Hon. Howard C. Nichols
State Historic Preservation Officer
Office of Archeology and Historic Preservation
1200 Broadway
Denver, CO 80203

Dear Mr. Nichols:

Thank you for your letter, dated June 2, 2015, responding to the letter I sent you on May 15, 2015, as the representative of V and S Railway, LLC, alerting you to the proposed abandonment of the 121.9-mile Towner Line, extending between Milepost 747.6 near Towner and Milepost 869.4 near NA Junction in Peoria, Crowley and Kiowa Counties, Colorado.

My letter in no way was intended to make light of the important role you play in the authorization of a railroad line's abandonment, and it included insufficient information to enable you come to any conclusion as to whether any of the railroad line's structures 50 years or older warrant listing in the Register of Historic Places.

Enclosed are two color photographs of each of the 58 structures on the Towner Line which are 50 years old or older and a seven-part color Geodetic Survey map pin pointing the location of each. Additional information about the Towner Line and its structures 50 years old or older is contained in the Environmental and Historic Report in Surface Transportation Board Docket No. AB 603 (Sub-No. 4X), a copy of which I shall be sending you in just a few days time.

If after reviewing the materials you have additional questions, please get back to me, and I shall endeavor to answer them.

Sincerely yours,


Fritz R. Kahn

cc: Victoria Rutson, Esq.,

EMAIL FROM U.S.. GEODETIC SURVEY,
DATED JULY 16, 2015, AFTER THE MAILING OF
THE ENVIRONMENTAL AND HISTORIC REPORT



Fritz Kahn <xiccgc@gmail.com>

NGS Response, STB Docket AB-603 (SUB NO. 004X)

1 message

Simon Monroe <simon.monroe@noaa.gov>

Thu, Jul 16, 2015 at 12:32 PM

To: xiccgc@gmail.com

Cc: Surface Transportation Board <sea@stb.dot.gov>, Pamela Fromhertz <Pamela.Fromhertz@noaa.gov>, Lucy Hall <Lucy.Hall@noaa.gov>, Simon Monroe <Simon.Monroe@noaa.gov>

Thank you for sharing your railroad abandonment environmental report for

TOWNER, Pueblo, Crowley, Kiowa Counties, COLORADO.

Approximately 104 geodetic survey marks may be located in the area described. These marks may or may not be disturbed.

If marks will be disturbed by the abandonment, [THE RAILROAD] shall

consult with the National Geodetic Survey (NGS) at least 90 days prior to

beginning salvage activities that will disturb, or destroy any geodetic station

marks as described on the attached file. Additional advice is provided at

<http://geodesy.noaa.gov/marks/railroads/>

|---|---| |-----|-----|-----|-----|---|-----

|...|JK0039|0 1|88/ADJUSTED|N381135.18353|W1040915.51282|C...|G|C 40 RESET

|...|JJ0966|3 .|29/SCALED..|N380929.07490|W1035908.67878|D...|S|FOWLER

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 |...|JJ0452|. 2|88/ADJUSTED|N382426.....|W1031735.....|D...|G|815+29
 |...|JJ0457|. 2|88/ADJUSTED|N382532.....|W1031526.....|D...|N|813+16
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[...|JJ0469|. 2|88/ADJUSTED|N382811.....|W1030706.....|C...|N|J 275
[...|JJ0471|. 2|88/ADJUSTED|N382858.....|W1030452.....|C...|N|K 275
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[...|JJ0472|. 2|88/ADJUSTED|N382916.....|W1030412.....|D...|N|802+04
[...|JJ0473|. 2|88/ADJUSTED|N382925.....|W1030405.....|C...|G|B 83
[...|JJ0234|. 2|88/ADJUSTED|N383001.....|W1025957.....|D...|G|797+30 MP
[...|JJ0233|. 2|88/ADJUSTED|N383001.....|W1025957.....|D...|S|N 275
[...|JJ0237|2 2|88/ADJUSTED|N382942.45943|W1025642.63294|C...|N|Q 275
[...|JJ0868|2 .|29/SCALED..|N382942.46969|W1025642.20851|...|N|TEA
[...|JJ0239|. 2|88/ADJUSTED|N382936.....|W1025535.....|C...|N|X 82
[...|JJ0240|. 2|88/ADJUSTED|N382929.....|W1025429.....|C...|N|R 275
[...|JJ0242|. 2|88/ADJUSTED|N382917.....|W1025237.....|D...|N|791+01 MP
[...|JJ0243|. 2|88/ADJUSTED|N382916.....|W1025216.....|C...|N|S 275
[...|JJ0861|2 .|29/SCALED..|N382909.78605|W1025131.36459|C...|G|TELL
[...|JJ0244|. 2|88/ADJUSTED|N382909.....|W1025108.....|C...|G|V 82
[...|JJ0245|. 2|88/ADJUSTED|N382902.....|W1024959.....|B...|G|T 275
[...|JJ0246|. 2|88/ADJUSTED|N382855.....|W1024844.....|C...|N|U 82
[...|JJ0208|. 1|88/ADJUSTED|N382844.19...|W1024648.60...|C...|G|L 37
[...|JJ0268|. 2|88/ADJUSTED|N382841.70...|W1024636.24...|C...|G|S 273
[...|JJ0247|. 2|88/ADJUSTED|N382849.....|W1024800.....|C...|N|U 275
[...|JJ0267|. 2|88/ADJUSTED|N382839.....|W1024617.....|D...|N|785+06 MP
[...|JJ0865|2 .|29/SCALED..|N382828.91953|W1024553.42596|...|G|EADS

|...|JJ0265|. 2|88/ADJUSTED|N382828.....|W1024441.....|C...|N|S 82
|...|JJ0264|. 2|88/ADJUSTED|N382817.....|W1024240.....|C...|G|R 82
|...|JJ0262|. 2|88/ADJUSTED|N382803.....|W1024026.....|C...|G|P 82
|...|JJ0263|. 2|88/ADJUSTED|N382811.....|W1024133.....|C...|N|Q 82
|...|JJ0815|3 .|29/SCALED..|N382758.31933|W1023957.31847|...|G|ART
|...|JJ0260|. 2|88/ADJUSTED|N382749.....|W1023807.....|C...|G|M 82
|...|JJ0259|. 2|88/ADJUSTED|N382746.....|W1023735.....|D...|G|777+26
|...|JJ0257|. 2|88/ADJUSTED|N382740.....|W1023653.....|D...|G|L 82
|...|JJ0258|. 2|88/ADJUSTED|N382745.....|W1023725.....|C...|S|R 273
|...|JJ0256|. 2|88/ADJUSTED|N382733.....|W1023554.....|D...|G|K 82
|...|JJ0255|. 2|88/ADJUSTED|N382709.....|W1023513.....|C...|G|J 82
|...|JJ0254|. 2|88/ADJUSTED|N382635.....|W1023455.....|D...|S|774+05
|...|JJ0253|. 2|88/ADJUSTED|N382623.....|W1023438.....|C...|G|H 82
|...|JJ0251|. 2|88/ADJUSTED|N382604.....|W1023305.....|D...|G|772+19
|...|JJ0250|. 2|88/ADJUSTED|N382610.....|W1023233.....|C...|P|F 82
|...|JJ0249|. 2|88/ADJUSTED|N382620.....|W1023126.....|C...|N|E 82
|...|JJ0135|. 2|88/ADJUSTED|N382644.....|W1022735.....|D...|G|767+13
|...|JJ0137|. 2|88/ADJUSTED|N382626.....|W1022914.....|C...|N|C 82
|...|JJ0807|3 .|29/SCALED..|N382624.68682|W1022923.20349|...|N|CHIVINGTON
|...|JJ0134|. 2|88/ADJUSTED|N382648.....|W1022715.....|C...|N|A 82
|...|JJ0809|3 .|29/SCALED..|N382710.44060|W1022414.05610|C...|G|SNAKE
|...|JJ0132|. 2|88/ADJUSTED|N382703.....|W1022502.....|C...|G|Y 78
|...|JJ0130|. 2|88/ADJUSTED|N382719.....|W1022251.....|C...|N|W 78
|...|JJ0127|. 2|88/ADJUSTED|N382736.....|W1022040.....|C...|N|U 78
|...|JJ0124|. 2|88/ADJUSTED|N382758.....|W1021737.....|D...|G|758+15
|...|JJ0125|. 2|88/ADJUSTED|N382751.....|W1021829.....|C...|N|S 78
|...|JJ0126|. 2|88/ADJUSTED|N382745.....|W1021928.....|C...|N|T 78
|...|JJ0121|. 2|88/ADJUSTED|N382808.....|W1021619.....|D...|G|757+00
|...|JJ0120|. 2|88/ADJUSTED|N382808.....|W1021619.....|D...|G|Q 78
|...|JJ0112|. 2|88/ADJUSTED|N382818.....|W1020940.....|C...|N|J 78
|...|JJ0110|. 2|88/ADJUSTED|N382819.....|W1020729.....|C...|N|G 78

EXHIBIT E

AFFIDAVIT OF PUBLICATION

THE PUEBLO CHIEFTAIN

State of Colorado)

Pueblo Chieftain

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

REFERENCE: 811290
L57322 V&S RAILWAY EXEMPT A

GERRI 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: 06/08

FILED ON: 06/15/15

OFFICIAL NOTICE

SURFACE TRANSPORTATION BOARD

NOTICE OF INTENT TO ABANDON RAIL SERVICE

V and S Railway, Inc. ("V&S") gives notices that on or about July 1, 2015, it intends to file with the Surface Transportation Board, Washington, DC 20423, a Verified Notice of Exempt Abandonment under 49 CFR Subpart F -- *Exempt Abandonments*, permitting the abandonment of the 121.9-mile line of railroad between railroad milepost 747.5 near Towner and milepost 869.4 near NA Junction. The line traverses United States Postal Service ZIP Codes 81022, 80125, 81062, 81033, 81063, 81076, 81021, 81045, 81036 and 81071 in Pueblo, Crowley and Kiowa Counties, Colorado. The proceeding has been docketed as No. AB 603 (Sub-No. 4X).

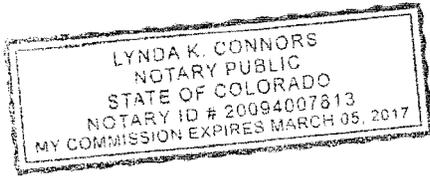
The Board's Office of Environmental Analysis ("SEA") generally will prepare an Environmental Assessment ("EA"), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes 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 ("SEA"), Surface Transportation Board, 395 E Street, SW, 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 Section of Administration, Office of Proceedings, Surface Transportation Board, 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)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Government 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 (Tel.: 202-263-4152) (e-mail: xieego@gmail.com).

L57322

In witness whereof, I have hereunto set my hand this 15 day of June A.D. 2015

Subscribed and sworn to before me this 15 day of June A.D. 2015.
Notary Lynda K Connors



LEGAL 1886

OFFICIAL NOTICE

SURFACE TRANSPORTATION BOARD
NOTICE OF INTENT TO ABANDON
RAIL SERVICE

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Published in the Fowler Tribune June 11, 2015

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. 18816

was published in the Fowler Tribune issues of

June 11, 2015

Candi Hill Publisher

Subscribed and sworn to before me this 23rd day of June 2015

My commission expires 11/27/15.

Donca Jackson Notary Public

Donca Jackson
Notary Public
State of Colorado
Notary ID 19874097534
My Comm. Exp. November 27, 2018

PROOF of PUBLICATION

The Kiowa County
Press

STATE OF COLORADO,)
COUNTY OF KIOWA) SS.

Chris Sorensen

do solemnly swear that I am

Publisher

(Editor, Asst. Editor, Publisher)

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 JUNE 12

A.D., 20 15, and that the last publication of said notice

was in the issue of said newspaper dated JUNE 12

A.D., 20 15

In witness whereof I have unto set my hand this

12 day of JUNE A.D., 20 15

Chris Sorensen

(Editor, Asst. Editor, Publisher)

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

12 day of June A.D., 20 15

Connie McPherson

Notary Public

My commission expires April 30 20 16

OFFICIAL NOTICE

SURFACE TRANSPORTATION BOARD

NOTICE OF INTENT TO ABANDON RAIL SERVICE

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Published June 12, 2015
In the Kiowa County Press

CONNIE MCPHERSON
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 18964007519
MY COMMISSION EXPIRES APRIL 30, 2016

EXHIBIT F

DEPARTMENT OF TRANSPORTATION

SURFACE TRANSPORTATION BOARD

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

V AND S RAILWAY, LLC
-- VERIFIED NOTICE OF EXEMPT ABANDONMENT --
IN PUEBLO, CROWLEY AND KIOWA COUNTIES, COLO.

VERIFIED NOTICE OF EXEMPT ABANDONMENT

On August 3, 2015, V and S Railway, LLC (“V&S”) filed with the Board a Verified Notice of Exempt Abandonment pursuant to 49 U.S.C. § 10502 from the provisions of 49 U.S.C. § 10903 and 49 C.F.R. § 1152.50 to abandon of its line of railroad between Milepost 747.5 near Towner 81071 and Milepost 869.4 near NA Junction 81022, a distance of 121.9 miles in Pueblo, Crowley and Kiowa Counties, Colorado (“Line”). The Line traverses United States Postal Service Zip Codes 81022, 80125, 81062, 81033, 81063, 81076, 81021, 81045, 81036 and 81071.

Portions of the Line to be abandoned contain federally granted rights-of-way. Any documentation in V&S’s possession will be made available promptly to those requesting it.

The interests of railroad employees will be protected by the conditions of Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979).

Use of the property for other than rail purposes is limited. Its continued use as a railroad can be obtained by offers of financial assistance filed pursuant to 49 U.S.C.

§10904 and 49 C.F.R. § 1152.27, an its right-of-way can be acquired for interim trail use/rail banking, pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29.

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 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 the petition before the notice becomes effective. Petitions for reconsideration, comments regarding environmental, energy and historic preservation matter, and request for public use conditions under 49 U.S.C. § 10905 and 49 C.F.R. § 1152.28(a)(2) must be filed within 20 days after publication. Requests for a trail use condition under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 must be filed within 10 days after publication. The exemption will be effective 30 days after publication unless stayed. If the notice of exemption contains false or misleading information, the use of the exemption is void *ab initio* and the Board shall summarily reject the exemption notice.

Each offer of financial assistance must be accompanied by a \$1,600 filing fee. See, 49 C.F.R. § 1002.2(f)(25). Comments and/or offers of financial assistance must be filed with the Board's Chief of the Section of Administration, Office of Proceedings, Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001. All filings in response to this notice must refer to Docket No. AB 603 (Sub-No. 3X). A copy shall be served on V&S's representative, Fritz R. Kahn, Esq., Fritz R. Kahn, P.C., 1919 M Street, NW (7th fl.), Washington, DC 20036. Questions concerning offers of financial assistance may be directed to the Board's Office of Public Assistance, Governmental

Affairs and Compliance at (202) 245-0238, or reference be made to the full abandonment and discontinuance regulations at 49 C.F.R. § 1152, et seq. Assistance for the hearing impaired is available through the Federal Information Relay Service (“FIRS”) at 1-800-877-8339.

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

Decided:

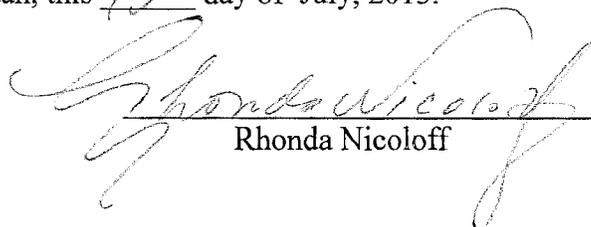
By the Board, Rachel D. Campbell, Director, Office of Proceedings.

EXHIBIT G

VERIFICATION OF MS. RHONDA NICOLOFF

I, Rhonda Nicoloff, a Manager of V & S Railway, LLC (V&S”), declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing Verified Notice of Exempt Abandonment and that its assertions are true and correct to the best of my knowledge, information and belief. No local traffic has moved over the line between Milepost 747.5 near Towner and Milepost 869.4 near NA Junction, a distance of 121.9 miles in Pueblo, Crowley and Kiowa Counties, Colorado, for at least two years’ time, and any overhead traffic on the line can be rerouted over other lines and that no formal complaint by a user of rail service on the line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Board or any U.S. District Court or has been decided in favor of complainant within the two-year period. I further declare that I am qualified and authorized to submit this verification on behalf of V&S. 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.

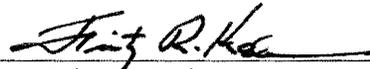
Dated at Salt Lake City , Utah, this 13th day of July, 2015.


Rhonda Nicoloff

CERTIFICATE OF SERVICE

I certify that I this day served the foregoing Verified Notice of Exempt Abandonment by mailing copies by prepaid first-class mail to the parties of record, Ms. Cindy McCloud, Mr. Donald Oswald and Mr. Richard Scott.

Dated at Washington, DC, this 3rd day of August 2015.


Fritz R. Kahn