

UNION PACIFIC RAILROAD
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606-1718

P 312.777.2055
F 877.213.4433
mackshumate@up.com

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

June 27, 2012

232504

VIA E-FILE

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, S.W., Room #100
Washington, DC 20423-0001

ENTERED
Office of Proceedings
June 27, 2012
Part of
Public Record

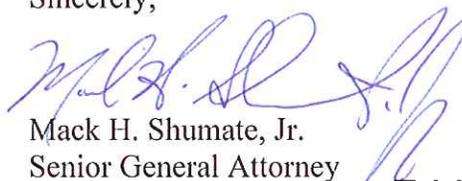
Re: Proposed Abandonment and Discontinuance of Service of a portion of the Boulder Industrial lead from M.P.9.27 near Eastlake to the end of the Line at M.P.33.17 near Valmont, a total distance of 23.90 miles in Adams, Weld and Boulder Counties, Colorado; STB Docket No. AB-33 (Sub-No. 307X)

Dear Ms. Brown:

Pursuant to the Board's exemption procedures for abandonment of rail lines with no local business for at least two years, (49 C.F.R. 1152.50), I am hereby e-filing a verified Notice of Exemption, including a Certificate of Service and Publication for the above-referenced matter.

Please file the Notice of Exemption in Docket No. AB-33 (Sub-No. 307X). Enclosed is a credit card authorization form in the amount of \$3,600.00 for the filing fee.

Sincerely,


Mack H. Shumate, Jr.
Senior General Attorney

FEE RECEIVED
June 27, 2012
SURFACE
TRANSPORTATION BOARD

FILED
June 27, 2012
SURFACE
TRANSPORTATION BOARD

Attachment

AB-33(Sub-No. 307X) 2012_06_27_STB-NOE.Ltr.doc



Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 307X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
ADAMS, WELD AND BOULDER COUNTIES, COLORADO
(BOULDER INDUSTRIAL LEAD)

NOTICE OF EXEMPTION

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

Dated: June 27, 2011
Filed: June 27, 2011

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 307X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN ADAMS, WELD AND BOULDER COUNTIES, COLORADO
(BOULDER INDUSTRIAL LEAD)

NOTICE OF EXEMPTION

Union Pacific Railroad Company ("UP") submits this verified Notice of Exemption pursuant to 49 § C.F.R. 1152, Subpart F -- Exempt Abandonments and Discontinuances of Service and Trackage Rights, for an exempt abandonment of the remaining portion of the Boulder Industrial Lead from Milepost 9.27 near Eastlake to the end of the line at Milepost 33.17 near Valmont, a distance of 23.90 miles in Adams, Weld and Boulder Counties, Colorado (the "Line").

Proposed Consummation Date: 49 C.F.R. § 1152.50 (d)(2)

The abandonment is proposed to be consummated on or after August 16, 2012 (at least 50 days after filing the Notice of Exemption).

Certification: 49 C.F.R. 1152.50(b)

UP certifies that no local traffic has moved over the Line for at least two years; and that no formal complaint filed by a user of rail service on the Line (or filed by a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Line either is pending with this Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period. UP further certifies that there is no overhead traffic on the Line.

Additional Information Required: 49 C.F.R. 1152.22(a)(1) (4), (7)-(8) and (e)(4)

(a) General.

(a)(1) The railroads' exact name is Union Pacific Railroad Company.

(a)(2) UP is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(a)(3) UP intends to abandon the Line which consists of the remaining portion of the Boulder Industrial Lead from Milepost 9.27 near Eastlake to the end of the Line at Milepost 33.17 near Valmont, a distance of 23.90 miles. The Line is located in Adams, Weld and Boulder Counties, Colorado.

(a)(4) A map showing the location of the Line in conjunction with other rail lines, highways and major roads in the area is attached hereto as **Exhibit A** and hereby made a part hereof.

(a)(7) The representative to whom correspondence regarding this abandonment should be sent is:

Mack H. Shumate, Jr., Senior General Attorney
Union Pacific Railroad Company
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX
mackshumate@up.com

(a)(8) ZIP Code. The Line traverses U. S. Postal Service Zip Codes 80241, 80602, 80603, 80516, 80514, 80026 and 80301.

(e)(4) Rural and Community Impact. The proposed action involves an exempt abandonment of UP's retained freight operating easement over a portion of the Boulder Industrial Lead. The entire Boulder Industrial Lead, right-of-way, trackage and structures, including all bridges, was sold to the Denver Regional Transportation District

("RTD") in June of 2009. UP retained a common carrier freight operating easement over the entire Lead. RTD assumed no common carrier obligation with regard to the Line through RTD's purchase of the Line.

The portion of the Line from Milepost 9.27 near Eastlake to Milepost 17.37 near St. Vrains was built in 1909 by the Union Pacific Railroad Company. The portion of the Line from Milepost 17.37 to the end of the Line at Milepost 33.17 near Valmont was built in 1871 by the Denver & Boulder Valley Railroad Company. The Eastlake to St. Vrains portion of the Line is constructed with second-hand 100-pound jointed rail put down in 1942. The portion of the Line from St. Vrains to Valmont is constructed primarily with a mix of 131- and 133-pound second-hand jointed rail put down between 1949 and 1984.

By Board decision served October 19, 2001 in STB Docket No. AB-33 (Sub-No. 182X), the STB granted UP's petition to discontinue service on the Line from Milepost 18.79 to Milepost 31.0. The Board acknowledged that one reason for the petition to discontinue service was to permit the Colorado Department of Transportation ("CDOT") and UP to remove, rather than to re build and enlarge, the existing railroad bridge over Interstate Highway 25. The railroad bridge over Highway 25 has been removed to accommodate the widening of Interstate 25. UP currently has the right to rebuild the railroad bridge over interstate Highway 25 if service on the Line is restored.

On or prior to consummation of the abandonment authority from the Board with regard to the Line, UP will assign to RTD the UP's interest as Lessor under a Lease with BNSF last amended in 1999, which includes the portion of the Line from Milepost 32.0 to Milepost 33.0 and a related industrial spur. After consummation by UP of the proposed abandonment of the Line, RTD will continue to be the owner of the entire

Boulder Industrial Lead, including all right-of-way, trackage, spurs, structures, and all bridges.

In that the Boulder Industrial Lead is owned by RTD, the right-of-way covered by UP's freight operating easement on the Line proposed for abandonment is not suitable for other public purposes, including conservation, energy transmission, or recreation (hiking/biking/trail use). Whether or not the Line is suited for roads or highways will be under the RTD's control and determination.

By letter dated April 13, 2012, a copy of which is attached hereto as **Exhibit C**, and hereby made a part hereof, the Board of County Commissioners for the County of Boulder, Colorado responded to the Combined Environmental and Historic Report filed by UP. In the response, the Board of County Commissioners reaffirmed their interest in using the portion of the Line in Boulder County for a commuting and recreational trail.

By letter dated April 30, 2012, a copy of which is attached hereto as **Exhibit D** and hereby made a part hereof, the Attorney for the Weld County Board of Commissioners acknowledges that the Line is expected to be used by RTD for future passenger transportation and is unaware of any impact on two parcels upon which Land Use Permits have been granted that would result from UP's abandonment of its freight operating easement over the Line.

In that no portion of the Line nor any structures thereon will be removed or salvaged, no geodetic survey marks in the area will be adversely impacted. To date UP has received no response from the National Geodetic Survey concerning this matter.

Based on information in UP's possession, portions of the Line consist of federally granted right-of-way.

Any relevant documentation in UP's possession concerning UP's ownership interest in the freight operating easement on the line will be made available promptly to those requesting it.

Labor Protection

The interests of railroad employees will be protected by the conditions discussed in Oregon Short Line Railroad Co. -- Abandonment -- Goshen , 360 ICC 91 (1979).

Certifications

Attached hereto as **Exhibit B** and hereby made a part hereof is a Certificate of Service and Publication prepared pursuant to the notice requirements of 49 C.F.R. §§ 1152.50(d)(1), 1105.11 and 1105.12.

Environmental and Historic Report

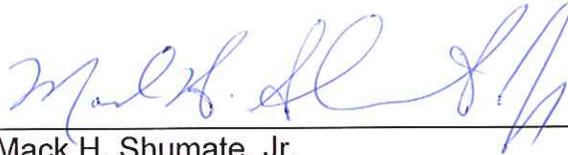
A copy of the Transmittal Letter of UP's Combined Environmental and Historic Report containing the information required by 49 C.F.R. §§ 1105.7 (e) and 1105.8, and delivered in accordance with 49 C.F.R. 1105.11, is attached hereto as **Exhibit E** and is hereby made a part hereof. The original was e-filed to the Honorable Cynthia T. Brown, Chief, Section of Administration, on March 23, 2012. There are no properties listed in or eligible for listing in the National Register of Historic Places that will be effected by the proposed abandonment of UP's ownership interest in the freight operating easement on the Line. By letter dated February 13, 2012, a copy of which was attached to UP's Combined Environmental and Historic Report, the Colorado State Historic Preservation Office determined that since the project will abandon UP's operations on the Line but

leave all features (tracks, bridges, culverts, etc.) in place for possible future reuse by RTD, the abandonment will have no adverse effect on historic resources.

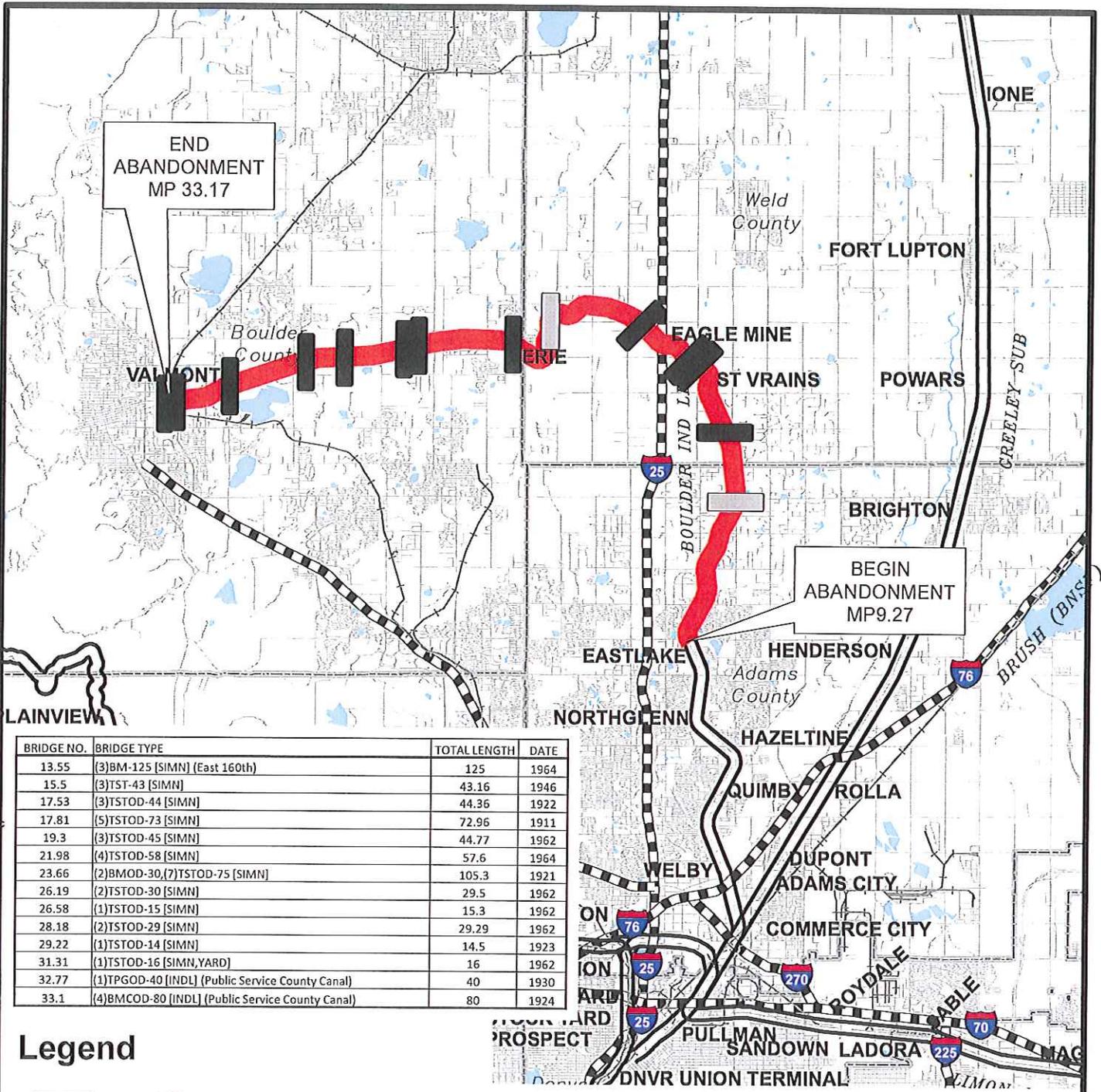
Dated this 27th day of June, 2012.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

A handwritten signature in blue ink, appearing to read "Mack H. Shumate, Jr.", is written over a horizontal line.

Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX
Email: mackshumate@up.com



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
13.55	(3)BM-125 [SIMN] (East 160th)	125	1964
15.5	(3)TST-43 [SIMN]	43.16	1946
17.53	(3)TSTOD-44 [SIMN]	44.36	1922
17.81	(5)TSTOD-73 [SIMN]	72.96	1911
19.3	(3)TSTOD-45 [SIMN]	44.77	1962
21.98	(4)TSTOD-58 [SIMN]	57.6	1964
23.66	(2)BMOD-30,(7)TSTOD-75 [SIMN]	105.3	1921
26.19	(2)TSTOD-30 [SIMN]	29.5	1962
26.58	(1)TSTOD-15 [SIMN]	15.3	1962
28.18	(2)TSTOD-29 [SIMN]	29.29	1962
29.22	(1)TSTOD-14 [SIMN]	14.5	1923
31.31	(1)TSTOD-16 [SIMN,YARD]	16	1962
32.77	(1)TPGOD-40 [INDL] (Public Service County Canal)	40	1930
33.1	(4)BMCOD-80 [INDL] (Public Service County Canal)	80	1924

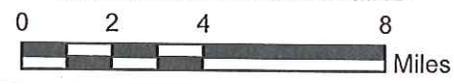
Legend

- < 50 YEAR OLD STRUCTURES
- 50 + YEAR OLD STRUCTURES
- OTHER UPRR LINES
- UP EASEMENT TO BE ABANDONED
- OTHER RAILROADS
- PRINCIPAL HIGHWAYS
- OTHER ROADS

BOULDER INDUSTRIAL LEAD
 UNION PACIFIC RAILROAD CO.
 MP 9.27 TO MP 33.17
 5.27 MILES IN ADAMS COUNTY,
 9.84 MILES IN WELD COUNTY AND
 8.79 MILES IN BOULDER COUNTY
 TOTAL 23.9 MILES
 IN COLORADO

**UNION PACIFIC RAILROAD CO.
 BOULDER INDUSTRIAL LEAD
 COLORADO**

INCLUDING STRUCTURES



UNION PACIFIC RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN ADAMS, WELD AND BOULDER COUNTIES, COLORADO
(BOULDER INDUSTRIAL LEAD)

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) - Notice

The undersigned certifies that on April 24, 2012 (at least 10 days before a Notice of Exemption is filed), written notice was given of Union Pacific's intent to use the Notice of Exemption procedure to abandon the Boulder Industrial Lead from Milepost 9.27 near Eastlake to the end of the Line at Milepost 33.17 near Valmont, a total distance of 23.90 miles in Adams, Weld and Boulder Counties, Colorado in Docket No. AB-33 (Sub-No. 307X). Written notice (a copy of which is attached) was served on the following:

Colorado Public Utilities Commission
1580 Logan Street
Office level 2
Denver, Colorado 80203

National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

U.S. Dept. of Agriculture
Chief of the Forest Service
4th Floor, N.W. Auditors Bldg.
U.S. Department of Agriculture
14th St. & Independence Ave., SW
Washington, DC 20250

Headquarters
Military Surface Deployment &
Distribution Command
Transportation Engineering Agency
ATTN: ADTE - SA
Railroads for National Defense Program
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

49 C.F.R. § 1105.11—Environmental and Historic Report

The undersigned certifies that on March 23, 2012 (at least 20 days before a Notice of Exemption is filed), a Combined Environmental and Historic Report pursuant

to 49 C.F.R. §§ 1105.7 and 1105.8 was served in Docket No. AB-33 (Sub-No. 307X) for abandonment and discontinuance of the Boulder Industrial Lead in Adams, Weld and Boulder Counties, Colorado on the following:

- (1) State Clearinghouse (or alternate)
- (2) State Environmental Protection Agency
- (3) State Coastal Zone Management Agency
- (4) Head of each County
- (5) U.S. Environmental Protection Agency (regional office)
- (6) U.S. Fish and Wildlife Service
- (7) U.S. Army Corps of Engineers
- (8) National Park Service
- (9) U.S. Natural Resources Conservation Service
- (10) The National Geodetic Survey
- (11) State Historic Preservation Office
- (12) Other Agencies Consulted (as listed)

(The Certificate of Service attached to the Combined Environmental and Historic Report lists the names and addresses of the federal, state and local agencies served.)

49 C.F.R. § 1105.12 - Newspaper Notice

The undersigned further certifies that a "Notice of Intent to Abandon" was published in the form prescribed by the Board for a Notice of Exemption. The Notice was published one time in a major newspaper in each county in which the Line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Weld	Greely Tribune	May 3, 2012
Adams	Northglenn-Thornton Sentinel	May 3, 2012
Boulder	Boulder Daily Camera	May 9, 2012

Dated this 27th day of June, 2012.


Mack H. Shumate, Jr.

UNION PACIFIC RAILROAD
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606-1718

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

P 312.777.2055
F 877.213.4433
mackshumate@up.com

April 24, 2012

Colorado Public Utilities Commission
1580 Logan Street
Office Level 2
Denver, CO 80203

National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

U.S. Dept. of Agriculture
Chief of the Forest Service
4th Floor, N.W. Auditors Bldg.
U.S. Department of Agriculture
14th St. & Independence Ave., SW
Washington, DC 20250

Headquarters
Military Surface Deployment & Distribution
Command
Transportation Engineering Agency
ATTN: ADTE - SA
Railroads for National Defense Program
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

RE: Proposed Abandonment and Discontinuance of Service of a portion of the Boulder Industrial Lead from M.P. 9.27 near Eastlake to the end of the Line at M.P. 33.17 near Valmont, a total distance of 23.90 miles in Adams, Weld and Boulder Counties, Colorado; STB Docket No. AB-33 (Sub-No. 307X)

Dear Sir or Madam:

Please be advised that Union Pacific Railroad Company ("UP") expects to file with the United States Surface Transportation Board ("STB"), on or after May 4, 2012, a notice of an exempt abandonment on a portion of a line of railroad known as the Boulder Industrial Lead, located in Adams, Weld and Boulder Counties, Colorado extending from Milepost 9.27 near Eastlake to the end of the Line at Milepost 33.17 near Valmont (The "Line"), a total distance of 23.90 miles. The Line traverses U.S. Postal Service zip codes 80241, 80602, 80603, 80516, 80514, 80026 and 80301.

The "no business" exemption procedure will be used to abandon the Line, pursuant to the STB's abandonment regulations at 49 C.F.R. §1152.50. No local traffic has moved over the Line for at least two years and there is no overhead traffic on the Line. A Notice of Exemption to abandon service on the Line pursuant to 49 C.F.R. § 1152.50 (no local traffic for at least two years) will be filed with the STB on or after May 4, 2012.

Based on information in UP's possession, a portion of the Line does include federally granted right-of-way. Any documentation in UP's possession will be made available promptly to those requesting it.



April 24, 2012
Page 2

A map showing the segment of Line to be abandoned is attached for your information.

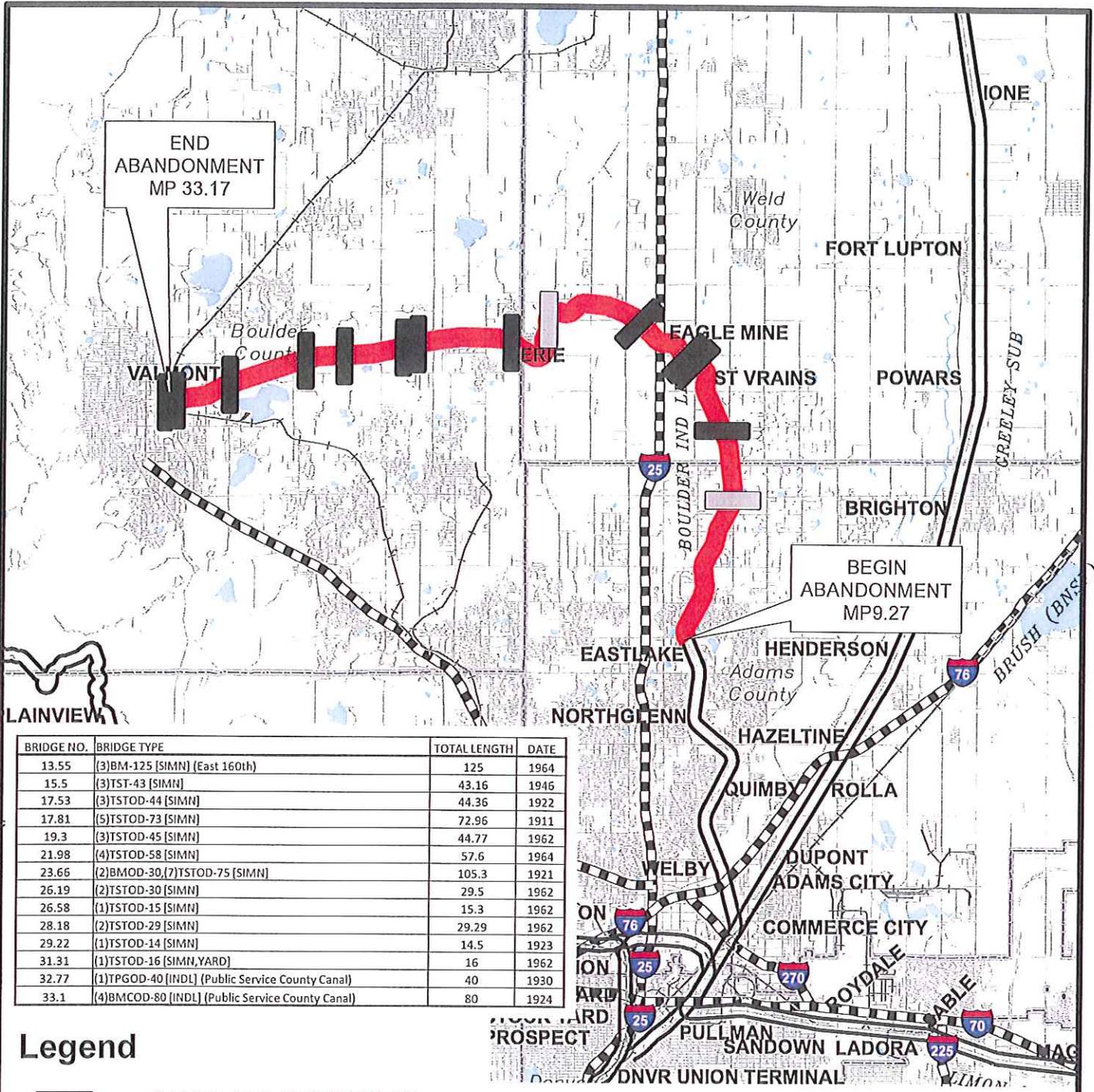
Sincerely,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", written in a cursive style.

Mack Shumate, Jr.
Senior General Attorney

Attachment

2012_04_24 STB 10-Day Notice.doc



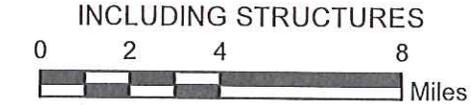
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 TOTAL 23.9 MILES
 IN COLORADO

**UNION PACIFIC RAILROAD CO.
 BOULDER INDUSTRIAL LEAD
 COLORADO**





Debbie Hamilton
<dhamilton@bozell.com>
05/04/2012 10:59 AM

To "Mack H. Shumate" <MACKSHUMATE@UP.COM>, "Ray E. Allamong" <REALLAMO@up.com>, "Colleen K. Graham" <cgraham@up.com>
cc "Sandra I. Flores" <SIFLORES@up.com>, "CLKLEINS@up.com" <CLKLEINS@up.com>, Jenna Sabarini <jsabarini@bozell.com>

bcc

Subject Union Pacific Legal Notice

1 attachment



D004-GDT-05032012.pdf

Mack,

Here is the proof from the Greeley Tribune. Please keep in mind that the paper printed the map in black and white. It appears red because this is the layout of the page.

We also requested that hard copies be mailed.

Thanks.

Debbie Hamilton

Media Manager

We've moved! Please note our new address and update your records.

dhamilton@bozell.com

Direct: 402.965.4343

Office: 402.965.4300

Fax: 402.965.4399

Bozell | 1022 Leavenworth, Omaha, NE 68102 [\[map\]](#) | www.bozell.com

Please consider the environment before printing this email.



Debbie Hamilton
<dhamilton@bozell.com>
05/04/2012 09:31 AM

To "Mack H. Shumate" <MACKSHUMATE@UP.COM>, "Ray E. Allamong" <REALLAMO@up.com>, "Colleen K. Graham" <cgraham@up.com>
cc "Sandra I. Flores" <SIFLORES@up.com>, "CLKLEINS@up.com" <CLKLEINS@up.com>, Jenna Sabarini <jsabarini@bozell.com>
bcc

Subject Union Pacific Legal Notice

2 attachments



No. AB-33 Intent to Abandon.pdf Bozell.pdf

Mack,

Here is the affidavit and proof from Northglenn-Thornton Sentinel Colorado. Please keep in mind that the paper printed the map in black and white. It appears red because this is the layout of the page.

I've reminded the Boulder and Greeley papers to email the same. We also requested that hard copies be mailed.

Thanks.

Debbie Hamilton

Media Manager

We've moved! Please note our new address and update your records.

dhamilton@bozell.com

Direct: 402.965.4343

Office: 402.965.4300

Fax: 402.965.4399

Bozell | 1022 Leavenworth, Omaha, NE 68102 [\[map\]](#) | www.bozell.com

Please consider the environment before printing this email.

NORTHGLENN-THORNTON SENTINEL PROOF OF PUBLICATION

State of Colorado }
County of Adams }ss.

I, **Mikkel Kelly**, do solemnly swear that I am the **Publisher of the NORTHGLENN-THORNTON SENTINEL**; that the same is a weekly newspaper published in the County of Adams, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of Adams for a period of more than fifty-two consecutive weeks 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 30, 1923, entitled "Legal Notices and Advertisements," 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 3, A.D. 2012** and that the last publication of said notice was in the issue of said newspaper dated **May 3, A.D. 2012**.

In witness whereof I have hereunto set my hand this **3rd** day of **May, A.D. 2012**.

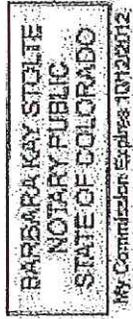
Mikkel Kelly

Subscribed and sworn to before me, a notary public in the County of Adams, State of Colorado, this **3rd** day of **May, A.D. 2012**.

Barbara Kay Stolte
Notary Public

My Commission expires **October 12, 2012**.

8710 Grant Street • Thornton, CO 80229



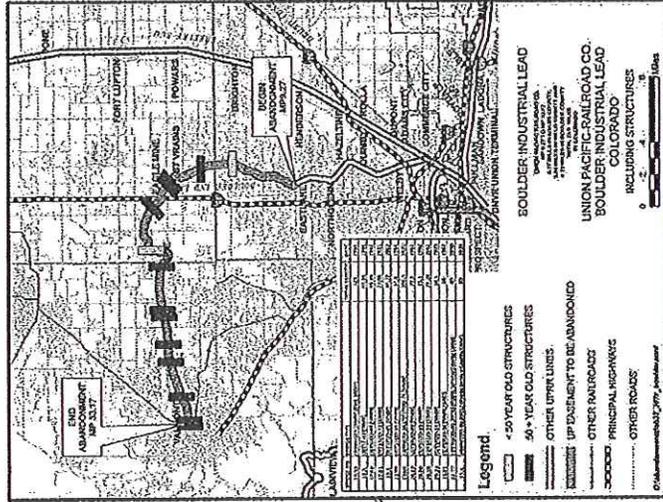
NOTICE OF INTENT TO ABANDON AND DISCONTINUE SERVICE

UNION PACIFIC RAILROAD COMPANY (UP) gives notice that on or after May 4, 2012 it intends to file with the Surface Transportation Board, Washington, D.C. 20423, a Notice of Exemption under 49 C.F.R., Part 1152, Subpart F—Exempt Abandonments permitting the abandonment of a 23.90 mile line of railroad, known as the Boulder Industrial Lead, located in Adams, Weld and Boulder Counties, Colorado, extending from approximately Milepost 9.27 near Eastlake to the end of the Line at Milepost 33.17 near Valmont. The Line traverses U. S. Postal Service Zip Codes 80241, 80602, 80603, 80516, 80514, 80026 and 80301. The proceeding has been docketed as No. AB-33 (Sub No. 307X).

The Board's Section of Environmental Analysis ("SEA") will generally 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 SEA at the following addresses: SEA, Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0285.

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 the Secretary, 395 E Street, SW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on the applicant's representative. [See 49 CFR 1104.12(a).] Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at (866) 254-1792. Copies of any comments or requests for conditions should be served on UP's: Mack H. Shumate, Jr., Senior General Attorney, 101 North Wacker Drive, #1920, Chicago, Illinois 60606, (312) 777-2055.

UNION PACIFIC RAILROAD COMPANY



Published in the Northglenn-Thornton Sentinel
May 3, 2012
00005237



Debbie Hamilton
<dhamilton@bozell.com>
05/04/2012 10:57 AM

To "Mack H. Shumate" <MACKSHUMATE@UP.COM>, "Ray E. Allamong" <REALLAMO@up.com>, "Colleen K. Graham" <cgraham@up.com>
cc "Sandra I. Flores" <SIFLORES@up.com>, "CLKLEINS@up.com" <CLKLEINS@up.com>, Jenna Sabarini <jsabarini@bozell.com>

bcc

Subject Union Pacific Legal Notice

2 attachments



20120504092807519.pdf boulder_daily_camera_20120503_C05.pdf

Mack,

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Office: 402.965.4300

Fax: 402.965.4399

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AFFIDAVIT OF PUBLICATION

CAMERA

State of Colorado
County of Boulder

I, the undersigned agent, do solemnly swear that the CAMERA is a daily newspaper printed, in whole or in part, and published in the City of Boulder, County of Boulder, State of Colorado, and which has general circulation therein and in parts of Boulder and Broomfield counties; that said newspaper has been continuously and uninterruptedly published for a period of more than six months next prior to the first publication of the annexed legal notice of advertisement, that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any, amendments thereof, and that said newspaper is a daily newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado; that a copy of each number of said newspaper, in which said notice of advertisement was published, was transmitted by mail or carrier to each of the subscribers of said newspaper, according to the accustomed mode of business in this office.

The annexed legal notice or advertisement was published in the regular and entire edition of said daily newspaper once; and that one publication of said notice was in the issue of said newspaper dated .

Shayla Najera
Agent

Subscribed and sworn to before me this 3rd day of May, 2012 in the County of Boulder, State of Colorado.

Melissa L. Najera
Notary Public
My commission expires 12/11/2014



FEE \$604.80

ACCOUNT #:

AD #5548663

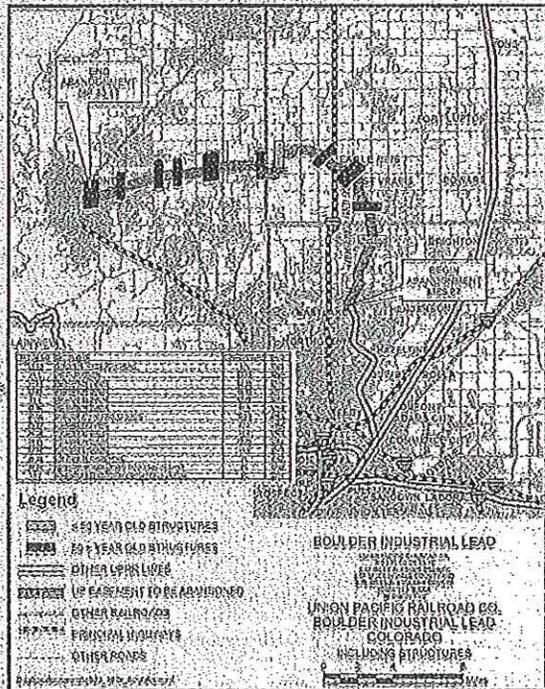
NOTICE OF INTENT TO ABANDON AND DISCONTINUE SERVICE

UNION PACIFIC RAILROAD COMPANY ("UP") gives notice that on or after May 4, 2012 it intends to file with the Surface Transportation Board, Washington, D.C. 20423, a Notice of Exemption under 49 C.F.R. Part 1152, Subpart F—Exempt Abandonments permitting the abandonment of a 23.90 mile line of railroad, known as the Boulder Industrial Lead, located in Adams, Weld and Boulder Counties, Colorado, extending from approximately Milepost 9.27 near Eastlake to the end of the line at Milepost 33.17 near Valmont. The line traverses U. S. Postal Service Zip Codes 80241, 80602, 80603, 80516, 80514, 80026 and 80301. The proceeding has been docketed as No. AB-33 (Sub-No. 307X).

The Board's Section of Environmental Analysis ("SEA") will generally 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 Section of Environmental Analysis (SEA), 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 the Secretary, 395 E. Street, SW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on the applicant's representative. [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at (866) 254-1792. Copies of any comments or requests for conditions should be served on UP's Mack H. Stumate, Jr., Senior General Attorney, 101 North Wacker Drive, #1920, Chicago, Illinois 60606, (312) 777-2056.

UNION PACIFIC RAILROAD COMPANY



Published In the Boulder Daily Camera, May 3, 2012 #6548663



Board of County Commissioners

April 13, 2012

Surface Transportation Board
Section of Environmental Analysis (SEA)
395 East Street, S.W., Room #100
Washington, DC 20423-0001

RE: Proposed Abandonment and Discontinuance of Service of a portion of the Boulder Industrial Lead from M.P. 9.27 near Eastlake to the end of the Line at M.P. 33.17 near Valmont, a total distance of 23.90 miles in Adams, Weld and Boulder Counties, Colorado; STB Docket No. AB-33 (Sub-No. 307x)

Dear Surface Transportation Board:

This letter is submitted in reference to the above-mentioned activity regarding the Union Pacific Railroad proposal to file an out of service exemption to abandon the UP easement over the Boulder Industrial Lead and its review of the Combined Environmental and Historic Report filed by Union Pacific Railroad Company on March 23, 2012, Docket No. AB-33 (Sub-No. 307X). Specifically of interest is the abandonment and discontinuance of service of a portion of the Boulder Industrial Lead in Boulder County from MP 24.38, at East County Line Road to MP 33.16, near Valmont.

Boulder County believes that recreation (hiking/biking/trail use) is in fact feasible within this corridor and has expressed this interest to the Union Pacific Railroad Company and Surface Transportation Board since 2001 and most recently with the Denver Regional Transportation District ("RTD").

Boulder County requested use of the right-of-way of the Boulder Industrial Lead from MP 24.38 at East County Line Road to MP 33.17, the end of the line near Valmont for a commuting and recreational trail, per Footnote 6 of STB Decision Docket No. AB-33 (Sub-No. 182X) filed on October 19, 2001. This is in addition to the interest expressed in STB Environmental Assessment Docket No. AB-33 (Sub-No. 182X), filed on August 31, 2001. Boulder County is contacting the Board to reaffirm its interest in using this corridor for a commuting and recreation trail.

Cindy Domenico County Commissioner

Deb Gardner County Commissioner

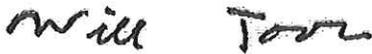
Will Toor County Commissioner

This letter does not constitute an objection to the abandonment, as our interpretation is that the abandonment of UP's easement in the Boulder Industrial Lead will not impact our efforts to continue working with the RTD for interim use of the right-of-way for a commuting and recreation trail. However, if the Board determines that the proposed abandonment would have any impact upon Boulder County's ability to negotiate with RTD for interim use of the right-of-way for a commuting and recreational trail, Boulder County would like to know as soon as practicable so that it may express its opposition.

Sincerely,

Handwritten signature of Cindy Domenico in cursive script.

Cindy Domenico, Chair

Handwritten signature of Will Toor in cursive script.

Will Toor, Vice-Chair

Handwritten signature of Deb Gardner in cursive script.

Deb Gardner, Commissioner

CC: Mack H. Shumate, Union Pacific Railroad, Senior General Attorney
William C. Van Meter, RTD Fastracks, Assistant General Manager



RECEIVED

MAY - 7 2012

LAW DEPARTMENT
UNION PACIFIC RR CO.

WELD COUNTY ATTORNEY'S OFFICE
1150 O STREET
P.O. BOX 758
GREELEY, CO 80632-0758
WEBSITE: www.co.weld.co.us
PHONE: (970) 336-7235
FAX: (970) 352-0242

April 30, 2012

Surface Transportation Board
Sec. of Environmental Analysis (SEA)
395 East Street, S.W., Room #100
Washington, D.C. 20423-0001

Union Pacific Railroad
Mack H. Shumate
101 North Wacker Drive
Room 1920
Chicago, Illinois 60606-1718

Re: Proposed Abandonment and Discontinuance of Service of a portion of the Boulder Industrial Lead from M.P. 9.27 near Eastlake to the end of the Line at M.P. 33.17 near Valmont, a total distance of 23.90 miles in Adams, Weld and Boulder Counties, Colorado; STB Docket No. AB-33 (Sub-no. 307X)

Dear Member of the SEA and Mr. Shumate:

The Weld County Board of County Commissioners received a packet of information concerning the above-referenced proposed action of abandonment and discontinuance. That packet of information has been circulated among the Weld County Departments of Public Works and Planning Services for their input.

The County understands that the affected line was sold to the Regional Transportation District, (RTD), approximately two years ago, and that the proposed action is being undertaken to receive Federal approval of Union Pacific Railroad Company's cessation of freight hauling operations on the line described above. In conversation with Mr. Shumate, it was explained that there has been no active freight hauling activities on this line for some time. It was also explained that following Union Pacific Railroad's formal abandonment of this line, RTD will be the final decision-maker as to the uses which may be made of the tracks, the right-of-way, and the property underneath. We also understand that the tracks are expected to remain in place for future transportation use by RTD.

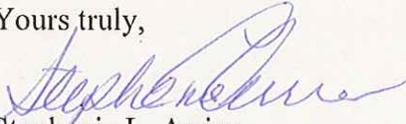
Weld County has no comments concerning the railroad's proposed course of action insofar as it infrastructure is concerned. It appears to have no adverse impact on our land use plans, and does not adversely affect any culverts, bridges or roads maintained by the County.

April 30, 2012

Page 2

The Weld County Department of Planning Services commented that the closure may have an impact of two parcels upon which Land Use Permits have been granted. (See enclosed maps and aerial photographs.) Weld County is unaware of any impact of the line's discontinuance to the holders of these land use permits. However, the consequence of the sale of the line to RTD was presumably Union Pacific Railroad and/or RTD when the line was sold, since RTD took the subject property subject to existing leases and/or uses.

Yours truly,



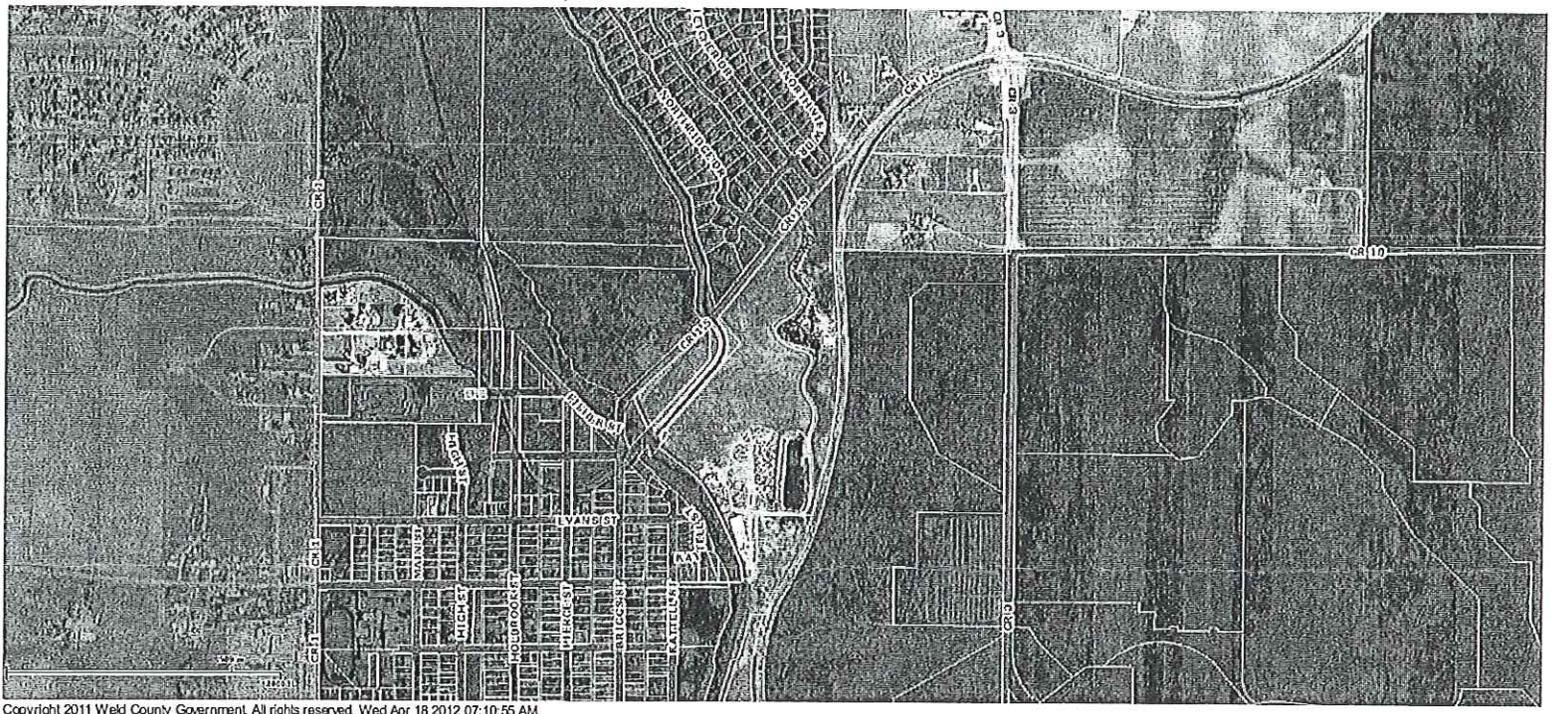
Stephanie L. Arries

Assistant Weld County Attorney

Pc: Weld County Board of County Commissioners
B. Barker

Coal Creek Properties Inc

3942 CR 1.5



Copyright 2011 Weld County Government. All rights reserved. Wed Apr 18 2012 07:10:55 AM

Erie Ventures LLC

3747 Erie Pkwy



Copyright 2011 Weld County Government. All rights reserved. Wed Apr 18 2012 07:08:42 AM

UNION PACIFIC RAILROAD
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606-1718

P 312.777.2055
F 877.213.4433
mackshumate@up.com

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

Exhibit E

March 23, 2012

VIA E-FILE

TO: SEE ATTACHED SERVICE LIST

RE: Proposed Abandonment and Discontinuance of Service of a portion of the Boulder Industrial Lead from M.P. 9.27 near Eastlake to the end of the Line at M.P. 33.17 near Valmont, a total distance of 23.90 miles in Adams, Weld and Boulder Counties, Colorado; STB Docket No. AB-33 (Sub-No. 307X)

To whom it may concern:

On or after April 12, 2012, Union Pacific Railroad Company ("UP") expects to be filing with the Surface Transportation Board ("STB" or "Board") a Notice of Exemption seeking authority to abandon UP's freight operating easement in the portion of the Boulder Industrial Lead from Milepost 9.27 near Eastlake to the end of the Line at Milepost 33.17 near Valmont, a distance of 23.90 miles, located in Adams, Weld and Boulder Counties, Colorado (collectively the "Line"). Attached is a Combined Environmental and Historic Report which describes the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

Union Pacific is providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA) at the following address, and refer to the above-referenced Docket Number:

Surface Transportation Board
Section of Environmental Analysis (SEA)
395 East Street, S.W., Room #100
Washington, DC 20423-0001
Tel: 202-245-0296

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within three (3) weeks.



March 23, 2012
Page 2

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. UP's representative in this matter is Mack H. Shumate, Jr., who may be contacted by email at mackshumate@up.com, telephone at 312-777-2055 or by mail at 101 North Wacker Drive, Room 1920, Chicago, IL 60606.

Yours very truly,

A handwritten signature in black ink that reads "Mack H. Shumate, Jr." in a cursive style.

Mack H. Shumate, Jr.
Senior General Attorney

Attachment

o:\abandonments\2012_03_23 STB-EHR Agency Cover Ltr.doc

SERVICE LIST

STB Docket No. AB-33 (Sub-No. 307X)

State Clearinghouse (or alternate):

Governor's Office of Budget and Planning
200 East Colfax, Room 111
Denver, CO 80203

Colorado Public Utilities Commission:

Colorado Public Utilities Commission
1580 Logan Street
Office Level 2
Denver, CO 80203

State Environmental Protection Agency:

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

Colorado State Historical Association:

Office of Archaeology and Historic
Preservation
1200 Broadway
Denver, CO 80203

**State Coastal Zone Management Agency
(if applicable):**

Not applicable

Communications and Outreach Branch,

NOAA, N/NGS12:

National Geodetic Survey
SS MC 3 #9202
1315 East West Hwy
Silver Springs, MD 20910

National Park Service (Regional Office):

National Park Service
12795 Alameda Parkway
Denver, CO 80225

U.S. National Resources Conservation Svcs:

U.S. National Resources Conservation Services
Denver Federal Center
Building 56, Room 2604
P.O. Box 25426
Denver, CO 80225

Environmental Protection Agency

(Regional Office):

U.S. Environmental Protection Agency
Region VIII
999 – 18th Street, Suite 500
Denver, CO 80202-2466

U.S. Fish and Wildlife:

U.S. Fish and Wildlife Service
P.O. Box 25486, DFC
Denver, CO 80221

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
9307 South Wadsworth Blvd.
Littleton, CO 80128

Head of Each County:

Adams County Commissioners
4430 South Adams
County Parkway
Brighton, CO 80601

Boulder County Commissioners
1325 Pearl Street
Boulder, CO 80302

Weld County Commissioners
915 – 10th Avenue
Greeley, CO 80631

