

LAW OFFICE  
THOMAS F. MCFARLAND, P.C.  
208 SOUTH LA SALLE STREET - SUITE 1890  
CHICAGO, ILLINOIS 60604-1112  
TELEPHONE (312) 236-0204  
FAX (312) 201-9695  
mcfarland@aol.com

ORIGINAL

212785



THOMAS F. MCFARLAND

December 16, 2004

By UPS overnight mail

Vernon A. Williams, Secretary  
Surface Transportation Board  
Case Control Unit, Suite 713  
1925 K Street, N.W.  
Washington, DC 20423-0001

Re: Finance Docket No. 34637, *Denver Terminal Railroad Company, d.b.a. Denver Rock Island Railroad -- Lease and Operation Exemption -- Rail Line of Union Pacific Railroad Company in Adams and Denver Counties, CO*

Dear Mr. Williams:

Enclosed please find an original and 10 copies of Verified Notice of Exemption Under 49 C.F.R. § 1150.41, for filing with the Board in the above referenced matter.

Also enclosed is Denver Rock Island Railroad's check #7469 in the amount of \$1,500 for the filing fee.

FILED

DEC 17 2004

U.S. DEPARTMENT OF TRANSPORTATION

Very truly yours,

*Tom McFarland*

Thomas F. McFarland  
Attorney for Applicant

ENTERED  
Office of Proceedings

DEC 17 2004

Part of  
Public Record

TMcf:kl.enc:wp8.0\903\trstb1

BEFORE THE  
SURFACE TRANSPORTATION BOARD



DENVER TERMINAL RAILROAD )  
COMPANY, d.b.a. DENVER ROCK )  
ISLAND RAILROAD -- LEASE AND ) FINANCE DOCKET  
OPERATION EXEMPTION -- RAIL LINE ) NO. 34637  
OF UNION PACIFIC RAILROAD )  
COMPANY IN ADAMS AND DENVER )  
COUNTIES, CO )

VERIFIED NOTICE OF EXEMPTION  
UNDER 49 C.F.R. § 1150.41

RECEIVED  
DEC 17 2004  
SURFACE TRANSPORTATION BOARD

DENVER TERMINAL RAILROAD COMPANY  
d.b.a. DENVER ROCK ISLAND RAILROAD  
3400 East 56<sup>th</sup> Avenue  
Commerce City, CO 80022

Applicant

ENTERED  
Office of Proceedings

DEC 17 2004

Part of  
Public Record

FILED  
DEC 17 2004  
SURFACE  
TRANSPORTATION BOARD

THOMAS F. McFARLAND  
THOMAS F. McFARLAND, P.C.  
208 South LaSalle Street, Suite 1890  
Chicago, IL 60604-1112  
(312) 236-0204

Attorney for Applicant

DATE FILED: December 17, 2004

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

DENVER TERMINAL RAILROAD	)	
COMPANY, d.b.a. DENVER ROCK	)	
ISLAND RAILROAD -- LEASE AND	)	FINANCE DOCKET
OPERATION EXEMPTION -- RAIL LINE	)	NO. 34637
OF UNION PACIFIC RAILROAD	)	
COMPANY IN ADAMS AND DENVER	)	
COUNTIES, CO	)	

---

**VERIFIED NOTICE OF EXEMPTION  
UNDER 49 C.F.R. § 1150.41**

---

Pursuant to 49 C.F.R. § 1150.41, *et. seq.*, DENVER TERMINAL RAILROAD COMPANY, d.b.a. DENVER ROCK ISLAND RAILROAD (DRIR), a Class III rail carrier, provides notice of exemption from 49 U.S.C. § 10902 for its lease from Union Pacific Railroad Company (UP) and operation of a rail line commonly known as the Stock Yard Lead, more particularly described as follows: Track 12 extending from a point of connection with a UP main line north of East 58<sup>th</sup> Avenue in unincorporated Adams County, CO, to a point of connection with existing DRIR trackage at or near Race Court in the City of Denver, Denver County, CO, a distance of 5,750 feet, or 1.09 miles, plus the following auxiliary tracks:

Track 12A	-	450 feet
Track 12B	-	750 feet
Track 12C	-	1,767 feet
Track 12D	-	1,845 feet

The total length of trackage to be leased and operated is 10,562 feet, or 2 miles. The trackage to be leased and operated is depicted in orange on a right-of-way map attached hereto as Appendix 1.

**INFORMATION REQUIRED BY 49 C.F.R. § 1150.43**

In accordance with 49 C.F.R. § 1150.43, DRIR submits the following in support of this Notice of Exemption.

(a) *The full name and address of the Class III rail carrier applicant;*

The full name and address of applicant is Denver Terminal Railroad Company, d.b.a. Denver Rock Island Railroad, 3400 East 56<sup>th</sup> Avenue, Commerce City, CO 80022.

(b) *The name, address, and telephone number of the representative of the applicant who should receive correspondence;*

Applicant's representative to receive correspondence is Thomas F. McFarland, Thomas F. McFarland, P.C. 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112, (312) 236-0204.

(c) *A statement that an agreement has been reached or details about when an agreement will be reached;*

Agreements have been reached between DRIR and UP for lease and operation of the involved rail line.

(d) *The operator of the property;*

DRIR will operate the involved rail line.

(e) *A brief summary of the proposed transaction, including:*

(1) *The name and address of the railroad transferring the subject property to the Class III rail carrier applicant;*

The lessor of the involved rail line is:

Union Pacific Railroad Company  
1400 Douglas Street  
Omaha, NE 68179

(2) *The proposed time schedule for consummation of the transaction;*

The proposed lease and operation will be consummated no sooner than seven days after the filing of this Notice of Exemption.

(3) *The mileposts of the subject property, including any branch lines;*

The property is terminal-area trackage that is not identified by milepost numbers. The property consists of Track 12 extending from a point of connection with a UP main line north of East 58<sup>th</sup> Avenue in unincorporated Adams County, CO, to a point of connection with existing DRIR trackage at or near Race Court in the City of Denver, Denver County, CO, a distance of 5,750 feet, or 1.09 miles, plus the following auxiliary tracks:

Track 12A	-	450 feet
Track 12B	-	750 feet
Track 12C	-	1,767 feet
Track 12D	-	1,845 feet

(4) *The total route miles being operated;*

There are a total of 2 route miles to be leased and operated.

(f) *A map that clearly indicates the area to be served, including origins, termini, stations, cities, counties, and states;*

Map is attached as Appendix 1.

(g) *A certificate that applicant's projected revenues as a result of the transaction will not result in the creation of a Class II or Class I rail carrier so as to require processing under § 1150.45.*

DRIR so certifies. See verification attached as Appendix 2.

#### **VERIFICATION**

See Appendix 2.

**ENVIRONMENTAL AND HISTORIC CONSIDERATIONS**

The proposed transaction does not require environment or historic reporting or assessment. *See* 49 C.F.R. § 1105.6(c)(2)(i) and 49 C.F.R. § 1105.8(b)(1).

**LABOR PROTECTION**

Pursuant to 49 U.S.C. § 10902(d), labor protection requirements do not apply to the proposed transaction.

**CAPTION SUMMARY**

The caption summary required by 49 C.F.R. § 1150.44 is attached hereto as Appendix 3.

**CONCLUSION AND REQUESTED RELIEF**

WHEREFORE, within 30 days of the filing of this notice, the Director of the Office of Proceedings should publish a notice in the Federal Register of the filing of this Notice. *See* 49 C.F.R. § 1150.42(b).

Respectfully submitted,

DENVER TERMINAL RAILROAD COMPANY  
d.b.a. DENVER ROCK ISLAND RAILROAD  
3400 East 56<sup>th</sup> Avenue  
Commerce City, CO 80022

Applicant

*Thomas F. McFarland*

THOMAS F. McFARLAND  
THOMAS F. McFARLAND, P.C.  
208 South LaSalle Street, Suite 1890  
Chicago, IL 60604-1112  
(312) 236-0204

Attorney for Applicant

DATE FILED: December 17, 2004

VERIFICATION

STATE OF ILLINOIS    )  
                                  ) SS:  
COUNTY OF COOK    )

THOMAS F. McFARLAND, being duly sworn on oath, deposes and states that he has read the foregoing notice, that he knows the contents thereof, and that the facts therein stated are true and correct. Thomas F. McFarland certifies that the projected revenues as a result of the proposed lease and operation will not result in the creation of a Class II or Class I rail carrier.



Thomas F. McFarland  
THOMAS F. McFARLAND

SUBSCRIBED AND SWORN to  
before me this 16<sup>th</sup> day  
of December, 2004.

Kathleen Lenihan  
Notary Public

My Commission Expires: 1/29/2006

**CAPTION SUMMARY**

**F.D. No. 34637**

**SURFACE TRANSPORTATION BOARD**

**Appendix 3**

**Notice of Exemption**

STB Finance Docket No. 34637

*Denver Terminal Railroad Company,  
d.b.a. Denver Rock Island Railroad  
-- Lease and Operation Exemption --  
Rail Line of Union Pacific Railroad Company  
in Adams and Denver Counties, CO*

Denver Terminal Railroad Company, d.b.a. Denver Rock Island Railroad (DRIR), a Class III rail carrier, has filed a notice of exemption for its lease from Union Pacific Railroad Company (UP) and operation of a rail line commonly known as the Stock Yard Lead, more particularly described as follows: Track 12 extending from a point of connection with a UP main line north of East 58<sup>th</sup> Avenue in unincorporated Adams County, CO, to a point of connection with existing DRIR trackage at or near Race Court in the City of Denver, Denver County, CO, a distance of 5,750 feet, or 1.09 miles, plus the following auxiliary tracks:

Track 12A	-	450 feet
Track 12B	-	750 feet
Track 12C	-	1,767 feet
Track 12D	-	1,845 feet

The above rail line to be leased and operated totals 2 miles.

Comments must be filed with the Board and served on DRIR's representative, Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112, 312-236-0204.

The notice is filed under 49 C.F.R. § 1150.41. If the notice contains false or misleading information, the exemption is void *ab initio*. The filing of a petition to revoke will not automatically stay the transaction.

By the Board  
Vernon A. Williams, Secretary

MAP TO BE  
SCANNED  
LATER