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October 4, 2017

BY HAND DELIVERY

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

**Re: STB Docket No. AB 6 (Sub-No. 494X), BNSF Railway Company –
Abandonment Exemption – in Larimer County, Colorado**

Dear Ms. Brown:

Enclosed for filing are the original and ten copies of BNSF Railway Company's Notice of Exemption under 49 C.F.R. § 1152.50. Also enclosed is a check covering the \$4,100 filing fee.

If you have any questions, please call me.

Sincerely,



Karl Morell

Enclosures

FEE RECEIVED
October 10, 2017
SURFACE
TRANSPORTATION BOARD

FILED
October 10, 2017
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

BNSF RAILWAY COMPANY	)	
ABANDONMENT EXEMPTION	)	DOCKET NO. AB 6
IN LARIMER COUNTY, COLORADO	)	(SUB-NO. 494X)

NOTICE OF EXEMPTION

BNSF RAILWAY COMPANY
2650 Lou Menk Drive
P.O. Box 96157
Fort Worth, TX 76161-0057

Jill Rugema
Assistant General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131-2828
(817) 352-3451

Karl Morell
Karl Morell & Associates
440 1st Street, N.W.
Suite 440
Washington, D.C. 20001
(202) 595-9045

Dated: October 4, 2017

BEFORE THE
SURFACE TRANSPORTATION BOARD

BNSF RAILWAY COMPANY	)	
ABANDONMENT EXEMPTION	)	DOCKET NO. AB 6
IN LARIMER COUNTY, COLORADO	)	(SUB-NO. 494X)

NOTICE OF EXEMPTION

BNSF Railway Company ("**BNSF**") files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 to abandon 0.5 miles of rail line located between Milepost 74.5 and Milepost 75.0 in Fort Collins, Larimer County, Colorado (the "**Line**").

1. *Proposed consummation date.*

The proposed consummation date is 50 days after the date of filing this Notice of Exemption.

2. *Certification required by 49 C.F.R. § 1152.50(b).*

The required certification is attached hereto as **Exhibit A**.

3. *Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7) and (8) and (e)(4).*

(a) *General.*

(1) *Exact name of applicant.*

BNSF Railway Company

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

BNSF is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

- (3) *Relief sought.*

BNSF seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon 0.5 miles of rail line located between Milepost 74.5 and Milepost 75.0 in Fort Collins, Larimer County, Colorado. No local or overhead freight rail traffic has traveled over the Line since prior to 2009.

Map.

A map of the Line is attached as **Exhibit B**.

- (7) *Name, title and address of representative of applicant to whom correspondence should be sent.*

Karl Morell
Karl Morell & Associates
440 1st Street, N.W.
Suite 440
Washington, D.C. 20001

- (8) *List of all United States Postal Service ZIP codes that the line proposed for abandonment traverses.*

The Line traverses U.S. ZIP codes 80521 and 80524.

- (e) *Rural and community impact.*

- (4) *Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title*

or the use of property for other than rail purposes, this shall be disclosed.

The Line may be suitable for alternative public use. All parcels of land on the Line do not appear to have any reversionary interests.

4. *The level of labor protection.*

The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. – Abandonment – Goshen*, 360 I.C.C. 91 (1979).

5. *Certification.*

Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.12 are attached as **Exhibit C**.

6. *Environmental Report.*

The Environmental Report containing information required by 49 C.F.R. § 1105.7(e) was submitted to the Board on June 7, 2017. Based on information in our possession, the Line does not contain federally granted rights-of-way. Any documentation in BNSF's possession will be made available promptly to those requesting it.

7. *Historic Report.*

The Historic Report containing information required by 49 C.F.R. § 1105.8 was submitted to the Board on June 7, 2017.

Respectfully submitted,



Jill Rugema

Assistant General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131-2828
(817) 352-3451

Karl Morell

Karl Morell & Associates
440 1st Street, N.W.
Suite 440
Washington, D.C. 20001
(202) 595-9045

Dated: October 4, 2017

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

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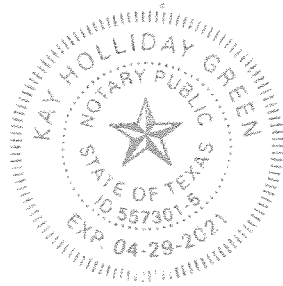
The foregoing certification is made on behalf of BNSF by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information and belief of the undersigned.

John Sims

John Sims
Manager, Performance & Strategies Support

SUBSCRIBED AND SWORN TO before me this 27th day of October, 2017.

My Commission Expires: 04 29 2021



Kay Holliday Green
Notary Public

Fort Collins, CO proposed abandonment

EXHIBIT B

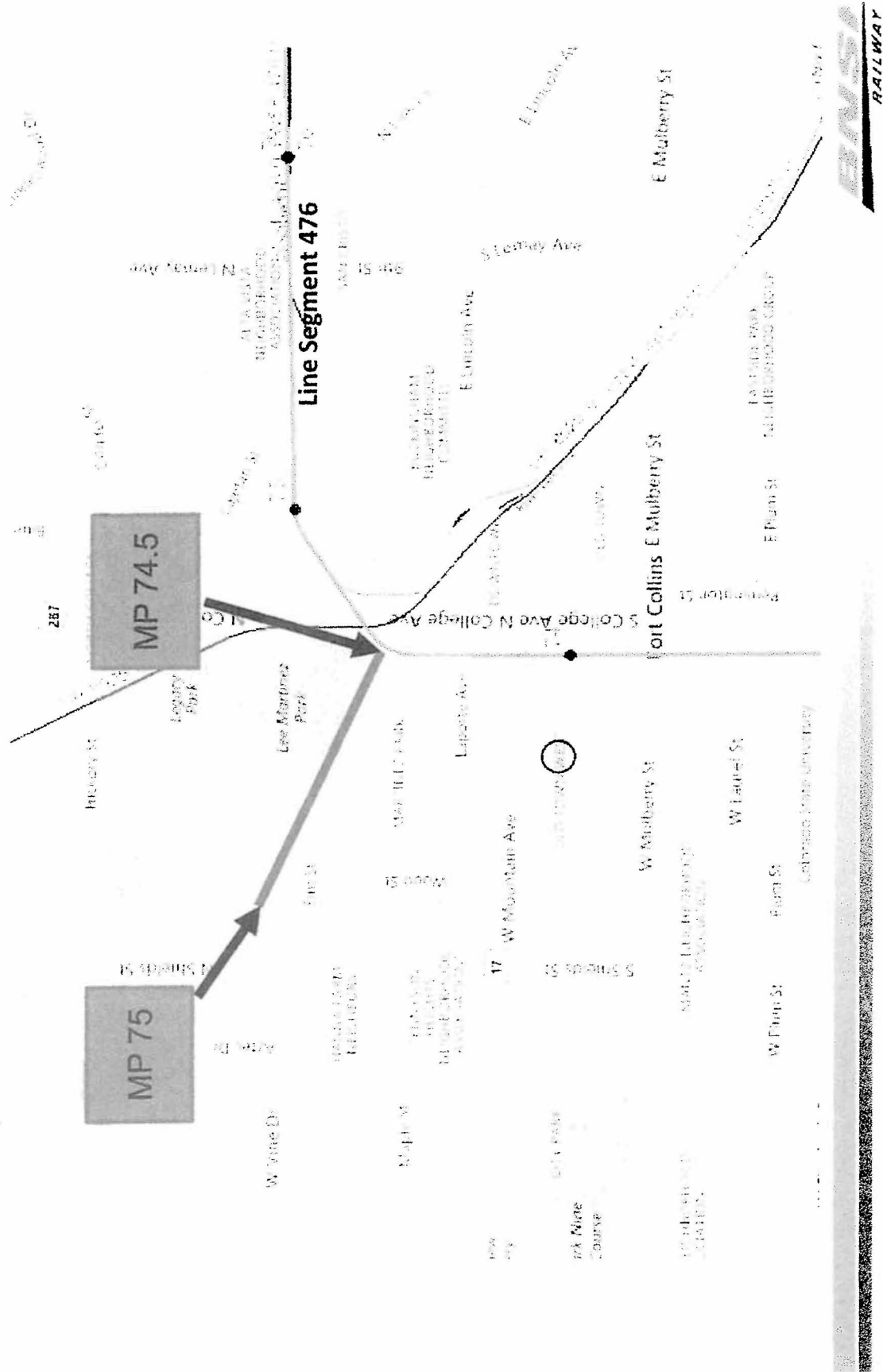


EXHIBIT C

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB 6 (Sub-No. 494X) was mailed via first class mail on August 30, 2017, to the following parties:

State Public Service Commission

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

Military Traffic Management Command

Military Surface Deployment and Distribution Command Transportation
Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
1 Soldier Way, Building 1900W
Scott AFB, IL 62225-5006

National Park Service

U.S. Department of the Interior
National Park Service
Recreation Resources Assistance Division
1849 C Street, NW
Washington, DC 20240-0001

Ms. Sue Masica, Regional Director
Intermountain Region
National Park Service
12795 Alameda Parkway
Denver, CO 80225

U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Yates Building
201 14th Street, SW
Washington, DC 20250

Dated: October 4, 2017



Karl Morell

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB 6 (Sub-No. 494X) was published on September 11, 2017, in the Fort Collins Coloradoan, a newspaper of general circulation in Larimer County, Colorado as required by 49 C.F.R. § 1105.12.

Dated: October 4, 2017

A handwritten signature in cursive script that reads "Karl Morell". The signature is written in dark ink and is positioned above a horizontal line.

Karl Morell

**CERTIFICATE OF SERVICE
ENVIRONMENTAL AND HISTORIC REPORTS**

The undersigned hereby certifies that, in Docket No. AB 6 (Sub-No. 494X) the transmittal letter required by 49 C.F.R § 1105.11, was mailed to all agencies listed in 49 C.F.R. § 1105.7(b), as well as the additional agencies listed below via first class mail on June 7, 2017.

Pursuant to the requirements of 49 C.F.R. § 1105.7 and 1105.8, the undersigned hereby certifies that copies of the Environmental and Historic Reports were mailed via first class mail on June 7, 2017 to the following agencies:

U.S. Department of the Interior
Bureau of Land Management
Colorado State Office
2850 Youngfield Street
Lakewood, CO 80215

Cameron Gloss
City of Fort Collins Planning Department
P.O. Box 580
Fort Collins, CO 8522

Matt Lafferty
Larimer County Planning Department
200 W. Oak Street, Third Floor
Fort Collins, CO 80521

Simon Monroe
Room 9452
The National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282

U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202

Drue L. DeBerry
U.S. Fish and Wildlife Service
Colorado Ecological Field Office
Denver Federal Center
P.O. Box 25486
Denver, CO 80225
Lacey, WA 98503

Sue Masica, Regional Director
National Park Service
Intermountain Region
12795 Alameda Parkway
Denver, CO 80225

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

Kiel Downing
U.S. Army Corps of Engineers, Omaha
District
Denver Regulatory Office
9307 South Wadsworth Blvd.
Littleton, CO 80128-6901

John E. Andrews, PE
Natural Resources Conservation Service
Denver Federal Center
Building 56, Room 2604
P.O. Box 25426
Denver, CO 80225

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

Pam Fischhaber
Colorado Public Utilities Commission
1560 Broadway, Suite 250
Denver, CO 80202
4735 East Marginal Way South
Seattle, WA 98134-2385

Dated: October 4, 2017


Karl Morell