

National Association of Reversionary Property Owners (NARPO)

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Cynthia Brown

Chief, Section of Administration Surface Transportation Board Office of
Proceedings

395 E Street, SW

Washington, DC 20423

Re: Docket No. AB 6 (Sub-No. 494X), BNSF Railway Company -- Abandonment
Exemption -- In Larimer County, Colo.

Dear Ms. Brown:

NARPO is responding to the STB decision filed today November 6, 2018 where the STB allowed BNSF to extend their date of consummation. NARPO would like to call to the STB's attention that in the Section 106 abandonment requirement the STB cites as the reason for extending the consummation period, BNSF has violated the terms of the Section 106 Historic requirement by removing the tracks. See below the pertinent part of the Section 106 Historic requirement:

BNSF Railway Company (BNSF) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 54 USC § 306108, has been completed. BNSF shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Colorado State Historic Preservation Officer (SHPO), appropriate federally recognized tribes, and the public. BNSF may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

NARPO points out to the STB that BNSF has removed the tracks and even sold or rented some of the possible historic right of way for commercial buildings thus violating the terms of the Section 106 Historic requirement. How many times does NARPO have to point out to the STB staff that the tracks have been removed and other structures have been built on the right of way? BNSF's attorney even admitted that buildings were built on the right of way and the tracks were removed which by the way was done years ago which is why NARPO's comments from October 18, 2018 in AB 6 -494X requested the STB to declare the line abandoned 25 years ago. How much clearer does NARPO have to describe BNSF's actions and playing games with the STB rules and statutes.

BNSF has had over a year to file simple papers with the Colorado State Historic agency, but they have not done so which is more game playing of the STB rules.

The same game playing is going on by the City of Ft. Collins and BNSF in the connecting abandonment AB 6-306X, but the STB staff dismissed our comments as not pertinent.

NARPO again requests the STB to declare AB 6-494X abandoned many years ago and stop all this nonsense by BNSF and the City of Ft. Collins.

Sincerely yours,

Dick Welsh, Executive Director, NARPO

NARPO verifies that Karl Morrell at: karlm@karlmorell.com , BNSF's attorney in AB 6-494X, Darin Atterberry at: datteberry@fcgov.com Ft. Collins City Manager, and Ingrid Decker at: idecker@fcgov.com Ft. Collins City Attorney have received an email copy of this letter.

Signed Dick Welsh for NARPO dated November 6, 2018

