



4 September 2015

HC #68172

Diana Wood
Case Control Unit
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

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

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

Dear Ms. Wood:

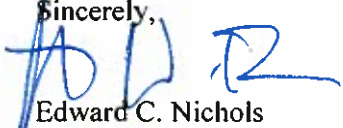
Thank you for your recent correspondence dated 28 August 2015, concerning the proposed abandonment by V and S Railway of a length of track from Milepost 747.5 to Milepost 869.4 in southeastern Colorado. Our office has reviewed the submitted materials. This segment of the former Missouri Pacific Railroad was determined to be eligible for listing on the National Register of Historic Places in 1998.

As we noted in our letter dated 2 June 2015 (presented by V&S to your office as part of their Historic Report), 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. This is particularly true in the case of railroad abandonments, as the recent Supreme Court decision in *Marvin M. Brandt Revocable Trust v. United States* (2014) indicates that many easements granted under the General Railroad Right-of-Way Act of 1875 (including this line) are extinguished upon abandonment. In such a case, the land reverts to the underlying property owners, who may then alter or demolish their portion of the segment as they see fit.

Per federal regulations (36.CFR.800.6), the federal agency must work to mitigate the adverse effects caused by an Undertaking. We encourage V&S and the Board to initiate consultation with the County governments, the Advisory Council on Historic Preservation, our office, and other parties to discuss ways to avoid or mitigate the adverse effect caused by this project. We look forward to working with your office as this project moves forward.

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

OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION

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