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SERVICE DATE – SEPTEMBER 7, 2022

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 857 (Sub-No. 2)

COLORADO LANDOWNERS—ADVERSE ABANDONMENT—
GREAT WESTERN RAILWAY OF COLORADO, LLC, IN WELD COUNTY, COLO.

Decided: September 6, 2022

On August 18, 2022, a group of landowners (Landowners) filed an application under 49 U.S.C. § 10903 requesting that the Board authorize the third-party, or adverse, abandonment of a 6.2-mile rail line owned by Great Western Railway of Colorado, LLC (Great Western) in Weld County, Colo. Prior to filing the application, the Landowners submitted a combined environmental and historic report (E&H Report) discussing the environmental and historic impacts of the proposed abandonment. See 49 C.F.R. § 1152.20(c).

By notice dated August 31, 2022 (Notice), the Board’s Office of Environmental Analysis (OEA) found the Landowners’ E&H Report unacceptable.¹ OEA stated that the Landowners did not indicate whether the E&H Report was served on appropriate agencies at least 20 days prior to filing the application, as required by 49 C.F.R. §§ 1105.7(b) and 1105.8(c). Notice at 1. OEA also stated that the E&H Report is the same report that was prepared and filed by Great Western for a yet-to-be-filed abandonment of the same line in Docket No. 857 (Sub-No. 3X), resulting in “confusing and what appears to be conflicting information” regarding potential salvage of the line and the prospect of interim trail use/rail banking of the right-of-way. Id. at 1-2. Accordingly, OEA concluded that the Landowners should revise and serve the E&H Report in accordance with 49 C.F.R. §§ 1105.7(b) and 1105.8(c). Id. at 2.

To allow the Landowners to comply with OEA’s notice, this proceeding will be held in abeyance until 20 days after the Landowners file and serve the revised E&H Report on the required entities. Although Landowners need not refile their application, they should also submit an updated Appendix 4 containing the revised E&H Report. To conform with 49 C.F.R. §§ 1105.7(b) and 1105.8(c), the application will be considered filed 20 days after the revised E&H Report is filed and served.

¹ The Notice can be accessed through the Board’s website at www.stb.gov, by clicking on “Search STB Records” and searching for Environmental Comments under Docket No. AB 857 (Sub-No. 2).

It is ordered:

1. This proceeding is held abeyance until 20 days after the Landowners file and serve a revised E&H Report.

2. This decision is effective on its service date.

By the Board, Mai T. Dinh, Director, Office of Proceedings.