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BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings
December 31, 2020
Part of
Public Record

FINANCE DOCKET NO. 36471

COLORADO, MIDLAND & PACIFIC RAILWAY COMPANY
--LEASE AND OPERATION EXEMPTION CONTAINING INTERCHANGE
COMMITMENT--
UNION PACIFIC RAILROAD COMPANY

VERIFIED NOTICE OF EXEMPTION
Pursuant to 49 C.F.R. § 1150.31, Et Seq.

FEE RECEIVED
December 31, 2020
SURFACE
TRANSPORTATION BOARD

FILED
December 31, 2020
SURFACE
TRANSPORTATION BOARD

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

Attorney for:
COLORADO, MIDLAND & PACIFIC
RAILWAY COMPANY

Dated: December 31, 2020

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SURFACE TRANSPORTATION BOARD

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--LEASE AND OPERATION EXEMPTION CONTAINING INTERCHANGE
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VERIFIED NOTICE OF EXEMPTION
Pursuant to 49 C.F.R. § 1150.31, Et Seq.

Colorado, Midland & Pacific Railway Company ("CMPR"), a non-carrier, files this Notice of Exemption pursuant to 49 C.F.R. Part 1150, Subpart D--Exempt Transactions, to permit CMPR to lease from Union Pacific Railroad Company ("UP") and operate approximately 163.1 route miles of rail line located in Colorado.

In support of this Notice of Exemption, CMPR submits the following information as required by 49 C.F.R. § 1150.33:

(a) Full name and address of applicant:

Colorado, Midland & Pacific Railway Company
6100 Southwest Blvd., Suite 320
Fort Worth, Texas 76109

(b) Applicant's Representative:

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

(c) Statement of Agreement:

CMPR will shortly enter into an agreement to lease the rail line from UP.

(d) The operator of the property:

CMPR will be the operator of the leased line.

(e) Summary of proposed transaction:

(1) The name and address of the company leasing the subject property:

Union Pacific Railroad Company
1400 Douglas Street
Omaha, NE 68179

(2) The involved transaction is expected to be consummated on or shortly after the effective date of this Notice of Exemption.

(3) The 163.1-mile rail line that CMPR will lease from UP is located between Milepost 171.90, at Parkdale, Colorado, and Milepost 335.00, near Sage, Colorado in Fremont, Chaffee, Lake and Eagle Counties, Colorado.

(4) The length of the rail line being leased is approximately 163.10 miles.

(f) A map of the rail line being leased is attached as Exhibit A.

(g) CMPR hereby certifies that CMPR's projected revenues as a result of this transaction will not result in CMPR becoming a Class II or Class I rail carrier. CMPR further certifies that the projected annual revenue of CMPR will not exceed \$5 million. Consequently, the requirements of 49 C.F.R. § 1150.32(e) do not apply to this transaction.

(h)(i) The Agreement between CMPR and UP contains a provision that will require CMPR to pay to UP additional charges if CMPR interchanges certain traffic with a rail carrier other than UP. The affected interchange points are Parkdale, CO and Dotsero, CO.

(ii) The Agreement is being filed with the Board under 49 C.F.R. § 1104.14(a).

(iii) There has been no traffic on the Line in over 20 years.

(iv) There has been no traffic on the Line in over 20 years.

(v) There has been no traffic on the Line in over 20 years.

(vi) BNSF Railway Company.

(vii) Information being filed under Section § 1104.14(a).

A caption summary, as required by 49 C.F.R. § 1150.34, is attached.

ENVIRONMENTAL AND HISTORIC IMPACTS

CMPR is leasing the line from UP for continued rail operations. Further Board approval is required for CMPR to discontinue any service and there are no plans to dispose of or alter properties subject to Board jurisdiction that are 50 years old or older. Hence, this Notice of Exemption does not require an historic report under 49 C.F.R. § 1105.8(b)(1).

CMPR's lease and operation of the rail line will not result in significant changes in carrier operations. There will not be a diversion of: (1) more than 1,000 rail carloads a year to motor carriage; or (2) an average of 50 carloads per mile per year for any part of this line to motor carriage. This transaction will not result in: (1) an increase in rail traffic of at least 100 percent or an increase of at least eight trains a day on any segment of the line; (2) an increase of rail yard activity of at least 100 percent; or (3) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day. CMPR's lease and operation of the rail line will not affect a Class I or nonattainment area under the Clean Air Act. In any event, the thresholds of 49 C.F.R. § 1105.7(e)(5)(ii) will not be exceeded. Finally, the transportation of ozone depleting materials is not contemplated. Therefore, no environmental documentation is required under 49 C.F.R. § 1105.6(c)(2).

This action will not significantly affect either the quality of the human environment or energy conservation.

Respectfully submitted,

A handwritten signature in cursive script that reads "Karl Morell".

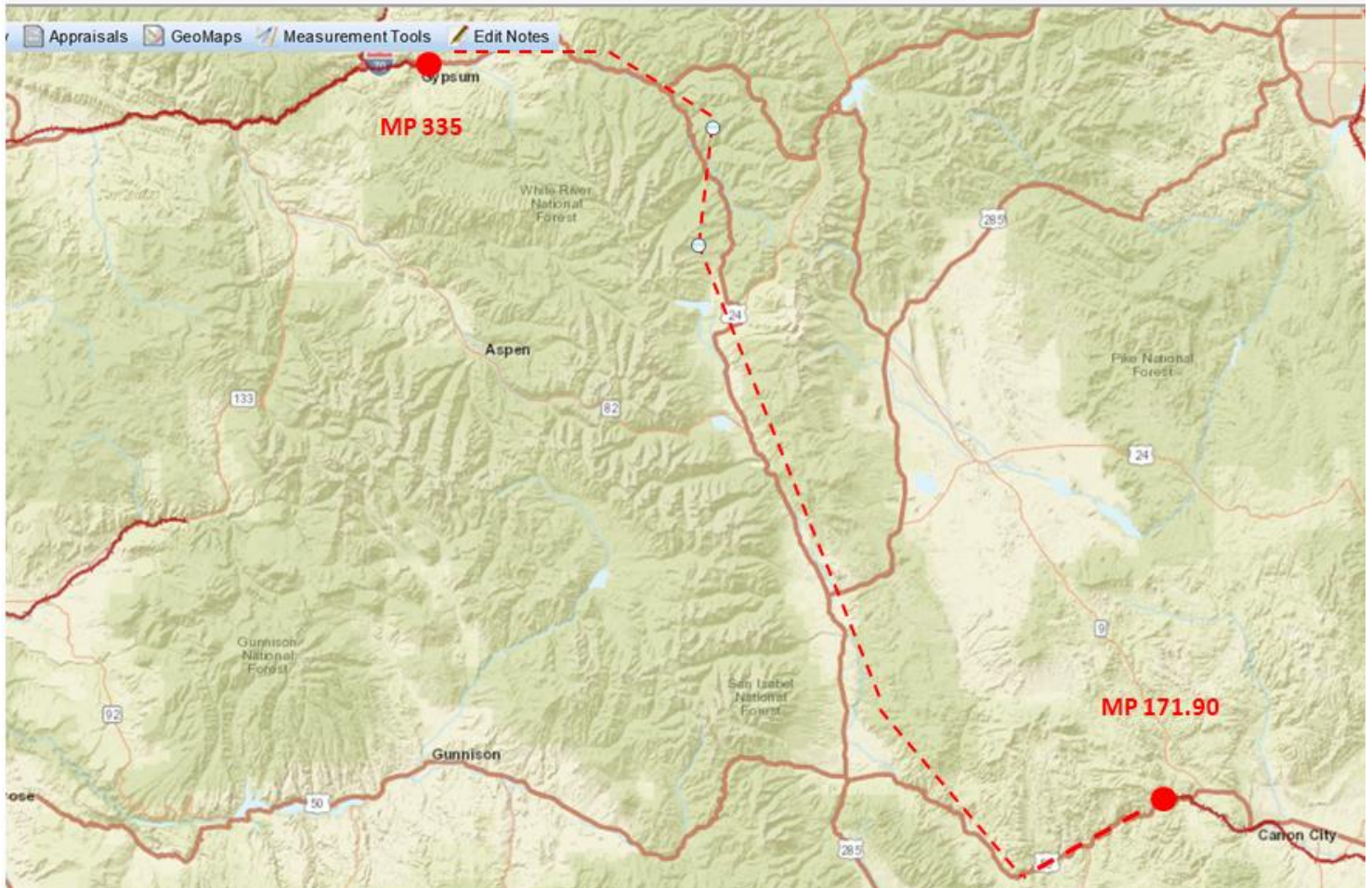
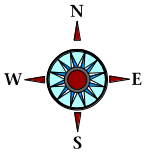
KARL MORELL
Karl Morell and Associates
Suite 440
440 1st Street, N.W.
Washington, DC 20001
(202) 595-9045

Attorney for:
COLORADO, MIDLAND & PACIFIC RAILWAY
COMPANY

Dated: December 31, 2020

EXHIBIT A

EXHIBIT "1"



WARNING

IN ALL OCCASIONS, U.P. COMMUNICATIONS DEPARTMENT MUST BE CONTACTED IN ADVANCE OF ANY WORK TO DETERMINE EXISTENCE AND LOCATION OF FIBER OPTIC CABLE.
PHONE: 1-(800) 336-9193

EXHIBIT "1"
UNION PACIFIC RAILROAD COMPANY
TENNESSEE PASS SUBDIVISION
RAILROAD MP 171.90 to MP 335.00
FREMONT, CHAFFEE, LAKE, EAGLE COUNTIES, CO
Folder No. 1847-45

SURFACE TRANSPORTATION BOARD

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COLORADO, MIDLAND & PACIFIC RAILWAY COMPANY
--LEASE AND OPERATION EXEMPTION CONTAINING INTERCHANGE
COMMITMENT--
UNION PACIFIC RAILROAD COMPANY

Colorado, Midland & Pacific Railway (“CMPR”), a non-carrier, has filed a notice of exemption to lease from Union Pacific Railroad Company (“UP”), and operate approximately 163.10 miles of rail line. The rail line being leased is located between Milepost 171.90, at Parkdale, CO, and Milepost 335.00, near Sage Colorado, CO, in Fremont, Chaffee, Lake and Eagle Counties, CO.

Comments must be filed with the Board and served on Karl Morell, Suite 440, 440 1st Street, N.W., Washington, DC 20001, (202) 595-9045.

This notice is filed under 49 C.F.R. 1150.31. 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.


VERIFICATION

STATE MINNESOTA

COUNTY OF DAKOTA


)
) ss.
)

I, Robert L. Bach, being duly sworn depose and state that I am President of Colorado, Midland & Pacific Railway Company, that I am authorized to make this verification, and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information, and belief.



SUBSCRIBED AND SWORN TO before me this 29th day of December, 2020, in the County of Dakota, State of Minnesota

My Commission Expires: 1/31/2021


Notary Public

