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BEFORE THE  
SURFACE TRANSPORTATION BOARD

ENTERED  
Office of Proceedings  
March 15, 2021  
Part of  
Public Record

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FINANCE DOCKET NO. 36471

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

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MOTION TO AMEND NOTICE OF EXEMPTION

On December 31, 2020, Colorado, Midland & Pacific Railway Company (“CMPR”) filed a Notice of Exemption to permit CMPR to lease from Union Pacific Railroad Company the 163.1-mile rail line located between Milepost 171.90, at Parkdale, CO, and Milepost 335.00, near Sage, CO (the “Line”). A number of parties in this proceeding have filed in opposition to the proposed lease mainly on the erroneous contention that CMPR was intending to transport crude oil, coal or hazardous commodities over the Line. Similarly, in Finance Docket 36284, *Seven County Infrastructure Coalition – Rail Construction & Operation Exemption – In Utah, Carbon, Duchesne and Uintah Counties, Utah*, a few entities are maintaining that the Board must take into account the potential for crude oil trains from the Uintah Basin traversing the Line. *See e.g.*, the comments of the Center for Biological Diversity. These erroneous contentions are being made notwithstanding CMPR’s emphatic statements that CMPR has no intent, much less ability, to transport these commodities over the Line due to features of the Line that make it logistically impractical to do so. For example, the Line has more than 11 miles of 3.0 percent grade.

In order to dispel these unwarranted concerns, CMPR respectfully requests that the Board restrict the proposed lease of the Line against the transportation of crude oil, coal and hazardous commodities. In so doing, CMPR will be authorized only to transport passengers and general commodities, except crude oil, coal and hazardous commodities over the Line. While limitations on the scope of the commodities to be handled are not usually imposed, they are not unique. *See e.g.,* STB Finance Docket No.33132, *Providence and Worcester Railroad Company – Acquisition and Operation Exemption – Certain Rights of Consolidated Rail Corporation (not printed)*, served October 3, 1996 (operations limited to the transportation of sand and stone).

Respectfully submitted,



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Dated March 15, 2021

All parties of record