

Karl Morell & Associates

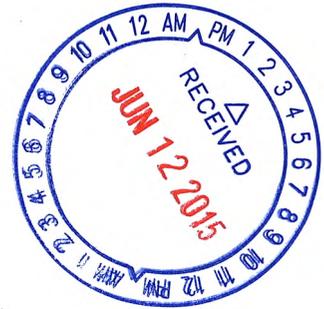
655 15th Street, NW, Suite 225
Washington, DC 20005
(202) 595-9045
karlm@karlmorell.com

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Hand Delivered

Ms. Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street S.W.
Washington, DC 20423

ENTERED
Office of Proceedings
June 12, 2015
Part of
Public Record



Re: Docket No. AB-1032X, Nebraska, Kansas & Colorado Railway, L.L.C. - Abandonment Exemption – in Decatur, Norton, and Phillips Counties, Kansas and Harlan County, Nebraska

Dear Ms. Brown:

Attached for filing are the original and ten copies of a Notice of Exemption under 49 C.F.R. 1152.50. Also attached is a check covering the \$3,800 filing fee.

If you have any questions, please call me.

Sincerely,

Karl Morell
Karl Morell

Enclosures

FEE RECEIVED
June 12, 2015
SURFACE
TRANSPORTATION BOARD

FILED
June 12, 2015
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 1032X



NEBRASKA, KANSAS & COLORADO RAILWAY, L.L.C.
-- ABANDONMENT EXEMPTION --
IN DECATUR, NORTON, AND PHILLIPS COUNTIES, KANSAS AND HARLAN
COUNTY, NEBRASKA

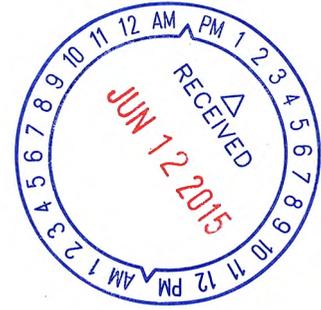
NOTICE OF EXEMPTION

Karl Morell
Karl Morell & Associates
655 Fifteenth Street, N.W.
Suite 225
Washington, D.C. 20005
(202) 595-9045

Attorney for:
NEBRASKA, KANSAS & COLORADO
RAILWAY, L.L.C.

Dated: June 12, 2015

BEFORE THE
SURFACE TRANSPORTATION BOARD



DOCKET NO. AB 1032X

NEBRASKA, KANSAS & COLORADO RAILWAY, L.L.C.
-- ABANDONMENT EXEMPTION --
IN DECATUR, NORTON, AND PHILLIPS COUNTIES, KANSAS AND HARLAN
COUNTY, NEBRASKA

NOTICE OF EXEMPTION

Nebraska, Kansas & Colorado Railway, L.L.C. ("NKCR") files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 to abandon 57.31 miles of rail lines located: (1) between milepost 3.35, near Orleans, Nebraska, and milepost 29.84, at Almena, Kansas; (2) between milepost 47.23, at Reager, Kansas, and milepost 78.05, at Oberlin, Kansas; and (3) the Norton Spur located in Norton, Kansas (the "Lines"). NKCR also seeks to discontinue its trackage rights over the rail line owned by Kyle Railroad located between Almena and Reager, Kansas.

1. Proposed consummation date.

The proposed consummation date is on or shortly after the effective date of this Notice of Exemption.

2. Certification required by 49 C.F.R. § 1152.50(b).

The required certification is attached hereto as Exhibit A.

3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) General.

(1) Exact name of applicant.

Nebraska, Kansas & Colorado Railway, L.L.C.

(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

The NKCR is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought.

NKCR seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon 57.31 miles of rail lines located: (1) between milepost 3.35, near Orleans, Nebraska, and milepost 29.84, at Almena, Kansas; (2) between milepost 47.23, at Reager, Kansas, and milepost 78.05, at Oberlin, Kansas; and (3) the Norton Spur located in Norton, Kansas (the "Lines"). NKCR also seek to discontinue its trackage rights over the rail line owned by Kyle Railroad located between Almena and Reager, Kansas.

There has been no local traffic on the Lines in over two years and any overhead traffic can be rerouted over other rail lines.

(4) Map.

A Map depicting the trackage covered by the proposed abandonment and discontinuance is attached as Exhibit B.

- (7) Name, title, and address of representative of applicant to whom correspondence should be sent.

Karl Morell
Karl Morell & Associates
655 Fifteenth Street, N.W., Suite 225
Washington, DC 20005
(202) 595-9045

- (8) List of all United States Postal Service ZIP Codes that the lines proposed for abandonment traverses.

The Lines traverses U.S. ZIP Code Codes 68966, 67622, 67647, 67654, 67749, and 67653.

- (e) Rural and community impact.

- (4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

The Lines largely traverse rural farmland that have adequate road and highway networks. Therefore, there is little or no likelihood that the rail corridor is needed for transit or highway corridor. The right-of-way is suitable for recreational trails.

4. The level of labor protection.

The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. – Abandonment – Goshen*, 360 I.C.C. 91 (1979).

5. Certification.

Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.

6. Environmental Report.

The Environmental Report containing information required by 49 C.F.R. § 1105.7(e) was filed with the Board on May 14, 2015. Based on information in our possession, the Lines does not contain federally granted rights-of-way. Any documentation in the NKCR's possession will be made available promptly to those requesting it.

7. Historic Report.

The Historic Report containing information required by 49 C.F.R. § 1105.8 was filed with the Board on May 14, 2015.

Respectfully submitted,



Karl Morell
Karl Morell & Associates
655 Fifteenth Street, N.W., Suite 225
Washington, D.C. 20005
(202) 595-9045

Attorney for:
NEBRASKA, KANSAS & COLORADO
RAILWAY, L.L.C.

Dated: June 12, 2015

EXHIBIT A

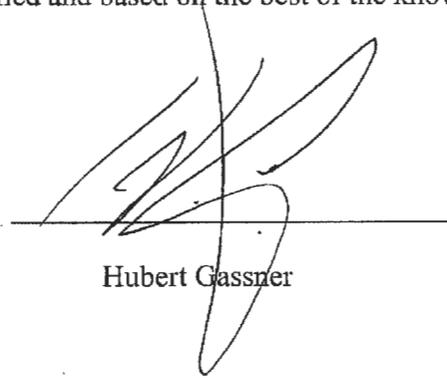
**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF COLORADO)
) ss.
DENVER COUNTY)

I, Hubert Gassner, being duly sworn depose and state that I am Secretary Treasurer of Nebraska, Kansas & Colorado Railway, L.L.C., ("NKCR"), 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. I hereby certify that no local traffic has been handled to or from any customer over the rail lines located: (1) between milepost 3.35, near Orleans, Nebraska, and milepost 29.84, at Almena, Kansas; (2) between milepost 47.23, at Reager, Kansas, and milepost 78.05, at Oberlin, Kansas; and (3) the Norton Spur located in Norton, Kansas (the "Lines"). I further certify that NKCR has handled no local traffic for at least two (2) years over the rail line owned by Kyle Railroad located between Almena and Reager, Kansas over which NKCR has trackage rights. Also, any overhead traffic over these rail lines can be diverted over other rail lines. Further, no formal complaint filed by a user of rail service on the Lines (or a State or local government entity acting on behalf of such user) regarding cessation of service over the Lines either is pending with the

Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period.

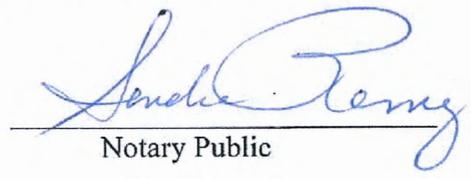
The foregoing certification is made on behalf of the NKCR by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.



Hubert Gassner

SUBSCRIBED AND SWORN TO before me this 11th day of June, 2015.

My Commission Expires: 2-6-2016

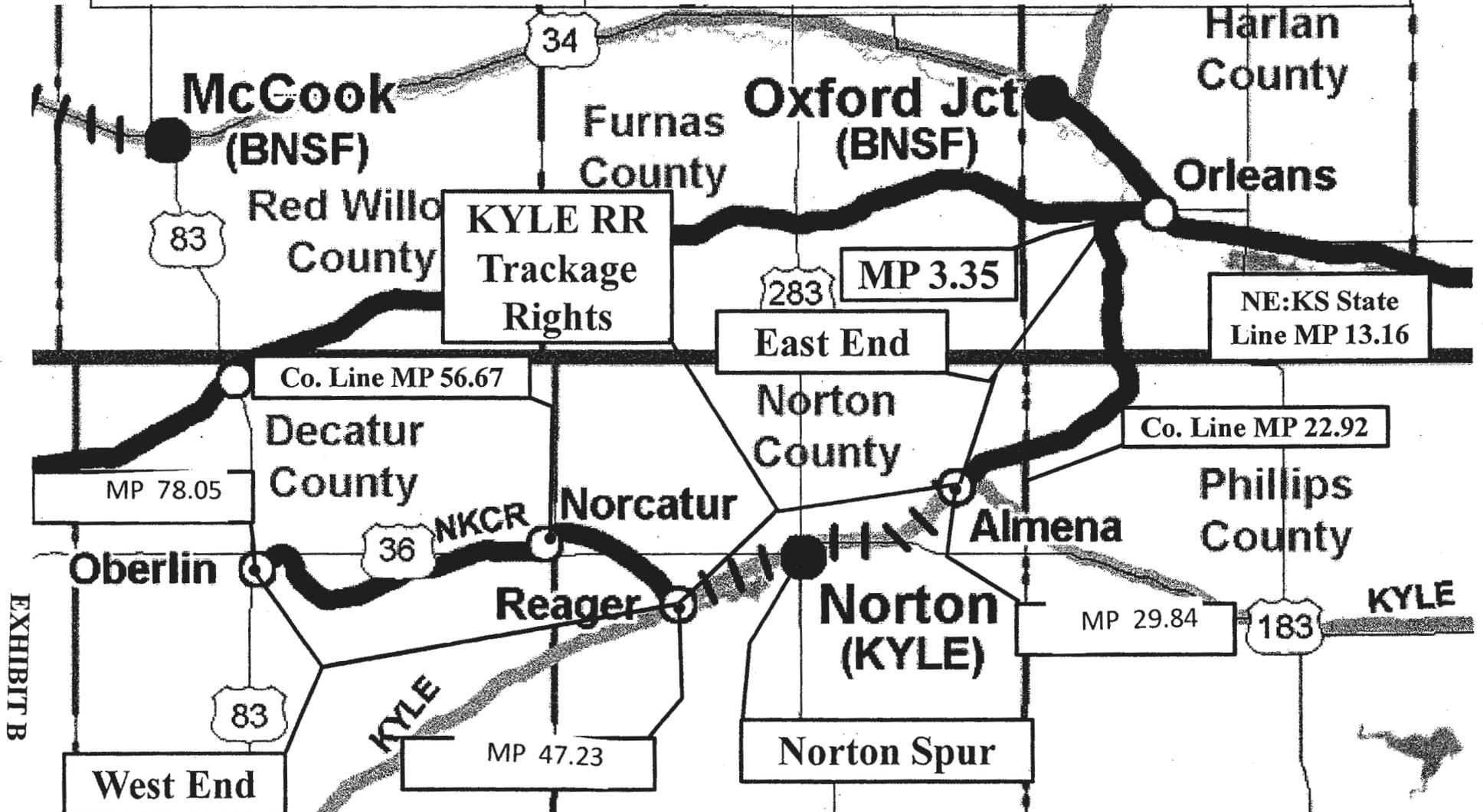


Sandra Remy
Notary Public

**SANDRA REMY
NOTARY PUBLIC
STATE OF COLORADO
MY COMMISSION EXPIRES 02-06-2016**

Oberlin Subdivision Abandonment

Abandonment Section	MP Begin	MP End
East End	3.35	29.84
West End	47.23	78.05
Branch Line (Norton, KS)	1.65 Miles of Spur Track and Sidings accessed via Trackage Rights over KYLE RR	



CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB 1032X was mailed via first class mail on May 29, 2015 to the following parties:

State Public Service Commission

Nebraska Public Service Commission
1200 N Street, Suite 300
Lincoln, NE 68508-2023

Kansas Department of Transportation
Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745

Military Traffic Management Command

SDTE-SA
Railroads for National Defense
1 Soldier Way, Building 1990W
Scott AFB, IL 62225-5006

National Park Service

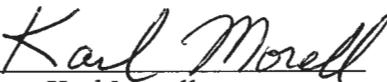
U.S. Department of Interior
National Park Service
Recreation Resources Assistance Division
1849 C Street, NW
Washington, DC 20240-0001

National Park Service
RTCA Program
601 Riverfront Drive
Omaha, NE 68102-4226

U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Yates Building
201 14th Street, S.W.
Washington, DC 20250

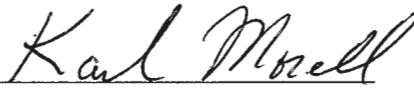
Dated: June 12, 2015


Karl Morell

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB 1032X was advertised on June 3, 2015 in the Phillips County Review, a newspaper of general circulation in Phillips County, Kansas; on June 5, 2015, in the Harlan County Journal, a newspaper of general circulation in Harlan County, Nebraska; on June 5, 2015, in the Norton Telegram, a newspaper of general circulation in Norton County, Kansas; and on June 10, 2015, in the Oberlin Herald, a newspaper of general circulation in Decatur County, Kansas as required by 49 C.F.R. § 1105.12.

Dated: June 12, 2015


Karl Morell

**ENVIRONMENTAL REPORT
CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, in Docket No. AB 1032X, the transmittal letter required by 49 C.F.R. § 1105.11, was mailed to all agencies listed in 49 C.F.R. § 1105.7(b), as well as the additional agencies listed below via first class mail on May 14, 2015.

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that copies of the Environmental Report were mailed via first class mail on May 14, 2015 to the following agencies:

Decatur County Board Commissioners
120 E. Hall, P.O. Box 28
Oberlin, KS 67749

Norton County Commissioners
105 S Kansas, P.O. Box 70
Norton, KS 67654

Phillips County Commissioners
301 State Street, Suite A
Phillipsburg, KS 67661

Harlan County Board of Supervisors
706 W 2nd Street
Alma, NE 68920

State Conservationist
Natural Resources Conservation Service
100 Centennial Mall North, Rm 152
Lincoln, NE 68508

State Conservationist
Natural Resources Conservation Service
760 South Broadway Boulevard
Salina, KS 67401-4604

U.S. Fish and Wildlife Service
134 Union Blvd.
Lakewood, CO 80228

National Park Service
RTCA Program
601 Riverfront Drive

Omaha, NE 68102

Nebraska Environmental Protection Agency
P.O. Box 98922
Lincoln, NE 68509-8922

Kansas Environmental Protection Agency
1000 SW Jackson Street, Suite 540
Topeka, KS 66612-1368

U.S. Environmental Protection Agency
11201 Renner Blvd.
Lenexa, KS 66219

Corps of Engineers, Kansas City District
601 E. 12th Street
Kansas City, MO 64106

Date: June 12, 2015


Karl Morell

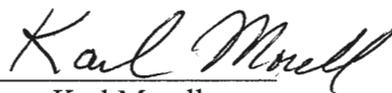
**HISTORIC REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB 1032X was mailed via first class mail on May 14, 2015, to the following party:

Nebraska Historic Preservation Office
1500 R Street
PO Box 82554
Lincoln, NE 68501

Kansas State Historic Preservation Agency
6425 SW 6th Avenue
Topeka, KS 66615

Date: June 12, 2015

A handwritten signature in cursive script that reads "Karl Morell". The signature is written in black ink and is positioned above a horizontal line.

Karl Morell