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235354

January 27, 2014

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Office of Proceedings
January 27, 2014
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Public Record

Karl Morell
Of Counsel
kmorell@balljanik.com

E-FILED

Ms. Victoria Rutson
Chief, Office of Environmental Analysis
Surface Transportation Board
395 E Street S.W.
Washington, DC 20423-0001

Re: Docket No. AB-1115X, Nebraska Cental Railroad Company -
Abandonment Exemption – in Merrick County, NE

Dear Ms. Rutson:

Enclosed for filing in Docket No. AB-1115X are Nebraska Central
Railroad Company's ("NCRC") Environmental and Historic Reports.

NCRC is planning on filing a Notice of Exemption on or shortly after
February 18, 2014.

Sincerely,

Karl Morell
Of Counsel

Enclosures

ENVIRONMENTAL REPORT

(49 C.F.R. 1105.7)

Docket No. AB-1115X

NEBRASKA CENTRAL RAILROAD COMPANY --ABANDONMENT EXEMPTION-- IN MERRICK COUNTY, NE

(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Nebraska Central Railroad Company ("NCRC") proposes to abandon the 1.81-mile rail line located between milepost 17.5, near Central City, and milepost 19.31, in Central City, Merrick County, Nebraska (the "Line"). Upon receipt of abandonment authority, NCRC intends to remove the rail, track material, and crossties. The one bridge and ballast on the Line will remain in place while NCRC explores rail-banking of the Line.

The Line has had no local traffic for at least two years. The Line is stub-ended and not capable of handling overhead traffic. Because of the lack of traffic on the Line, only very limited maintenance has been performed on the Line for some time. Therefore, the proposed abandonment will have no impact on rail freight operations and maintenance practices on the Line.

The only alternative to abandonment would be to not abandon the Line and forego the opportunity costs from salvaging the Line.

A map of the proposed abandonment is attached hereto as Exhibit 1.

(2) Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

No passenger or freight traffic will be diverted to other modes as a result of the proposed abandonment. No local traffic has moved over the Line in well over 2 years and the Line is not capable of handling overhead traffic. Therefore, the proposed abandonment will have no adverse effects on local or regional transportation systems or patterns.

(3) Land Use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9. (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

(i) NCRC expects that the proposed abandonment will be consistent with existing land use plans. NCRC contacted the Merrick County Board of Supervisors. See Exhibit 2. The Merrick County Joint Planning Commission responded that a majority of the Line is within the jurisdiction of the city of Central City. A copy of this Report is being supplied to the appropriate local and state agencies for their information and further comment.

(ii) According to the Natural Resources Conservation Service the proposed abandonment was cleared of Farmland Protection Policy Act significant concerns. See Exhibit 3. A copy of this Report is being supplied to the USDA Natural Resources Conservation Service for its information and further comment.

(iii) The Line does not pass through a designated coastal zone.

(iv) The involved right-of-way does not appear to be suitable for alternative public use other than a recreational trail. NCRC has been contacted by a trails organization seeking to rail-bank the Line.

(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

(i) The proposed abandonment will have no effect on the transportation of energy resources.

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities.

(iii) The proposed abandonment will have no adverse effect on overall energy efficiency since no local traffic has moved over the Line in well over 2 years and the Line is not capable of handling overhead traffic. The traffic that previously moved over the Line has been transferred either to other modes or other routings.

(iv) The proposed abandonment will not cause the diversion of any rail traffic to motor carriage since no local traffic has been handled over the Line in well over 2 years and the Line is not capable of handling overhead traffic.

(5) Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under

49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply. (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line; (B) an increase in rail yard activity of at least 20 percent (measured by carload activity); or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

(i) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(ii) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(iii) The proposed abandonment will not affect the transportation of ozone depleting materials.

(6) Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more; or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Not applicable

(7) Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings). (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

(i) The proposed abandonment will have no detrimental effects on public health and safety.

(ii) The proposed abandonment will not affect the transportation of hazardous materials.

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the rail corridor of the Line.

(8) Biological Resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects. (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

(i) The U.S. Fish and Wildlife Service has no objection to the proposed abandonment.

See Exhibit 4. A copy of this Report is being supplied to the U.S. Fish and Wildlife Service for its information and further comment.

(ii) NCRC does not believe that any wildlife sanctuaries or refuges, National or State parks or forests would be adversely affected by the proposed abandonment. NCRC notified the National Parks Service of the proposed abandonment and requested assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests. See

Exhibit 5. To date, no response to this request has been received. A copy of this Report is being supplied to the National Park Service for its information and comment.

(9) Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies. (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

(i) The proposed abandonment, in NCRC's view, will be consistent with applicable water quality standards. NCRC contacted the Nebraska Department of Environmental Quality ("NEQ") and the U.S. Environmental Protection Agency ("US EPA") concerning this matter requesting assistance in determining whether the proposed abandonment is consistent with applicable Federal, State, or local water quality standards. See Exhibit 6. To date, no response has been received from NEQ or US EPA. A copy of this Report is being supplied to the US EPA and the NEQ for their information and comment.

(ii) NCRC is confident that no designated wetlands or 100-year flood plains will be adversely affected by the proposed abandonment. NCRC contacted the Department of the Army Corps of Engineers concerning these matters. The Army Corps of Engineers has no floodplain concerns. The Army Corps of Engineers further suggests that NCRC contact various Federal and State agencies concerning other matters. See Exhibit 7. A copy of this Report is being supplied to the Army Corps of Engineers for its information and comment.

(iii) NCRC believes the proposed abandonment will not require the issuance of any permits under Section 402 of the Clean Water Act. NCRC contacted the US EPA concerning

this matter and requested assistance in identifying any potential effects on applicable water quality standards and determining whether the proposed abandonment is consistent with applicable Federal, State, or local water quality standards. See Exhibit 6. To date, no response to this request has been received. A copy of this Report is being supplied to the US EPA for its information and comment.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

NCRC does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. NCRC will, of course, adhere to any remedial actions suggested by the recipients of this Report and required by the Board.



A Rio Grande Pacific Company

- NCRC
- NCRC Trackage Rights
- Other Rail
- Stations
- Interchange
- Highways
- States
- Counties

Prepared By DeskMap Systems, Inc
8601 Ranch Road 2222 Building 1 Suite 200
Austin, TX 78730 (512) 346-8330 www.deskmap.com

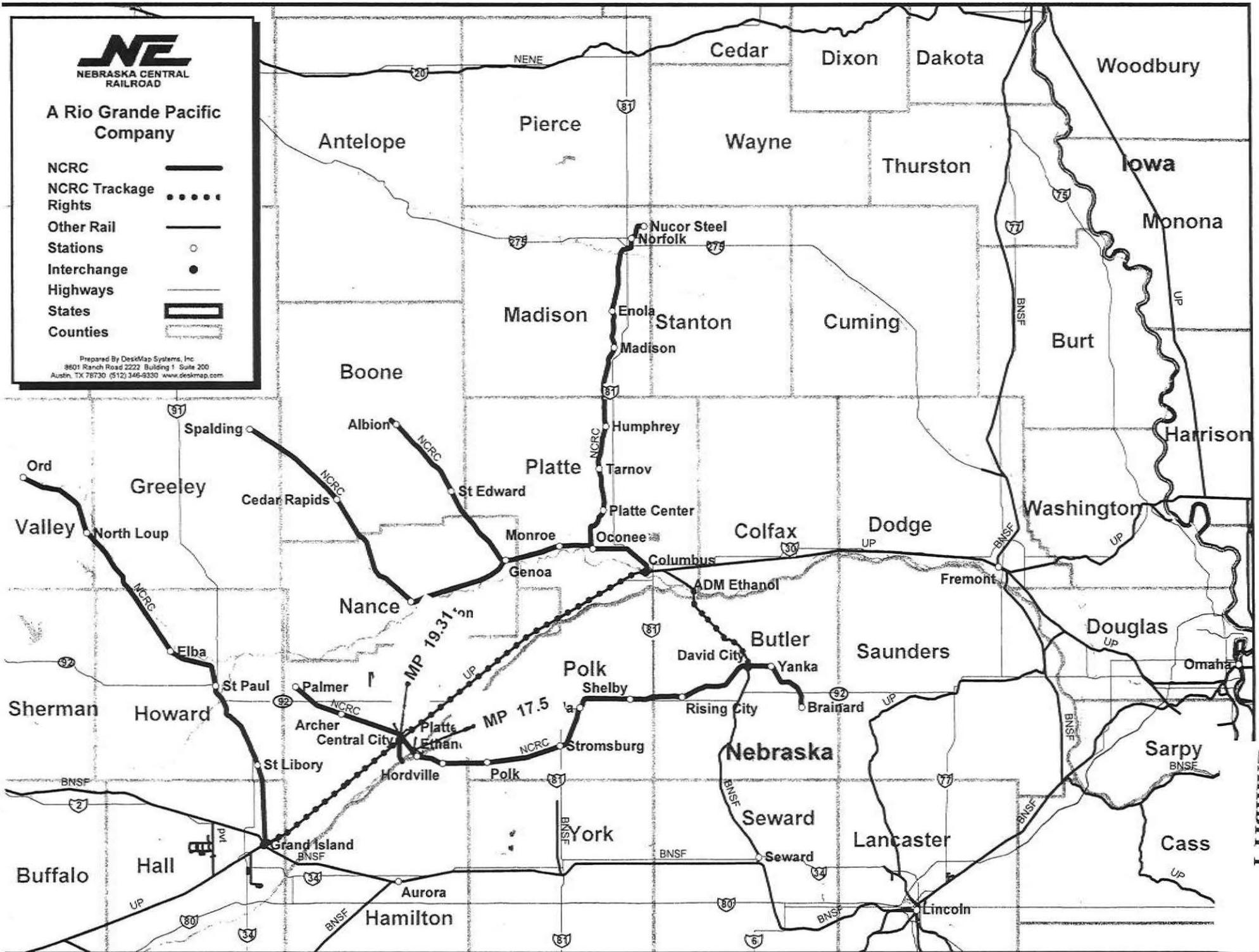


EXHIBIT 1



655 Fifteenth Street, NW, Suite 225
Washington, DC 20005

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t 202.638.3307
f 202.783.6947

EXHIBIT 2

September 23, 2013

Karl Morell
Of Counsel
kmorell@balljanik.com

Mr. Roger Wiegert
Chairman
Merrick County Board of Supervisors
1510 18th Street
Central City, NE 68826

Re: Docket No. AB-1115X, Nebraska Central Railroad Company --
Abandonment Exemption -- In Merrick County, NE

Dear Mr. Wiegert:

Nebraska Central Railroad Company ("NCRC") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about November 15, 2013, for NCRC to abandon the 1.81-mile rail line located between milepost 17.5, near Central City and Milepost 19.31, in Central City, Merrick County, Nebraska (the "Line"). A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R. Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on existing land use plans. We must determine whether the proposed abandonment is inconsistent with existing land use plans.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.



September 23, 2013
Page 2

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

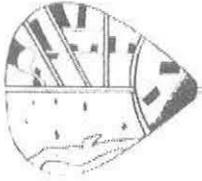
Attorney for: Nebraska
Central Railroad Company

Sincerely,

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

Karl Morell
Of Counsel

Enclosure



MERRICK COUNTY JOINT PLANNING COMMISSION

Jen Myers, Administrator

Courthouse – PO Box 27

Central City, NE 68826-0027

308-946-3120 – pz@merrick.nacone.org

Board Members:

*Chris Starostka, Chair
George Rutten, Vice Chair
Richard Ogden, Secretary
Kelly Wichmann
Jeff Beckstrom*

*Lynn Wiegert
Kevin Ohlman
Gregg Ferris
Pat Robinson*

October 8, 2013

Ball Janik LLP
c/o Karl Morell
655 15th St. NW Suite 225
Washington, DC 20005

Dear Mr. Morell,

In response to your letter sent the Merrick County Board of Supervisors on September 23, 2013, the majority of this track that is being considered for abandonment is outside of the County's jurisdiction and with the city of Central City's jurisdiction. If you should have any questions, feel free to contact me.

Sincerely,

Jen Myers
Administrator

Cc: City of Central City

EXHIBIT 3**Morell, Karl**

From: Vanek, Wayne - NRCS, Lincoln, NE [Wayne.Vanek@ne.usda.gov]
Sent: Monday, September 30, 2013 11:19 AM
To: Morell, Karl
Subject: Abandonment of Railroad Line between Mile Marker 17.5 and Mile Marker 19.31

United States Department of Agriculture

**ATTENTION: Karl Morell
Of Counsel**

I am responsible for the Farmland Protection Policy Act (FPPA) concerns and have reviewed the information you sent regarding the project for which you requested review of impacts. This review only covers FPPA concerns and does not include any other environmental concerns such as wetlands or endangered species. For general conservation concerns or questions relating to wetlands under the jurisdiction of the Food Security Act, contact your local county Natural Resources Conservation Service office.

It has been determined that a Farmland Conversion Impact Rating For Corridor Type Projects form (NRCS-CPA-106) will not be needed on this project since the project sites occupy exiting easements and right-of-ways and no additional cropland will be taken out of production, thus, **NRCS has determined that your project was found to be cleared of FPPA significant concerns.** We encourage you to continue to be aware of prime and important farmlands in general and the role they play in current and future projects.

Wayne Vanek
USDA-NRCS
Fed. Bldg. Rm. 152
100 Centennial Mall North
Lincoln, NE. 68508-3866
402.437.4125
wayne.vanek@ne.usda.gov

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9/30/2013



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Seth Wiley
OCT 27 2013
FWS NE 2014-008



Karl Morell
Of Counsel
kmorell@balljanik.com

September 23, 2013

U.S. Fish and Wildlife Service
134 Union Blvd, Suite 400
Lakewood, CO 80228

EXHIBIT 4

Re: Docket No. AB-1115X, Nebraska Central Railroad Company --
Abandonment Exemption -- In Merrick County, NE

Dear Sir/Madam:

Nebraska Central Railroad Company ("NCRC") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about November 15, 2013, for NCRC to abandon the 1.81-mile rail line located between milepost 17.5, near Central City and Milepost 19.31, in Central City, Merrick County, Nebraska (the "Line"). A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R. Part 1105, we are advising you of this proposed action so that you may assist us in determining whether it is likely to adversely affect endangered or threatened species or areas designated as a critical habitat.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

NO OBJECTION
Michael D. George
Michael D. George
U.S. Fish & Wildlife Service



September 23, 2013
Page 2

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Attorney for: Nebraska
Central Railroad Company

Sincerely,

A handwritten signature in black ink that reads "Karl Morell". The signature is written in a cursive style with a large initial "K".

Karl Morell
Of Counsel

Enclosure



655 Fifteenth Street, NW, Suite 225
Washington, DC 20005

balljanik.com

t 202.638.3307
f 202.783.6947

EXHIBIT 5

September 23, 2013

Karl Morell
Of Counsel
kmorell@balljanik.com

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

Re: Docket No. AB-1115X, Nebraska Central Railroad Company --
Abandonment Exemption -- In Merrick County, NE

Dear Sir/Madam:

Nebraska Central Railroad Company ("NCRC") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about November 15, 2013, for NCRC to abandon the 1.81-mile rail line located between milepost 17.5, near Central City and Milepost 19.31, in Central City, Merrick County, Nebraska (the "Line"). A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R. Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.



September 23, 2013
Page 2

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Attorney for: Nebraska
Central Railroad Company

Sincerely,


Karl Morell
Of Counsel

Enclosure



655 Fifteenth Street, NW, Suite 225
Washington, DC 20005

balljanik.com

t 202.638.3307
f 202.783.6947

EXHIBIT 6

September 23, 2013

Karl Morell
Of Counsel
kmorell@balljanik.com

Nebraska Department of Environmental Quality
P.O. Box 98922
Lincoln, NE 68509-8922

Re: Docket No. AB-1115X, Nebraska Central Railroad Company --
Abandonment Exemption -- In Merrick County, NE

Dear Sir/Madam:

Nebraska Central Railroad Company ("NCRC") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about November 15, 2013, for NCRC to abandon the 1.81-mile rail line located between milepost 17.5, near Central City and Milepost 19.31, in Central City, Merrick County, Nebraska (the "Line"). A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R. Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on applicable water quality standards. We also seek your assistance in determining whether the proposed abandonment is consistent with applicable Federal, State or local water quality standards. NCRC does not believe any permits under Section 402 of the Clean Water Act will be required.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.



September 23, 2013
Page 2

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Attorney for: Nebraska
Central Railroad Company

Sincerely,

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

Karl Morell
Of Counsel

Enclosure



655 Fifteenth Street, NW, Suite 225
Washington, DC 20005

balljanik.com

t 202.638.3307

f 202.783.6947

September 23, 2013

Karl Morell
Of Counsel
kmorell@balljanik.com

Environmental Protection Agency
Region 7
11201 Renner Blvd.
Lenexa, KS 66219

Re: Docket No. AB-1115X, Nebraska Central Railroad Company --
Abandonment Exemption -- In Merrick County, NE

Dear Sir/Madam:

Nebraska Central Railroad Company ("NCRC") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about November 15, 2013, for NCRC to abandon the 1.81-mile rail line located between milepost 17.5, near Central City and Milepost 19.31, in Central City, Merrick County, Nebraska (the "Line"). A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R. Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on applicable water quality standards. We also seek your assistance in determining whether the proposed abandonment is consistent with applicable Federal, State or local water quality standards. NCRC does not believe any permits under Section 402 of the Clean Water Act will be required.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.



September 23, 2013
Page 2

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Attorney for: Nebraska
Central Railroad Company

Sincerely,

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

Karl Morell
Of Counsel

Enclosure



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
1616 CAPITOL AVENUE
OMAHA NE 68102-4901

EXHIBIT 7

October 17, 2013

Planning, Programs, and Project Management Division

Mr. Karl Morell, Councilman
Ball and Janik, L.L.P.
655 Fifteenth Street, NW, Suite 225
Washington, D.C. 20005

Dear Mr. Morell:

The U.S. Army Corps of Engineers, Omaha District (Corps) has reviewed your letter dated September 23, 2013 regarding Nebraska Central Railroad Company's (NCRC) proposal to abandon a 1.81-mile rail line located between mileposts 17.5 and 19.31 within the Central City, Merrick County, Nebraska area. The Corps offers the following comments:

Your plans should be coordinated with the state water quality office in which the project is located to ensure compliance with federal and state water quality standards and regulations mandated by the Clean Water Act and administered by the U.S. Environmental Protection Agency. Please coordinate with the Nebraska Department of Environmental Quality concerning state water quality programs.

If you have not already done so, it is recommended you consult with the U.S. Fish and Wildlife Service and the Nebraska Game and Parks Commission regarding fish and wildlife resources. In addition, the Nebraska State Historic Preservation Office should be contacted for information and recommendations on potential cultural resources in the project area.

The proposed abandonment by NCRC was reviewed by the Corps' Flood Risk and Floodplain Management Section and they have no floodplain concerns. To determine if the proposed project may impact areas designated as a Federal Emergency Management Agency special flood hazard area please consult the following floodplain management office:

Nebraska Department of Natural Resources
Attention: Shuhai Zheng
301 Centennial Mall South, 4th Floor
P. O. Box 94876
Lincoln, Nebraska 68509-4876
shuhaizheng@nebraska.gov
Telephone: 402-471-3936
Fax: 402-471-2900

Any proposed placement of dredged or fill material into waters of the United States (including jurisdictional wetlands) requires Department of the Army authorization under Section 404 of the Clean Water Act. You can visit the Omaha District's Regulatory website for permit applications and related information. Please review the information on the provided website (<https://www.nwo.usace.army.mil/html/od-r/district.htm>) to determine if this project requires a 404 permit. For a detailed review of permit requirements, preliminary and final project plans should be sent to:

U.S. Army Corps of Engineers
Wehrspann Regulatory Office
Attention: CENWO-OD-R-NE/Moeschen
8901 South 154th Street
Omaha, Nebraska 68138-3621

In addition, please update your records with our current mailing address:

U.S. Army Corps of Engineers, Omaha District
Planning Branch
Attention: CENWO-PM-AC
1616 Capitol Ave.
Omaha, Nebraska 68102-4901

If you have any questions, please contact Ms. Amanda Ciurej of my staff at (402) 995-2897.

Sincerely,



Eric Laux
Acting Chief, Environmental Resources and Missouri
River Recovery Program Plan Formulation Section

cc:
CENWO-OD-R- NE/Moeschen
CENWO-OD-RNE/ Hodson

**HISTORIC REPORT
(49 CFR SECTION 1105.8)**

DOCKET NO. AB-1115X

**NEBRASKA CENTRAL RAILROAD COMPANY
– ABANDONMENT EXEMPTION –
MERRICK COUNTY, NE**

The Historic Report should contain the information required by Section 1105.7(e)(1) of the Environmental Report prepared for the proposed abandonment:

(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Nebraska Central Railroad Company ("NCRC") proposes to abandon the 1.81-mile rail line located between milepost 17.5, near Central City, and milepost 19.31, in Central City, Merrick County, Nebraska (the "Line"). Upon receipt of abandonment authority, NCRC intends to remove the rail, track material, and crossties. The one bridge and ballast on the Line will remain in place while NCRC explores rail-banking of the Line.

The Line has had no local traffic for at least two years. The Line is stub-ended and not capable of handling overhead traffic. Because of the lack of traffic on the Line, only very limited maintenance has been performed on the Line for some time. Therefore, the proposed abandonment will have no impact on rail freight operations and maintenance practices on the Line.

The only alternative to abandonment would be to not abandon the Line and forego the opportunity costs from salvaging the Line.

A map of the proposed abandonment is attached hereto as Exhibit 1.

HISTORIC REPORT

1. A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years or older and are part of the proposed action.

A map depicting the Line proposed for abandonment was supplied to the Nebraska Historic Preservation Office ("SHPO"). *See* Exhibit 2. There is one (1) small bridge located on the Line.

2. A written description of the right-of-way (including approximate widths, to the extent known) and the topography and urban and/or rural characteristics of the surrounding area.

The 1.81-mile line begins at milepost 17.5, at the Platte River and extends in a northerly direction into Central City to the end of the line at milepost 19.31, in Merrick County, Nebraska. The Line traverses farmland from the Platte River to the edge of Central City and then a fairly dense populated urban area, with several at grade crossings to the end of the Line.

3. Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years or older and of the immediate surrounding area.

A picture of the bridge is attached as Exhibit 3.

4. The date(s) of construction of the structure(s), and extent of any major alterations, to the extent such information is known.

The date of construction of the bridge is unknown to NCRC but it appears to be 50 years old or older.

5. A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.

There has been no traffic on the Line for well over 2 years. In fact, there has been no traffic on the Line since NCRC acquired the Line in 2000. Therefore, the proposed abandonment will not result in any operational changes.

6. A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.

NCRC does not possess any such documents.

7. An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities).

The Line contains no historic structures and NCRC is unaware of any archeological resources or railroad historic properties along the Line. *See* Exhibit 4.

8. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill,

environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic waste), and the surrounding terrain.

There are no existing records as to any known subsurface ground disturbance or fill, or environmental condition that might affect the archeological recovery of any potential resources.

9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (i.e., prehistoric or native American).

NCRC does not foresee the likelihood that any additional information will need to be supplied in association with the proposed line abandonment. However, if any additional information is requested, NCRC will promptly supply the necessary information.



A Rio Grande Pacific Company

- NCRC
- NCRC Trackage Rights
- Other Rail
- Stations
- Interchange
- Highways
- States
- Counties

Prepared By DeskMap Systems, Inc
8601 Ranch Road 2222 Building 1 Suite 200
Austin, TX 78730 (512) 346-6330 www.deskmap.com

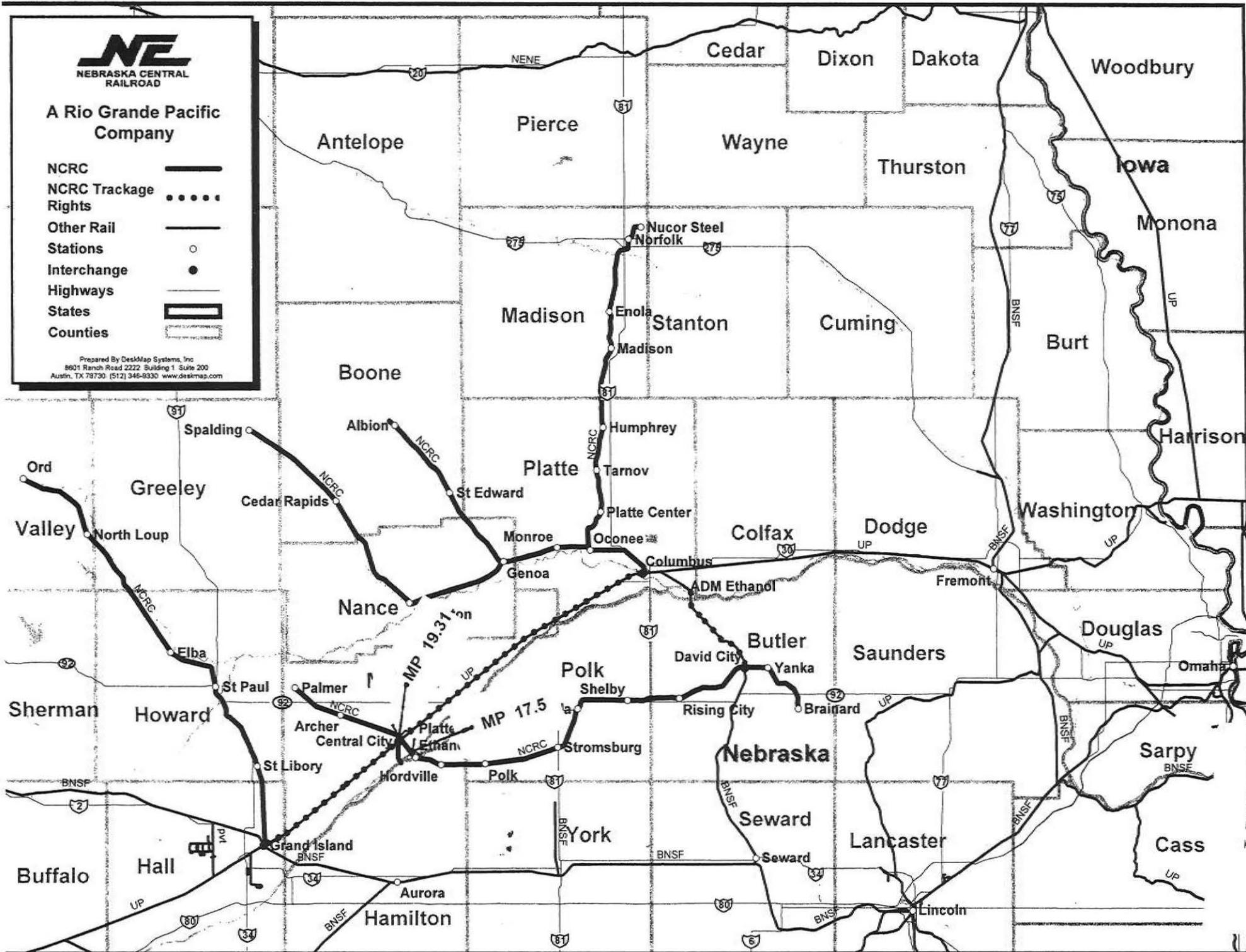


EXHIBIT 1



655 Fifteenth Street, NW, Suite 225
Washington, DC 20005

balljanik.com

t 202.638.3307
f 202.783.6947

EXHIBIT 2

September 23, 2013

Karl Morell
Of Counsel
kmorell@balljanik.com

Nebraska Historic Preservation Office
P.O. Box 82554
1500 R Street
Lincoln, NE 68501

Re: Docket No. AB-1115X, Nebraska Central Railroad Company --
Abandonment Exemption -- In Merrick County, NE

Dear Sir/Madam:

Nebraska Central Railroad Company ("NCRC") is planning to file a Notice of Exemption with the Surface Transportation Board ("STB"), on or about November 15, 2013, for NCRC to abandon the 1.81-mile rail line located between milepost 17.5, near Central City and Milepost 19.31, in Central City, Merrick County, Nebraska (the "Line"). One of the requirements for this filing with the STB is that the owner of the rail line contact the State Historic Preservation Office regarding the proposed abandonment.

Enclosed is a map depicting the area where the rail line is located. The proposed abandonment will involve the removal of the rail, track materials and crossties.

The 1.81-mile rail line NCRC seeks to abandon begins at milepost 17.5, south of Central City and extends northward to milepost 19.31, in Central City.

There is one structure on the Line: an open deck timber pile trestle bridge. Pictures of the bridge are attached. We will send you a copy of the Historic Report as soon as it is completed.



September 23, 2013
Page 2

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Attorney for: Nebraska
Central Railroad Company

Sincerely,

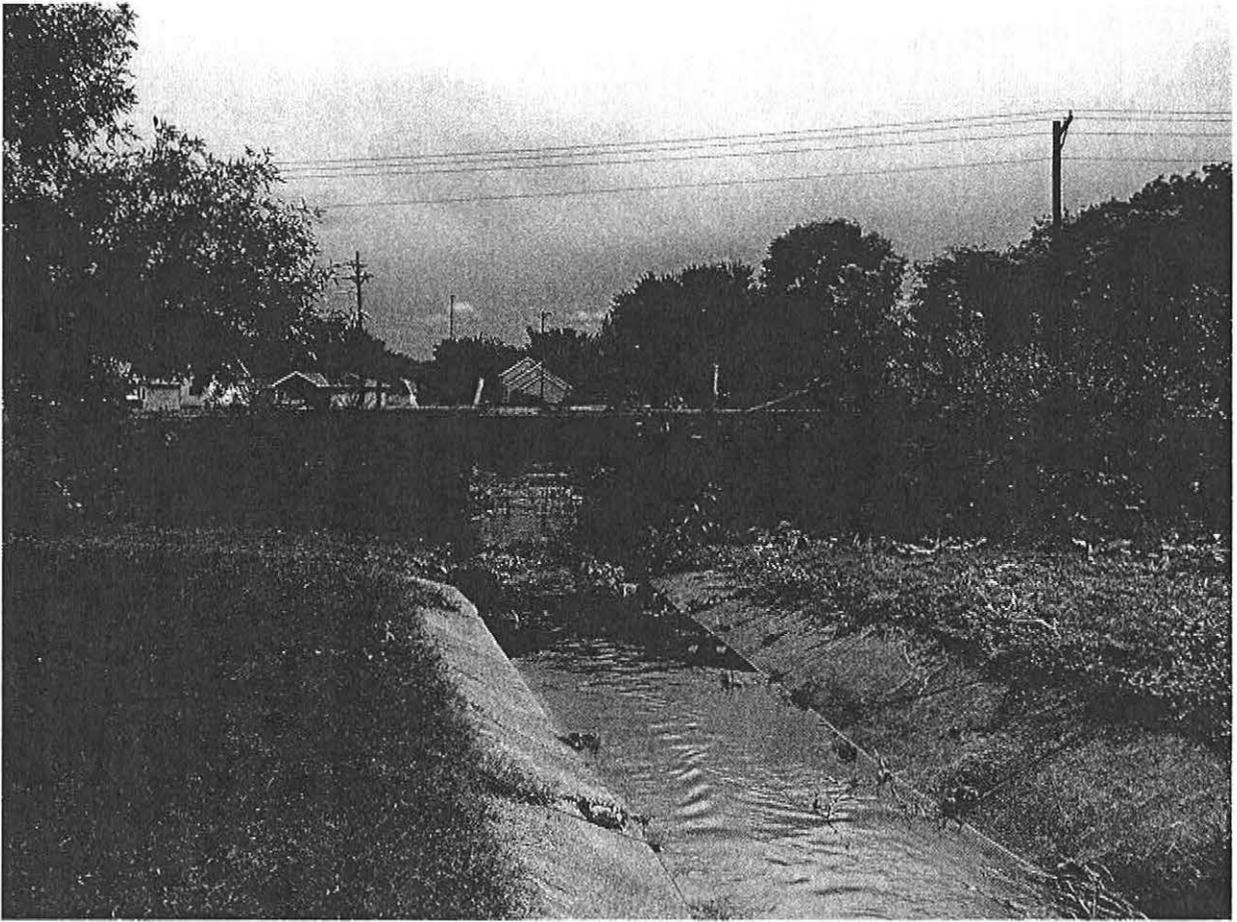
A handwritten signature in cursive script that reads "Karl Morell".

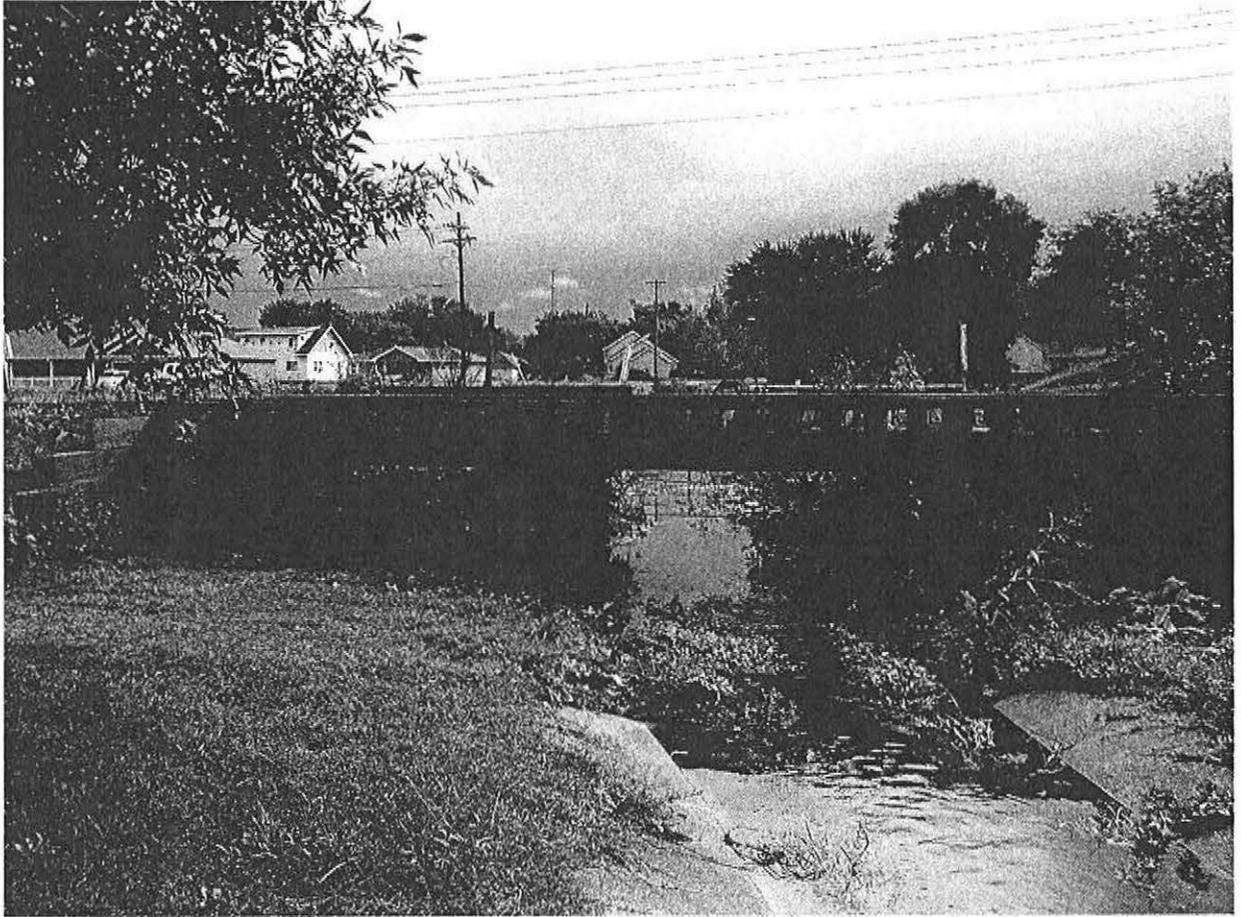
Karl Morell
Of Counsel

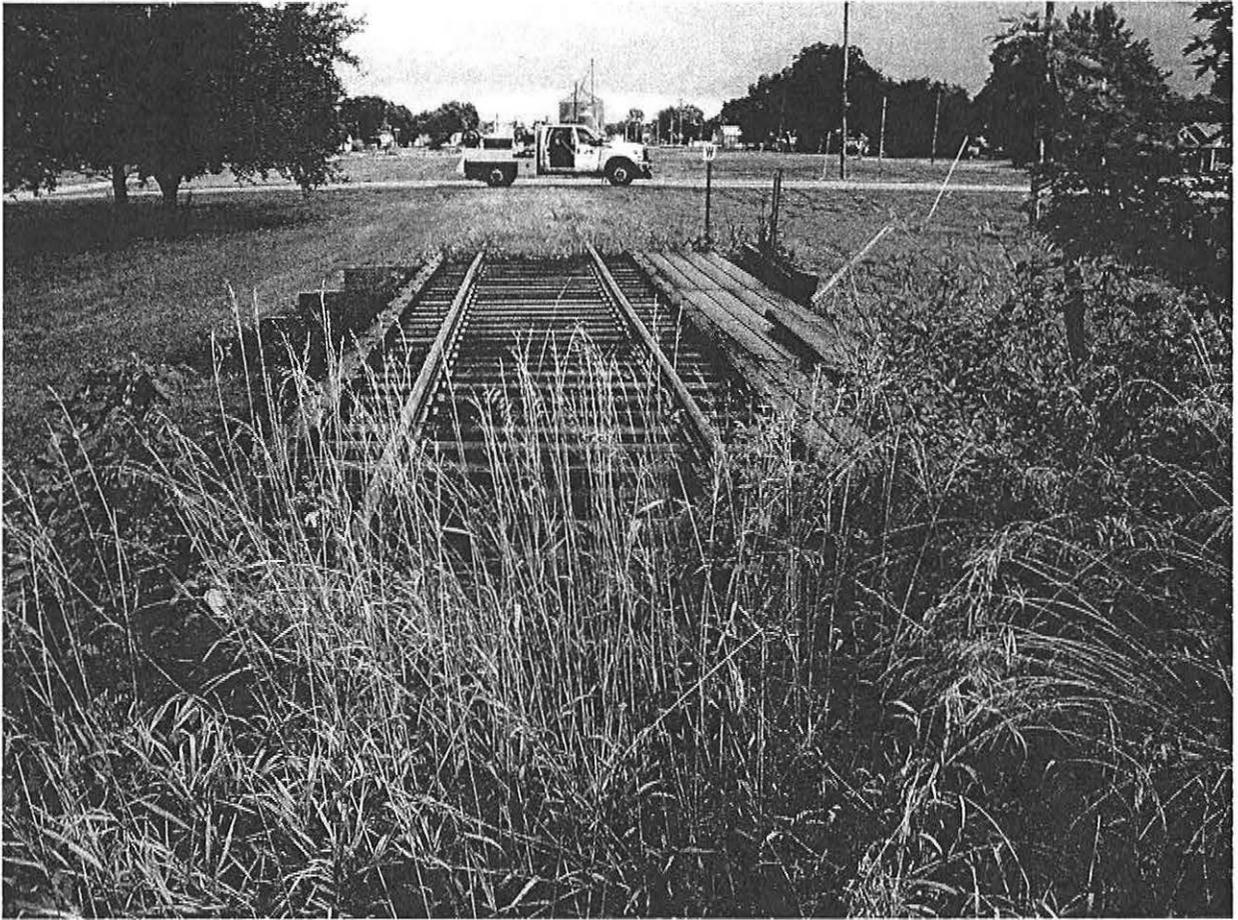
Enclosures

EXHIBIT 3











October 28, 2013

Karl Morell
Ball Janik, LLP
655 Fifteenth Street, NW, Suite 225
Washington, DC 20005

RE: HP 1309-117-01 Docket No. AB-1115X, Nebraska Central Railroad Co.
Abandonment Exemption – Merrick County, NE

Dear Mr. Morell:

Thank you for submitting the referenced project proposal for our review and comment. Our comment on this project and its potential to affect historic properties is required by Section 106 of the National Historic Preservation Act of 1966, as amended, and implementing regulations 36 CFR Part 800. This review does not constitute the opinions of any Tribes that may have an interest in Traditional Cultural Properties potentially affected by this project.

Given the information provided, in our opinion there will be no historic properties affected by the project as proposed. Therefore, in accordance with 36 CFR 800.4(d)(1), you may proceed with the project as planned. Should any changes in the project be made or in the type of funding or assistance provided through federal or state agencies, please notify this office of the changes before further project planning continues.

There is always the possibility that previously unsuspected archaeological remains may be uncovered during the process of project construction. We request that this office be notified immediately under such circumstances so that an evaluation of the remains may be made, along with recommendations for future action.

Please retain this correspondence and your documented finding in order to show compliance with Section 106 of the National Historic Preservation Act, as amended. If you have any questions, please contact me at 402-471-4773 or jill.dolberg@nebraska.gov.

Sincerely,

A handwritten signature in blue ink that reads "Jill Dolberg".

Jill E. Dolberg
Review and Compliance Coordinator
Nebraska State Historical Society

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