



Nebraska Trails Foundation

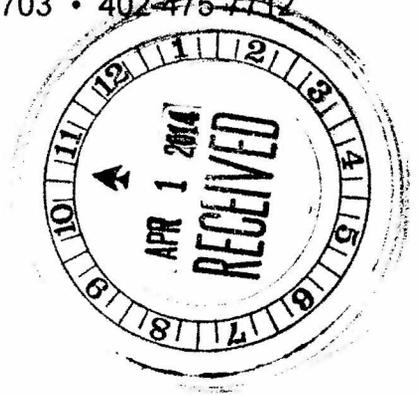
3901 S. 27th Suite 29 • Lincoln, Nebraska • 68502-5703 • 402-475-7742

235752

March 31, 2014

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

ENTERED
Office of Proceedings
April 1, 2014
Part of
Public Record



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

Dear Ms. Brown:

Attached is a filing for a Notice of Iterim Trail Use (NITU) for the Nebraska Central Railroad Company's rail line located between Milepost 17.5 near Central City, NE, to Milepost 19.31 in Central City, NE. This is being submitted by the Nebraska Trails Foundation, Inc., a non-profit organization interested in promoting trail development in the State of Nebraska.

Also enclosed is the \$250 filing fee for the NITU.

If you have any questions, please telephone me.

Yours truly,

ROSS D GREATHOUSE

Ross D. Greathouse, Vice President
Nebraska Trails Foundation

RG:cg

CC: Scott Traylor, Nebr. Central Railroad
Karl Murell, Of Counsel, Ball Janik, LLP
David Schmidt, President, NTF
Chuck Griffith, Ex. Dir. Merrick Foundation
Chris Anderson, City Adm., Central City, NE

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Enclosure

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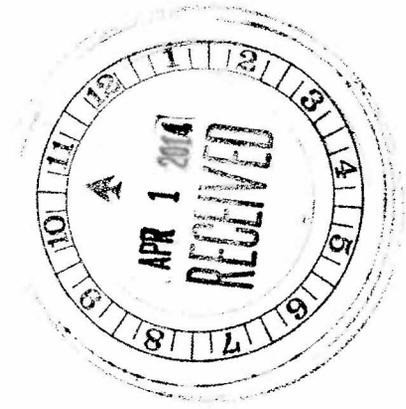


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Ms. Cynthia Brown, Chief
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Surface Transportation Board
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Washington, DC 20423



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

Dear Ms. Brown:

This comment should be treated as a protest or a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of the Nebraska Trails Foundation, Inc. (NTF), a non-profit organization interested in promoting trail development in the State of Nebraska, which is hereinafter referred to as “Commenter.”

Commenter takes no position on the propriety of discontinuance of the current rail service, but Commenter does request issuance of a Notice of Interim Trail Use (NITU) rather than outright abandonment authorization. These comments pertain to the rail line of Nebraska Central Railroad Company with respect to the 1.81 mile portion of its Central City Line extending between Milepost 17.5 south of Central City, NE, and Milepost 19.31 within Central City, NE, adjacent to the south right-of-way of US 30 Highway in Merrick County, NE. The line traverses U.S. Postal Service Zip Code 68826 and includes no stations. The right-of-way is part of a line proposed for abandonment in Docket No. AB-1115X.

A map of the right-of-way is attached (Exhibit #1.)

A. Public Use Condition

Commenter requests the Surface Transportation Board find this property suitable for other public use, specifically trail use, and place the following condition on the Abandonment:

1. Barring non-public disposition sought: *An order prohibiting the Carrier from disposing of the corridor other than the tracks, ties and signal equipment, except for public use on reasonable terms.*

Justification: This corridor offers an excellent addition to commuter-recreation trails in the Marquette, NE – Central City, NE area. This right-of-way is part of a 1994 Master Plan for trails for the State of

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Nebraska called "A Network of Discovery." (Page 123, Exhibit #2.) The right-of-way is adjacent to Central City High School, and many physical fitness educational activities could be conducted on the trail. (See Exhibit #1.)

The time period sought is 180 days from the effective date of the Abandonment authorization. Commenter requires this much time to coordinate efforts of local interest groups and to facilitate final negotiations and closings with the Carrier.

2. Preserving trail-related structures condition sought: *An order barring removal or destruction of trail related structures such as bridges, culverts, ballast and rip/rap; but not removal of tracks, ties and signal equipment.*

Justification: Bridges, culverts, ballast and rip/rap have considerable value for (and would certainly facilitate) recreational trail purposes. On the other hand, such structures generally have a negative salvage value for a railroad, so their preservation poses no burden on interstate commerce.

The time period requested is 180 days from effective date of the Abandonment authorization for the same reason indicated above.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking in addition to the public use conditions sought above. Also, the 7.8 miles of right-of-way south of Milepost 17.5 which was acquired from the Burlington Northern is railbanked. (See Exhibit #2.) Commenter also requests railbanking and interim trail use from Milepost 17.5 to Milepost 19.31. Commenter makes the following statement:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY:

In order to establish interim trail use and railbanking under Section 8(d) of the National Trails System Act, 16 U.S.C. 1247 (d) and 49 C.F.R. 1152.29, Nebraska Trails Foundation, Inc., is willing to assume full responsibility for management of, for any legal liability arising out of the transfer of use of (unless the use is immune from liability, in which case it need only indemnify the railroad against any potential liability,) and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by the Nebraska Central Railroad Company.

A map depicting right-of-way is attached. (See Exhibit #1.)

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Nebraska Trails Foundation, Inc., acknowledges that use of the right-of-way is subject to possible future reconstruction and reactivation of the right-of-way for rail service.

A copy of the statement is being served on the Railroad and their Counsel on the same date it is being served on the Commission.

By my signature below, I certify service on Karl Morell, Counsel of Railroad, Ball Janik LLP, 655 Fifteenth Street, N.W., Suite 225, Washington D.C. 20005 and on J. Scott Traylor, Vice President, Nebraska Central Railroad Company, 6100 Southwest Blvd., Suite 320, Benbrook, TX 76109-3985.

Respectfully submitted,



Ross D. Greathouse, Vice President
Nebraska Trails Foundation, Inc.

RG:cg

CC: Karl Morell, Counsel NCRC
J. Scott Traylor, V.P. NCRC
David Schmidt, President, NTF
Chris Anderson, City Adm., Central City, NE
Chuck Griffith, Ex. Dir. Merrick Foundation

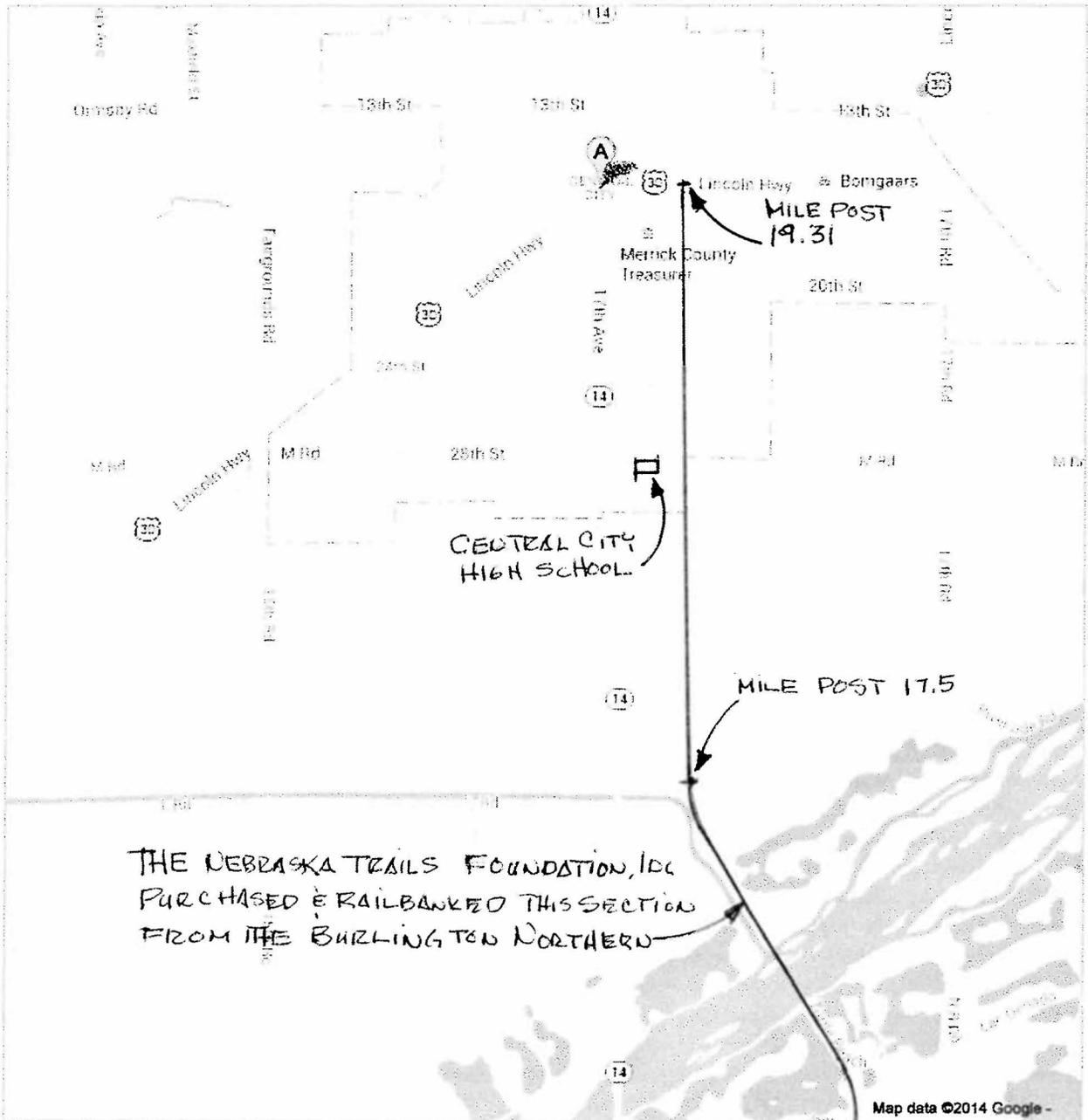
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EXHIBIT # 1

To see all the details that are visible on the screen, use the "Print" link next to the map.

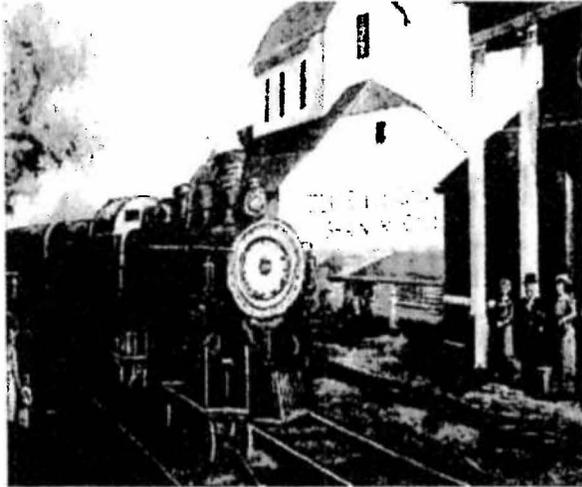
Google



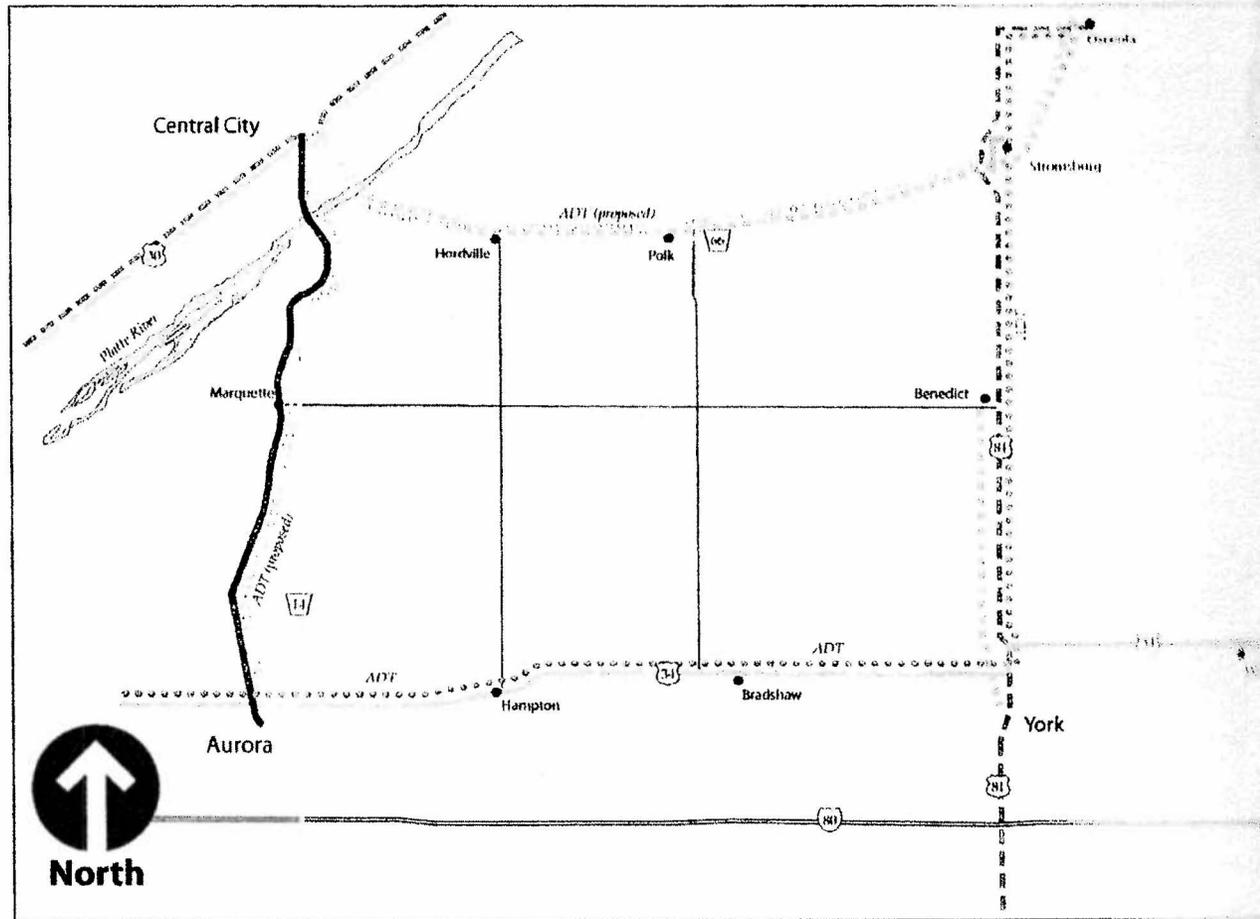
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EXHIBIT # 2



Morris-Edgerton PRT Corridor



Existing	Future	
		Completed Trails
		Programmed Trails
		Potential Trails
		Expressway Corridors
		Paved Shoulders
		Other Roads (28-Foot Section or Low Volume)
		Canoe Trails
		Nebraska Byways
		Rails with Trails
		American Discovery Trail
		Existing Road

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