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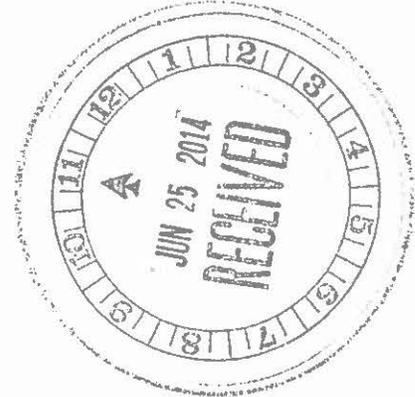
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June 24, 2014



VIA FEDEX

Vicki Rutson
Director, Office of Environmental Assessment
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, D.C. 20024

Re: **STB Docket No. AB-314 (Sub-No. 7X),
*Chicago Central & Pacific Railroad Company – Abandonment Exemption – In
Pottawattamie County, Iowa, and Douglas County, Nebraska***

Dear Vicki:

Any time on or after July 16, 2014, Chicago Central & Pacific Railroad Company (“CC&P”) expects to file with the Surface Transportation Board (the “Board”) an individual petition for exemption for the abandonment of 2.56 miles of interconnected CC&P track across and adjacent to the Missouri River in Iowa and Nebraska (collectively, the “Missouri River Bridge Line”), consisting of – (1) a roughly 2.12-mile long line of railroad extending from milepost 510.62 in Council Bluffs, Pottawattamie County, Iowa, across the Missouri River to milepost 514.80 near North 25th Street E in Omaha, Douglas County, Nebraska; and (2) the south leg of its wye track at Council Bluffs, extending from milepost 511.17 on CC&P’s main line near Avenue K to the connection with the first segment at North 16th Street, an additional distance of approximately 0.44 miles.

I have discussed this proposed rail line abandonment project with you before, because of the likely interest that will be engendered due to the proposed salvage of a substantial railroad bridge spanning the Missouri River that CC&P intends to salvage at the urging of the U.S. Coast Guard upon securing the appropriate abandonment authority. We expect to coordinate with you and other interested entities as appropriate to see the environmental and historic review and (as necessary) mitigation process through as efficiently and expeditiously as possible.

Attached for your records and review is a courtesy copy of a Combined Environmental and Historic Report (the “Report”) which also will accompany the abandonment petition for exemption, and which describes the proposed action and any expected environmental or historic impact. Among other things, the Report includes a map of the affected area and photos of the aforementioned bridge.

FLETCHER & SIPPEL LLC

Ms. Vicki Rutson
Director, Office of Environmental Assessment
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Your guidance will be critical to this upcoming project. Of course, if you have or your staff has any questions concerning this proposal, I urge you (or them) to contact me directly at 312-252-1504. Thank you for your assistance on this matter. Kind regards.

Very truly yours,



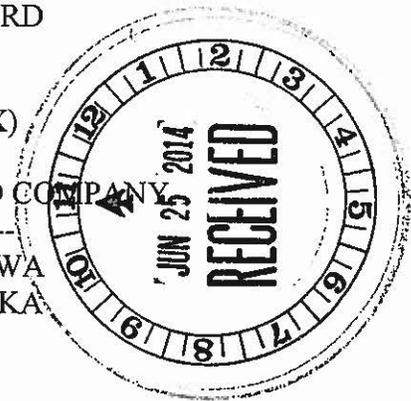
Robert A. Wimbish
Attorney for Chicago Central & Pacific
Railroad Company

RAW/ekf
Enclosures

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-314 (SUB-NO. 7X)

CHICAGO, CENTRAL & PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN POTTAWATTAMIE COUNTY, IOWA
AND DOUGLAS COUNTY, NEBRASKA



COMBINED ENVIRONMENTAL AND HISTORIC REPORT

Chicago, Central & Pacific Railroad Company (“CC&P”) submits this Combined Environmental and Historic Report in compliance with the requirements of 49 C.F.R. §§ 1105.7 and 1105.8. Supporting correspondence is attached. It is the conclusion of this Report that the proposed abandonment, if implemented, will not significantly affect either the quality of the human environment or the conservation of energy resources.

ENVIRONMENTAL REPORT - 49 C.F.R. § 1105.7(e)

1. Proposed Action and Alternatives. CC&P seeks to abandon approximately 2.56 miles of trackage adjacent to and across the Missouri River in Iowa and Nebraska (the “Missouri River Bridge Line”). The main portion of the Missouri River Bridge Line consists of an approximately 2.12-mile line of railroad extending from milepost 510.62 in Council Bluffs, Pottawattamie County, Iowa, across the Missouri River to milepost 514.80 near North 25th Street E in Omaha, Douglas County, Nebraska. That segment includes a milepost equation (adjustment) at Levy Junction near Nash Boulevard in Council Bluffs where milepost 511.35 = milepost 513.41. CC&P also seeks abandon the south leg of its wye track at Council

Bluffs, extending from milepost 511.17 on CC&P's main line near Avenue K to the connection with the first segment at North 16th Street, an additional distance of approximately 0.44 miles.

The Missouri River Bridge Line crosses the Missouri River via a substantial two-span center-pivot swing (or draw) bridge (the "Missouri River Bridge"). The route was part of the CC&P (previously Illinois Central Railroad Company) main line extending from Chicago, Illinois, to Omaha, Nebraska, but the bridge has been out of service for more than two decades and is currently inoperative and locked in the open position. To reach its remaining railroad facilities and shippers in Omaha from Council Bluffs, CC&P has for many years operated over a Union Pacific Railroad Company ("UP") rail line (the "Bypass Route") pursuant to a non-STB-regulated switching arrangement (the "Switching Arrangement"). While CC&P has retained the Missouri River Bridge as a strategic asset, it has not needed to use the bridge or the Missouri River Bridge Line to provide uninterrupted, through service to its Omaha customers.

For several years the U.S. Coast Guard has deemed the Missouri River Bridge a hazard to water navigation and has demanded that CC&P remove it under threat of penalty. CC&P believes that removal of the bridge cannot be compelled absent appropriate Board abandonment authority for the Missouri River Bridge Line. Given the Coast Guard's continuing demands, CC&P has initiated this abandonment proceeding, thereby facilitating removal of the Missouri River Bridge.

The proposed abandonment of the Missouri River Bridge Line will have no material impact on CC&P traffic or customers – no shippers are located on the line; no through traffic has moved over the line or the bridge for more than twenty years; and traffic to and from CC&P shippers in Omaha is handled pursuant to the Switching Arrangement with UP. Even in the absence of that arrangement, CC&P would continue to operate its remaining trackage in

Omaha as an “island” and interchange such traffic, likely to UP, for bridging back to CC&P at Council Bluffs.

Following abandonment, CC&P intends to proceed with removal of the Missouri River Bridge and to salvage the rail, ties and other track material from the bridge approaches on either side of the river. CC&P intends to retain the wye tracks east of Levy Junction as unregulated trackage for use in turning locomotives and other equipment. Post-abandonment removal of the bridge will require further authorization from the Coast Guard and the U.S. Army Corps of Engineers. Where track to be salvaged is located on the ground, the subgrade will remain in place, such that no excavation or ground disturbance is anticipated.

The only alternative to abandonment and salvage is retention of the Missouri River Bridge Line in its current unused state, which would preserve in place bridge infrastructure that, again, the Coast Guard views as a hazard to navigation. Because of the difficulties that CC&P may encounter with the Coast Guard in the event of inaction, CC&P is not considering retention of the Missouri River Bridge Line as a viable alternative to abandonment and bridge removal. Aside from such navigation safety considerations, CC&P believes that no environmental impact would flow from retaining the Missouri River Bridge Line.

A map showing the location of the Missouri River Bridge Line is attached hereto as **Appendix V-1**; a topographic map depicting the location of the Missouri River Bridge Line and the precise location of the Missouri River Bridge is attached hereto as **Appendix V-2**.

2. Transportation System. CC&P does not anticipate that existing regional or local transportation systems or patterns will be affected by the proposed abandonment. The Missouri River Bridge Line has not been used for through traffic for several decades, and the bridge over which it passes is in deteriorated, inoperable condition. CC&P traffic to and from

Omaha has for many years used the aforementioned Bypass Route, and CC&P foresees its continued use of the Bypass Route under the existing Switching Arrangement or, in the absence of such an agreement, under an arrangement where UP or another railroad would handle the traffic as a bridging movement between CC&P interchange points in Council Bluffs and Omaha. Thus, no traffic will be diverted to other transportation systems or modes as a result of the proposed abandonment. No passenger trains are operated over the Missouri River Bridge Line. Abandonment of the Missouri River Bridge Line will result in the permanent closure of public grade crossings at Nash Boulevard and North 25th Street in Council Bluffs and at North 25th Street E in Omaha, as well as two private grade crossings. Public grade crossings at North 15th Street and North 16th Street in Council Bluffs, on the segment of the line that CC&P will retain as an unregulated wye track, will remain open.

CC&P has contacted and requested comments from the Iowa Department of Transportation (“Iowa DOT”) and the Nebraska Department of Roads (“NEDOR”) concerning transportation impacts in anticipation of preparing the subject E&HR. See correspondence attached hereto as **Appendices A and B**. To date, CC&P has received no comments from either state agency. The City of Omaha Planning Department, however, has expressed concern that the subject abandonment could have an impact on long-term plans to improve connectivity between Downtown Omaha and the Omaha riverfront, and that removal of the bridge may limit future options for non-automobile transit. See correspondence attached hereto as **Appendix H-1**.

Finally, it bears repeating that the underlying purpose of the abandonment is to address the Coast Guard’s concerns that the bridge is a hazard to river navigation. As such, removal of the bridge should benefit transportation systems by increasing river navigation safety

and preventing against possible watercraft accidents. A copy of this Report is being served on the Coast Guard.

3. Land Use.

(i) CC&P has solicited comments from the Chairman of the Pottawattamie County Board of Supervisors, the Pottawattamie County Office of Planning and Development, the City of Council Bluffs Department of Community Development, the Douglas County Board of Commissioners, the Douglas County Planning and Zoning Coordinator, and the City of Omaha Planning Department. See correspondence attached hereto as **Appendices C, D, E, F, G, and H, respectively**. To date, CC&P has received written feedback from the City of Omaha Planning Department, and from the City of Council Bluffs. As mentioned in the preceding section, the City of Omaha advises that the proposed abandonment and bridge removal may conflict with local land use plans, which call for maintaining, if not increasing, railroad infrastructure in the vicinity of the Missouri River Bridge Line for purposes of promoting industrial development, improving connectivity between downtown Omaha and the Omaha riverfront, and preserving rail corridors and bridges linking Omaha and Council Bluffs. Also, the City of Omaha is concerned that removal of the subject Missouri River Bridge will limit corridor options for possible future rail passenger service between Chicago and Omaha/Council Bluffs. See correspondence attached hereto as **Appendix H-1**.

The City of Council Bluffs, on the other hand, has stated its support for the proposed abandonment (see **Appendix E-1**), and CC&P believes it is appropriate to conclude that such support is evidence that the abandonment would not be inconsistent with, and indeed may advance, Council Bluff's land use plans.

(ii) CC&P has contacted and requested comments from the Natural Resources Conservation Service of the United States Department of Agriculture (“NRCS”) regarding whether the proposed Missouri River Bridge Line abandonment will affect any prime or unique farmland. See correspondence attached hereto as **Appendix I**. To date, NRCS has not provided a response. CC&P is unaware of any farmland in the vicinity of the line.

(iii) Iowa and Nebraska have no Coastal Zone Management Areas. See, e.g., http://www.rurdev.usda.gov/IA_env_Class1_coastal_zone.html and <http://www.rurdev.usda.gov/SupportDocuments/NE1794NESupplement.pdf>. As such, the proposed Missouri River Bridge Line abandonment will not affect any land or water uses in such an area or result in any coastal impacts.

(iv) In CC&P’s opinion, the portion of the Missouri River Bridge Line traversing the Missouri River Bridge is unsuited for alternative public use under 49 U.S.C. § 10905, particularly where, as here, the bridge is targeted for removal at the behest of the Coast Guard in order to eliminate perceived river navigation hazards. CC&P has no opinion concerning whether the Missouri River Bridge Line right of way on either side of the Missouri River would be suitable for alternative public use. But the following entities have expressed interest in some or all of the subject right-of-way for possible alternative public use: City of Council Bluffs (see **Appendix E** and related responses attached hereto as **Appendices E-1 and E-2**); and City of Omaha, Planning Department (see **Appendix H** and related response attached hereto as **H-1**).

4. Energy.

(i) The proposed abandonment should have no effect on the transportation of energy resources. No freight traffic has moved over the Missouri River Bridge for several decades, and, as has been discussed above, there exists an alternative route (via the Bypass Route) available for the transportation of energy resources to and from CC&P-served facilities in Omaha.

(ii) For the same reasons provided immediately above (i.e., the availability of the Bypass Route), the movement and/or recovery of recyclable commodities should not be adversely affected by the proposed abandonment.

(iii) The proposed abandonment will not result in an increase or decrease in overall energy efficiency. As matters now stand, the proposed abandonment will not result in a change to the operational *status quo* whereby CC&P trains operating between Omaha and Council Bluffs make use of the Bypass Route.

(iv) Not applicable. Abandonment of the Missouri River Bridge Line will not cause the diversion of more than 1,000 rail carloads per year or an average of 50 rail carloads per mile per year to motor carriers.

5. Air.

(i) Not applicable. The proposed abandonment will not result in (A) a minimum increase in rail traffic of 100% or eight trains per day on any segment of rail line, (B) an increase in rail yard activity of at least 100%, or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles per day on any road segment.

(ii) Not applicable. Pottawattamie County is a designated nonattainment area for 1 NAAQS Pollutant (lead) under the Clean Air Act. Douglas County, on the other hand, is an air quality attainment area. Regardless, abandonment of the Missouri River Bridge Line will not result in traffic increases which exceed the thresholds specified in 49 C.F.R. § 1105.7(e)(5)(ii)(A), (B) or (C).

(iii) Not applicable. For reasons supplied above, the proposed abandonment is not expected to have any impact on the transportation of ozone depleting materials.

CC&P has solicited input on air quality issues from the U.S Environmental Protection Agency (“EPA”), the Iowa Department of Natural Resources (“Iowa DNR”), and the Nebraska Department of Environmental Quality (“NDEQ”). See correspondence attached hereto as **Appendices J, K and L, respectively**. The response provided by Iowa DNR does not indicate any concerns with air quality. See correspondence attached hereto as **Appendix K-1**. To date, CC&P has received no comments from EPA or NDEQ.

6. Noise. Not applicable. As indicated above, none of the thresholds identified in 49 C.F.R § 1105.7(c)(5)(i) will be exceeded as a result of the proposed abandonment.

7. Safety.

(i) The proposed action will have no adverse effect upon public health or safety. During salvage operations on the Missouri River Bridge Line, precautions will be taken to ensure public safety. If anything, safety will be increased by removing three public and two private rail-roadway crossings, which should inure to the benefit of

motorists, and by removing a structure considered by the Coast Guard to be a hazard to Missouri River navigation.

(ii) Not applicable. For reasons set forth above, abandonment of the Missouri River Bridge Line is expected to have no effect on the current routing of hazardous materials.

(iii) There are no known hazardous waste sites or sites where there have been known hazardous material spills on right-of-way of the Missouri River Bridge Line.

8. Biological Resources.

(i) CC&P does not believe that any critical habitat will be destroyed, altered or affected as a result of the proposed abandonment, or that any endangered or threatened species are present in the area or would be adversely affected. Salvage operations will be handled using existing access routes. The Iowa Department of Natural Resources, Conservation and Recreation Division (“Iowa DNR/C&R”) has indicated that, based upon a review of its records, rare species or significant natural communities would not likely be impacted by the project. See correspondence attached hereto as **Appendices M and M-1**. CC&P also has contacted the U.S. Fish and Wildlife Service (“FWS”), which responded that it had “no objection” to the abandonment. See correspondence attached hereto as **Appendices N and N-1**. Finally, CC&P has also contacted the Nebraska Game and Parks Commission (“NG&P”) for similar such input. CC&P has not received a response to date. See correspondence attached hereto as **Appendix O**.

(ii) CC&P is not aware of any national or state parks or forests or wildlife sanctuaries or refuges that are adjacent to or in the vicinity of the Missouri River Bridge Line. The Iowa DNR has conducted a review concerning state parks, preserves

and recreation areas, and has stated no objections or concerns. See correspondence attached hereto as **Appendix M-1**. CC&P also has solicited comments from the National Park Service (“NPS”), as set forth in **Appendix P**, and from NG&P, as set forth in **Appendix O**. However, CC&P has not received responses to date from NPS or NG&P.

9. Water.

(i) CC&P is aware that the proposed abandonment of the Missouri River Bridge Line, and in particular the removal of the Missouri River Bridge, must be undertaken in recognition of, and in compliance with, applicable federal, state and local water quality standards.

CC&P has contacted and requested comments from Iowa DNR, NDEQ, and the Omaha District of the U.S. Army Corps of Engineers (“the Corps”). See correspondence attached hereto as **Appendices K, L, and Q respectively**. CC&P is fully aware of the Coast Guard’s position on the proposed abandonment. Iowa DNR has recommended that CC&P utilize Best Management Practices during salvage to control erosion and protect water quality, and it has provided guidance on further consultation with Iowa DNR and the Corps in the event that any dredge or fill activity are anticipated to be placed into any waters of the United States. See correspondence attached hereto as **Appendix K-1**.

The Nebraska Department of Natural Resources has responded that the proposed abandonment would not have any impact on surface water rights or groundwater wells, and has advised that, because the proposed abandonment would take place within a designated, regulated floodplain, all “development” would need to comply with local floodplain regulations, including obtaining a floodplain development permit.

See correspondence attached hereto as **Appendix S-1**. (CC&P anticipates undertaking only salvage activity, and not “development” as it understands the term, within the floodplain, so CC&P understands that no floodplain development permit would be required.)

CC&P has not received a response from NDEQ.

The Corps has instructed that CC&P should, among other things – (1) coordinate with NDEQ and Iowa DNR concerning compliance with federal and state water quality standards; (2) consult with the Iowa DNR and Nebraska DNR on floodplain management issues; and (3) consult with the U.S. Fish and Wildlife Service, Iowa DNR, and NG&P regarding fish and wildlife resources; and (4) contact the Iowa and Nebraska State Historic Preservation Offices regarding potential cultural resources in the project area. See correspondence attached hereto as **Appendix Q-1**. As is reflected in this E&HR, CC&P has undertaken all of the above-listed consultations consistent with the instructions of the Corps. Correspondence seeking comments from the Iowa DNR National Flood Insurance Program (“NFIP”) Coordinator and his counterpart at the Nebraska DNR are attached hereto as **Appendices R and S**. CC&P has not received written responses from either NFIP coordinator, but the Nebraska DNR has provided guidance on floodplain issues as part of its response to CC&P’s solicitation letter.

Appendix S-1.

(ii) CC&P believes the proposed abandonment will not involve the placement of dredged or fill materials into waters of the United States, and thus a permit under Section 404 of the Clean Water Act would not be required for that purpose. Although CC&P understands that portions of the Missouri River Bridge Line are located

within a designated floodplain (see correspondence from Nebraska DNR attached as **Appendix S-1**), the railroad believes that the proposed abandonment would have no adverse impact upon wetlands or flood plains. CC&P has requested comments from the Corps, Iowa DNR, Nebraska DNR, and NDEQ concerning water quality and related permit issues. See correspondence attached hereto as **Appendices Q, K, S, and L, respectively**. The Corps has advised that the post-abandonment removal of the Missouri River Bridge “will require further authorization from the Corps and other agencies with jurisdictional responsibilities,” and has instructed CC&P to coordinate with the Corps before proceeding with bridge removal. See correspondence attached hereto as **Appendix Q-1**. As has been reported in a previous section, Iowa DNR has reviewed state lands and waters in the project area and has not found any significant natural communities that would be impacted. See correspondence attached hereto as **Appendix M-1**.

(iii) Salvage of the track and track material along the landed sections of the Missouri River Bridge Line (those portions of the line that are not located on the Missouri River Bridge or its structural approaches) will not entail any excavation or subsurface ground disturbance triggering National Pollution Discharge Elimination System considerations. But, as mentioned, CC&P will coordinate as appropriate with the appropriate federal and state agencies, and will pursue all necessary permits, in connection with the removal of the Missouri River Bridge.

10. Proposed Mitigation. As no adverse impact is anticipated from the proposed abandonment, CC&P does not propose any mitigation measures.

11. Additional Information for Rail Constructions. Not applicable.

* * * * *

In addition to the agencies referenced above, CC&P has contacted and requested comments from the National Geodetic Survey (“NGS”). See correspondence attached hereto as **Appendix T**. CC&P understands that one geodetic station marker may be located within the structure of the Missouri River Bridge slated for removal as a result of the proposed abandonment. See correspondence attached hereto as **Appendix T-1**. If that is the case, then CC&P understands that, consistent with Board and NGS practice, CC&P must consult with NGS at least 90 days prior to bridge salvage activity. CC&P also has requested comments (but has not received any) from the Iowa Department of Management and the Nebraska Department of Roads – Rail and Public Transportation Division, each an agency acting as the State Clearinghouse/ Single Point of Contact for Iowa and Nebraska, respectively. See correspondence attached hereto as **Appendices U and B, respectively**.

HISTORIC REPORT - 49 C.F.R. § 1105.8(d)

1. Maps. A map of the Missouri River Bridge Line is attached hereto as **Appendix V-1**. A topographic map depicting the location of the Missouri River Bridge Line and the precise location of the Missouri River Bridge is attached hereto as **Appendix V-2**.

2. Description of Line. The line to be abandoned consists of roughly 2.56 miles of track referred to herein as the “Missouri River Bridge Line.” The primary section of the Missouri River Bridge Line consists of an approximately 2.12-mile line of railroad extending from milepost 510.62 in Council Bluffs, Pottawattamie County, Iowa, across the Missouri River to milepost 514.80 near North 25th Street E in Omaha, Douglas County, Nebraska. This rail line segment includes a milepost equation (adjustment) at Levy Junction near Nash Boulevard in Council Bluffs where milepost 511.35 = milepost 513.41. The second line segment that CC&P seeks to abandon is the south leg of its wye track at Council Bluffs, extending from milepost 511.17 on CC&P’s main line near Avenue K to the connection with the Missouri River Bridge Line at North 16th Street, an additional distance of approximately 0.44 miles. The Missouri River Bridge Line traverses a river bottom area characterized by industry and open areas in western Council Bluffs, Iowa, and eastern Omaha, Nebraska.

3. Photographs. The only structure on the Missouri River Bridge Line that is 50 years old or older is the Missouri River Bridge. Photographs of this bridge are attached hereto as **Appendix W**.

4. Information on Structures. There is one bridge structure on the Missouri River Bridge Line that is 50 years old or older – the Missouri River Bridge, a roughly 1,600 foot-long dual swing (draw) span bridge of through truss design located approximately between mileposts 514.19 and 514.54. Beginning on the Iowa side, the Missouri River Bridge consists of 1) a single 60-foot plate girder span constructed in 1904 (the “East Span”); 2) a 520-

foot center-pivot through truss swing span constructed in 1893 (the “West Span”); 3) a 520-foot center-pivot through truss swing span constructed in 1904; and 4) eight 60-foot plate girder spans constructed in 1904. The bridge was originally double-tracked, but today has only a single track. The West Span is in the closed position, and was rarely, if ever, opened after its construction. The East Span is anchored, inoperative, in the open position, and the center pivot pier for the East Span rests on the east bank of the Missouri River. During the navigation season, boats pass between the east bank and the mid-river common rest pier where both spans met when closed.

The bridge (both the 1893 portion and the 1904 portions) was designed by J.A.L. Waddell, and contemporary reports in engineering periodicals of the day indicated that it was the longest railroad double swing span in the world. Neither the West Span (closed) or the East Span (open) is operational today, and an engineering inspection prepared in 1999 for CC&P recommended extensive repairs before any attempt to close the East Span to permit trains once again to cross the bridge.

At the insistence of the U.S. Coast Guard, which regards the bridge as a hazard to Missouri River navigation, CC&P plans to abandon the Missouri River Bridge Line to facilitate removal of the bridge itself.

5. History of Operations. In 1891, the Omaha Bridge and Terminal Railway Company (“OB&T”) obtained authority to construct the Missouri River Bridge by way of an Act of Congress. OB&T completed original bridge construction in 1893, but, as mentioned above, the western span of the bridge and the approach spans were reconstructed in 1904 due to changes in the Missouri River channel. Illinois Central Railroad Company (“IC”) assumed operation of OB&T’s bridge and terminal trackage in 1899. IC acquired control of OB&T in 1902, and leased OB&T in 1944. OB&T was subsequently merged into IC. In late 1985, IC (then known

as Illinois Central Gulf Railroad Company) spun off its line west of Chicago to Omaha (including the subject Missouri River Bridge Line) and Sioux City to the independent Chicago, Central & Pacific Railroad Company. CC&P subsequently formed the Missouri River Bridge Company (“MRBC”) in 1994 to take ownership of the Missouri River Bridge, subject to CC&P’s retention of an exclusive rail common carrier easement over the rail line traversing the bridge. In 1996, IC re-acquired CC&P (including MRBC), and in 2001 IC was acquired by Canadian National Railway Company (“CN”). CC&P today remains an indirect subsidiary of CN’s Grand Trunk Corporation. On June 30, 2011, MRBC was merged back into CC&P, so that ownership of the Missouri River Bridge once again resides with CC&P.

The Missouri River Bridge remained in continuous use for decades until the 1980s, and then for a period would be open and closed once a year and used for railroad traffic only during the winter months when the Missouri River was closed to navigation. CC&P eventually negotiated the Switching Arrangement with UP to allow CC&P trains to avoid the bridge by way of a UP-owned line and bridge across the Missouri River. There has been no railroad traffic on the Missouri River Bridge for over two decades.

6. Engineering Documents. CC&P possesses certain engineering materials that would be useful to undertaking any historical assessment of the bridge. They include, most recently, a 1999 preliminary inspection report by an engineering firm retained by IC/CC&P. CC&P will provide copies of any such documents in its possession.

7. Historic Criteria. Based upon initial feedback from the involved State Historic Preservation Officers in Iowa and Nebraska, CC&P has reason to believe that the Missouri River Bridge may meet the criteria for listing in the National Register of Historic Places (the “National Register”). Aside from this bridge, CC&P believes no culturally

significant locations, archaeological sites, or unique land forms will be affected by the abandonment.

CC&P has given notice of the proposed abandonment to the State Historical Society of Iowa (“SHSI”) and the Nebraska State Historical Society (“NSHS”), each acting in its respective capacity as the State Historic Preservation Officer (“SHPO”). See correspondence attached hereto as **Appendices X and Y**. NSHS has provided written comments on the proposed abandonment, stating its opinion that the Missouri River Bridge (which it refers to as the “Omaha Bridge and Terminal Railway Company Bridge”) is eligible for listing in the National Register, and, in light of the intended purpose of the abandonment to remove the bridge, acknowledging that it will need to “initiate consultation” with the Board, the Coast Guard, and the Army Corps of Engineers and “proceed with Section 106 Review.” See correspondence attached hereto as **Appendix Y-1**. To date, CC&P has not received a formal response on the matter from SHSI.

8. Ground Disturbances. Based on readily available information in its possession, CC&P believes that subsurface ground disturbance occurred when OB&T built the track and bridge that comprise the Missouri River Bridge Line some 120 years ago, and when it rebuilt the west span of the Missouri River Bridge about 110 years ago. CC&P is unaware of other environmental conditions that might affect the archaeological recovery of resources. Access to the portions of the line that are on the ground are is generally fair, but the portions of the line that are located on the bridge infrastructure and approaches are generally inaccessible for a variety of reasons, including safety and security considerations.

FLETCHER & SIPPEL LLC

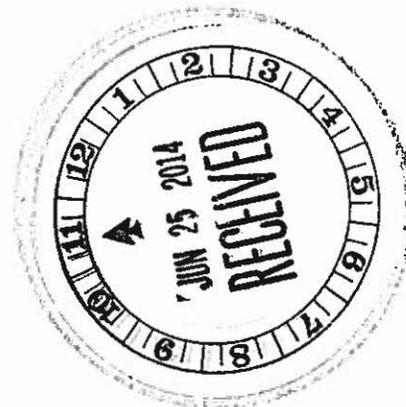
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October 23, 2013



Ms. Tamara Nicholson
Director, Office of Rail Transportation
Iowa Department of Transportation
800 Lincoln Way
Ames, Iowa 50010

Re: **Docket No. AB-314 (Sub-No. 7X)**
Chicago, Central & Pacific Railroad Company -- Abandonment
Exemption -- In Pottawattamie County, IA and Douglas County, NE

Dear Ms. Nicholson:

On or after December 2, 2013, Chicago, Central & Pacific Railroad Company ("CC&P") expects to file with the Surface Transportation Board a petition for exemption for the abandonment of CC&P's line of railroad, referred to herein as the Missouri River Bridge Line, extending from milepost 510.62 in Council Bluffs, Iowa across the Missouri River to milepost 514.80 near North 25th Street E in Omaha, Nebraska, a distance of approximately 2.12 miles in Pottawattamie County, Iowa and Douglas County, Nebraska. The line includes a milepost equation at Levy Junction near Nash Boulevard in Council Bluffs, where MP 511.35 = MP 513.41. CC&P also will abandon the south leg of its wye track at Council Bluffs, extending from milepost 511.17 on CC&P's main line near Avenue K to the connection with the Missouri River Bridge Line at North 16th Street, an additional distance of approximately 0.44 miles.

CC&P's petition for exemption will be filed pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1121. A map showing the location of the Missouri River Bridge Line is attached for your reference. CC&P's Missouri River bridge, a movable center-pivot swing span, has been out-of-service for several years, and the U.S. Coast Guard has insisted that the bridge be removed. Post-abandonment removal of the bridge will require further authorization of the Coast Guard and the U.S. Army Corps of Engineers. CC&P anticipates that, after abandonment, the wye tracks east of Levy Junction will be retained as unregulated trackage for use in turning locomotives and other equipment. Other trackage will be salvaged.

Your review of a previous proposal to abandon CC&P's Missouri River bridge was requested by letter dated November 20, 2009. That proposal was captioned as Docket No. AB-314 (Sub-No. 5X), and involved slightly different milepost endpoints. CC&P did not proceed with abandonment at that time. Even if you provided a response to the previous letter, please consider this a new request for comments, as outlined below.

Appendix A

FLETCHER & SIPPEL LLC

Ms. Tamara Nicholson
October 23, 2013
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In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Missouri River Bridge Line so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land;
10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; or
12. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

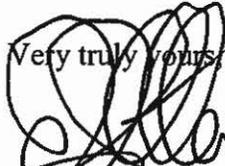
Because of the nature of the proposed abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-314 (Sub-No. 7X) and be sent to the undersigned, as counsel for CC&P. Your comments will be incorporated into the Environmental/Historic Report prepared in connection with this abandonment pursuant to 49 C.F.R. § 1105.7.

In accordance with the Board's regulations, a copy of the Environmental/Historic Report will be forwarded to you at least twenty days before CC&P's petition for exemption is filed at the Board.

FLETCHER & SIPPEN LLC

Ms. Tamara Nicholson
October 23, 2013
Page 3

If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,


Thomas J. Litwiler
Attorney for Chicago, Central & Pacific
Railroad Company

TJL:tl

Attachment

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500

Fax: (312) 252-2400

www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 23, 2013



Ms. Beverly Vonasek
Railroad Liaison Manager
Rail & Public Transportation Division
Nebraska Department of Roads
P.O. Box 94759
Lincoln, Nebraska 68509-4759

Re: **Docket No. AB-314 (Sub-No. 7X)**
Chicago, Central & Pacific Railroad Company -- Abandonment
Exemption -- In Pottawattamie County, IA and Douglas County, NE

Dear Ms. Vonasek:

On or after December 2, 2013, Chicago, Central & Pacific Railroad Company ("CC&P") expects to file with the Surface Transportation Board a petition for exemption for the abandonment of CC&P's line of railroad, referred to herein as the Missouri River Bridge Line, extending from milepost 510.62 in Council Bluffs, Iowa across the Missouri River to milepost 514.80 near North 25th Street E in Omaha, Nebraska, a distance of approximately 2.12 miles in Pottawattamie County, Iowa and Douglas County, Nebraska. The line includes a milepost equation at Levy Junction near Nash Boulevard in Council Bluffs, where MP 511.35 = MP 513.41. CC&P also will abandon the south leg of its wye track at Council Bluffs, extending from milepost 511.17 on CC&P's main line near Avenue K to the connection with the Missouri River Bridge Line at North 16th Street, an additional distance of approximately 0.44 miles.

CC&P's petition for exemption will be filed pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1121. A map showing the location of the Missouri River Bridge Line is attached for your reference. CC&P's Missouri River bridge, a movable center-pivot swing span, has been out-of-service for several years, and the U.S. Coast Guard has insisted that the bridge be removed. Post-abandonment removal of the bridge will require further authorization of the Coast Guard and the U.S. Army Corps of Engineers. CC&P anticipates that, after abandonment, the wye tracks east of Levy Junction will be retained as unregulated trackage for use in turning locomotives and other equipment. Other trackage will be salvaged.

Your review of a previous proposal to abandon CC&P's Missouri River bridge was requested by letter dated November 20, 2009. That proposal was captioned as Docket No. AB-314 (Sub-No. 5X), and involved slightly different milepost endpoints. CC&P did not

Appendix B

FLETCHER & SIPPEL LLC

Ms. Beverly Vonasek
October 23, 2013
Page 2

proceed with abandonment at that time. Even if you provided a response to the previous letter, please consider this a new request for comments, as outlined below.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Missouri River Bridge Line so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land;
10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; or
12. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

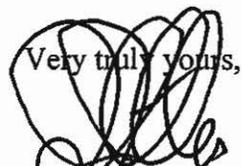
Because of the nature of the proposed abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-314 (Sub-No. 7X) and be sent to the undersigned, as counsel for CC&P. Your comments will be incorporated into the Environmental/Historic Report prepared in connection with this abandonment pursuant to 49 C.F.R. § 1105.7.

In accordance with the Board's regulations, a copy of the Environmental/Historic Report will be forwarded to you at least twenty days before CC&P's petition for exemption is filed at the Board.

FLETCHER & SIPPEL LLC

Ms. Beverly Vonasek
October 23, 2013
Page 3

If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,


Thomas J. Litwiler
Attorney for Chicago, Central & Pacific
Railroad Company

TJL:tl

Attachment

FLETCHER & SIPPEN LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500

Fax: (312) 252-2400

www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 23, 2013

Mr. Scott A. Belt
Chairman, Board of Supervisors
Pottawattamie County, Iowa
Court House, Second Floor
227 South 6th Street
Council Bluffs, Iowa 51501

Re: **Docket No. AB-314 (Sub-No. 7X)**
Chicago, Central & Pacific Railroad Company -- Abandonment
Exemption -- In Pottawattamie County, IA and Douglas County, NE

Dear Mr. Belt:

On or after December 2, 2013, Chicago, Central & Pacific Railroad Company ("CC&P") expects to file with the Surface Transportation Board a petition for exemption for the abandonment of CC&P's line of railroad, referred to herein as the Missouri River Bridge Line, extending from milepost 510.62 in Council Bluffs, Iowa across the Missouri River to milepost 514.80 near North 25th Street E in Omaha, Nebraska, a distance of approximately 2.12 miles in Pottawattamie County, Iowa and Douglas County, Nebraska. The line includes a milepost equation at Levy Junction near Nash Boulevard in Council Bluffs, where MP 511.35 = MP 513.41. CC&P also will abandon the south leg of its wye track at Council Bluffs, extending from milepost 511.17 on CC&P's main line near Avenue K to the connection with the Missouri River Bridge Line at North 16th Street, an additional distance of approximately 0.44 miles.

CC&P's petition for exemption will be filed pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1121. A map showing the location of the Missouri River Bridge Line is attached for your reference. CC&P's Missouri River bridge, a movable center-pivot swing span, has been out-of-service for several years, and the U.S. Coast Guard has insisted that the bridge be removed. Post-abandonment removal of the bridge will require further authorization of the Coast Guard and the U.S. Army Corps of Engineers. CC&P anticipates that, after abandonment, the wye tracks east of Levy Junction will be retained as unregulated trackage for use in turning locomotives and other equipment. Other trackage will be salvaged.

Your review of a previous proposal to abandon CC&P's Missouri River bridge was requested by letter dated November 20, 2009. That proposal was captioned as Docket No. AB-314 (Sub-No. 5X), and involved slightly different milepost endpoints. CC&P did not

Appendix C

FLETCHER & SIPPEL LLC

Mr. Scott A. Belt
October 23, 2013
Page 2

proceed with abandonment at that time. Even if you provided a response to the previous letter, please consider this a new request for comments, as outlined below.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Missouri River Bridge Line so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land;
10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; or
12. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

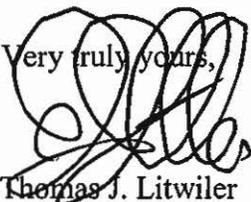
Because of the nature of the proposed abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-314 (Sub-No. 7X) and be sent to the undersigned, as counsel for CC&P. Your comments will be incorporated into the Environmental/Historic Report prepared in connection with this abandonment pursuant to 49 C.F.R. § 1105.7.

In accordance with the Board's regulations, a copy of the Environmental/Historic Report will be forwarded to you at least twenty days before CC&P's petition for exemption is filed at the Board.

FLETCHER & SIPPEL LLC

Mr. Scott A. Belt
October 23, 2013
Page 3

If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,


Thomas J. Litwiler
Attorney for Chicago, Central & Pacific
Railroad Company

TJL:tl

Attachment

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 23, 2013

Ms. Kay E. Mocha
Director, Office of Planning & Development
Pottawattamie County, Iowa
Court House Annex, First Floor
223 South 6th Street
Council Bluffs, Iowa 51501

Re: **Docket No. AB-314 (Sub-No. 7X)**
Chicago, Central & Pacific Railroad Company -- Abandonment
Exemption -- In Pottawattamie County, IA and Douglas County, NE

Dear Ms. Mocha:

On or after December 2, 2013, Chicago, Central & Pacific Railroad Company ("CC&P") expects to file with the Surface Transportation Board a petition for exemption for the abandonment of CC&P's line of railroad, referred to herein as the Missouri River Bridge Line, extending from milepost 510.62 in Council Bluffs, Iowa across the Missouri River to milepost 514.80 near North 25th Street E in Omaha, Nebraska, a distance of approximately 2.12 miles in Pottawattamie County, Iowa and Douglas County, Nebraska. The line includes a milepost equation at Levy Junction near Nash Boulevard in Council Bluffs, where MP 511.35 = MP 513.41. CC&P also will abandon the south leg of its wye track at Council Bluffs, extending from milepost 511.17 on CC&P's main line near Avenue K to the connection with the Missouri River Bridge Line at North 16th Street, an additional distance of approximately 0.44 miles.

CC&P's petition for exemption will be filed pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1121. A map showing the location of the Missouri River Bridge Line is attached for your reference. CC&P's Missouri River bridge, a movable center-pivot swing span, has been out-of-service for several years, and the U.S. Coast Guard has insisted that the bridge be removed. Post-abandonment removal of the bridge will require further authorization of the Coast Guard and the U.S. Army Corps of Engineers. CC&P anticipates that, after abandonment, the wye tracks east of Levy Junction will be retained as unregulated trackage for use in turning locomotives and other equipment. Other trackage will be salvaged.

Your review of a previous proposal to abandon CC&P's Missouri River bridge was requested by letter dated November 20, 2009. That proposal was captioned as Docket No. AB-314 (Sub-No. 5X), and involved slightly different milepost endpoints. CC&P did not

Appendix D

FLETCHER & SIPPEL LLC

Ms. Kay E. Mocha
October 23, 2013
Page 2

proceed with abandonment at that time. Even if you provided a response to the previous letter, please consider this a new request for comments, as outlined below.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Missouri River Bridge Line so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

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6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land;
10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; or
12. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

Because of the nature of the proposed abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-314 (Sub-No. 7X) and be sent to the undersigned, as counsel for CC&P. Your comments will be incorporated into the Environmental/Historic Report prepared in connection with this abandonment pursuant to 49 C.F.R. § 1105.7.

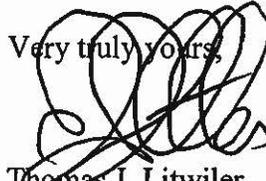
In accordance with the Board's regulations, a copy of the Environmental/Historic Report will be forwarded to you at least twenty days before CC&P's petition for exemption is filed at the Board.

FLETCHER & SIPPEL LLC

Ms. Kay E. Mocha
October 23, 2013
Page 3

If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,

A handwritten signature in black ink, appearing to read 'TJL', written over the text 'Very truly yours,'.

Thomas J. Litwiler
Attorney for Chicago, Central & Pacific
Railroad Company

TJL:tl

Attachment

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 23, 2013

Mr. Donald D. Gross
Director, Department of Community Development
City of Council Bluffs
209 Pearl Street
Council Bluffs, Iowa 51503

Re: **Docket No. AB-314 (Sub-No. 7X)**
Chicago, Central & Pacific Railroad Company -- Abandonment
Exemption -- In Pottawattamie County, IA and Douglas County, NE

Dear Mr. Gross:

On or after December 2, 2013, Chicago, Central & Pacific Railroad Company ("CC&P") expects to file with the Surface Transportation Board a petition for exemption for the abandonment of CC&P's line of railroad, referred to herein as the Missouri River Bridge Line, extending from milepost 510.62 in Council Bluffs, Iowa across the Missouri River to milepost 514.80 near North 25th Street E in Omaha, Nebraska, a distance of approximately 2.12 miles in Pottawattamie County, Iowa and Douglas County, Nebraska. The line includes a milepost equation at Levy Junction near Nash Boulevard in Council Bluffs, where MP 511.35 = MP 513.41. CC&P also will abandon the south leg of its wye track at Council Bluffs, extending from milepost 511.17 on CC&P's main line near Avenue K to the connection with the Missouri River Bridge Line at North 16th Street, an additional distance of approximately 0.44 miles.

CC&P's petition for exemption will be filed pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1121. A map showing the location of the Missouri River Bridge Line is attached for your reference. CC&P's Missouri River bridge, a movable center-pivot swing span, has been out-of-service for several years, and the U.S. Coast Guard has insisted that the bridge be removed. Post-abandonment removal of the bridge will require further authorization of the Coast Guard and the U.S. Army Corps of Engineers. CC&P anticipates that, after abandonment, the wye tracks east of Levy Junction will be retained as unregulated trackage for use in turning locomotives and other equipment. Other trackage will be salvaged.

Your review of a previous proposal to abandon CC&P's Missouri River bridge was requested by letter dated February 12, 2010. That proposal was captioned as Docket No. AB-314 (Sub-No. 5X), and involved slightly different milepost endpoints. CC&P did not proceed with abandonment at that time. Even if you provided a response to the previous letter, please consider this a new request for comments, as outlined below.

Appendix E

FLETCHER & SIPPEL LLC

Mr. Donald D. Gross

October 23, 2013

Page 2

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Missouri River Bridge Line so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
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4. Air emissions and noise levels;
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6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land;
10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; or
12. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

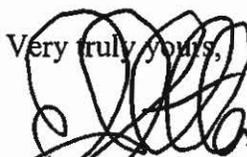
Because of the nature of the proposed abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-314 (Sub-No. 7X) and be sent to the undersigned, as counsel for CC&P. Your comments will be incorporated into the Environmental/Historic Report prepared in connection with this abandonment pursuant to 49 C.F.R. § 1105.7.

In accordance with the Board's regulations, a copy of the Environmental/Historic Report will be forwarded to you at least twenty days before CC&P's petition for exemption is filed at the Board.

FLETCHER & SIPPEL LLC

Mr. Donald D. Gross
October 23, 2013
Page 3

If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,


Thomas J. Litwiler
Attorney for Chicago, Central & Pacific
Railroad Company

TJL:tl

Attachment



OFFICE OF:
THOMAS P. HANAFAN, MAYOR

December 18, 2013

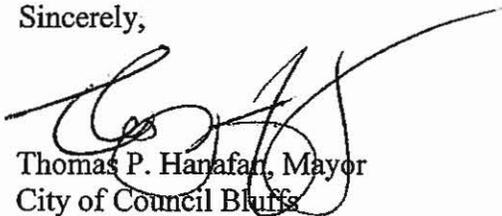
Mr. Thomas J. Litwiler
Attorney for Chicago, Central & Pacific
Railroad Company
29 North Wacker Drive, Suite 920
Chicago, IL 60606-2832

RE: Docket No. AB-314 (Sub-No 7X)

Dear Mr. Litwiler,

This letter is intended to express the City's support of the abandonment of the railroad tracks as reference in the docket number above and as described in the letter dated October 23, 2013. Furthermore, the City wishes to express an interest in any effort to be made resulting in the removal of the railroad tracks located west of North 15th Street.

Sincerely,



Thomas P. Hanafan, Mayor
City of Council Bluffs

REB

Appendix E-1

Thomas J. Litwiler

From: Arthur Spiros [Art.Spiros@cn.ca]
Sent: Tuesday, November 05, 2013 4:23 PM
To: Greg Reeder
Subject: RE: Council Bluffs Iowa Abandonment STB Docket No. AB-314(Sub-No. 7X)

Greg:

Your interest in the right of way and concerns over the 16th Street crossing are noted. The 16th Street crossing is relatively new and is protected by flashing signals. The tracks and ties in the vicinity of this crossing have also recently been upgraded to accommodate our rail activities. Once again, the abandonment is only to relieve the railroad of its common carrier obligations, and does not preclude the railroad, in any way, from continuing to use the trackage and right of way for railroad purposes.

Art Spiros

Arthur L. Spiros
Manager Land Sales & Strategic Projects
Business Development & Real Estate Department CN
17641 S. Ashland Avenue
Homewood, IL 60430
Office: 708-332-3541
Fax: 708-332-4348

-----Original Message-----

From: Greg Reeder [mailto:greeder@councilbluffs-ia.gov]
Sent: Tuesday, November 05, 2013 04:11 PM
To: Arthur Spiros
Subject: RE: Council Bluffs Iowa Abandonment STB Docket No. AB-314(Sub-No. 7X)

Art

Thanks for returning my call and the email response below. We do plan on providing a response to the proposed abandonment as requested in the letter from Thomas Litwiler.

I understand the intent and purpose of the abandonment. However the city does have concerns.

The idea of actually operating trains on the corridor east of Nash Blvd is problematic for the city. That track has not seen rail activity in several years. There is a Walmart under construction just north of the tracks that will increase vehicle traffic crossing the track in 16th St. The conflict between these vehicles and the trains is a safety and an operational concern.

The primary purpose of my contacting you was to make you aware that the city has a strong interest in purchasing this rail corridor if totally abandoned. In particular the segment from 25th St 16th St.

Thanks for your time.

Greg Reeder
Director of Public Works
City of Council Bluffs
209 Pearl St.
Council Bluffs, IA 51503

712-328-4636

Appendix E-2

-----Original Message-----

From: Arthur Spiros [mailto:Art.Spiros@cn.ca]
Sent: Tuesday, November 05, 2013 3:44 PM
To: Greg Reeder
Subject: RE: Council Bluffs Iowa Abandonment STB Docket No. AB-314 (Sub-No. 7X)

Greg:

I left you a voice mail message. Attached is a plat showing the limits of the pending abandonment. The purpose of the abandonment is to release the railroad from its common carrier obligation to provide rail service to industries that may request rail service along this line segment. That portion of the trackage east of Nash Boulevard will remain in place after the abandonment and will be operational. This trackage will be used to turn around locomotives and rail cars in and out of our yard. The trackage west of Nash Boulevard will be retired and salvaged by the railroad, and it is likely that the land will become available for sale pending the disposition of the railroad bridge over the Missouri River. We will need to work out the details regarding the salvage and removal of this bridge with the Army Corp of Engineers.

Should you have any questions, please feel free to contact me.

Art Spiros

Arthur L. Spiros
Manager Land Sales & Strategic Projects
Business Development & Real Estate Department CN
17641 S. Ashland Avenue
Homewood, IL 60430
Office: 708-332-3541
Fax: 708-332-4348

-----Original Message-----

From: Greg Reeder [mailto:greeder@councilbluffs-ia.gov]
Sent: Tuesday, November 05, 2013 03:13 PM
To: Arthur Spiros
Subject: Council Bluffs Iowa Abandonment STB Docket No. AB-314 (Sub-No. 7X)

Mr. Spiros

I left a message asking you call me to discuss this abandonment. The city of Council Bluffs may have an interest in purchasing the property affected by the abandonment.

Thanks

Greg Reeder
Director of Public Works
City of Council Bluffs
209 Pearl St.
Council Bluffs, IA 51503

712-328-4636

FLETCHER & SIPPET LLC

ATTORNEYS AT LAW

29 North Wacker Drive
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Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 23, 2013

Mr. Christopher T. Rodgers
Chair, Board of County Commissioners
Douglas County, Nebraska
1819 Farnam Street
LC2, Civic Center
Omaha, Nebraska 68183

Re: **Docket No. AB-314 (Sub-No. 7X)**
Chicago, Central & Pacific Railroad Company -- Abandonment
Exemption -- In Pottawattamie County, IA and Douglas County, NE

Dear Mr. Rodgers:

On or after December 2, 2013, Chicago, Central & Pacific Railroad Company ("CC&P") expects to file with the Surface Transportation Board a petition for exemption for the abandonment of CC&P's line of railroad, referred to herein as the Missouri River Bridge Line, extending from milepost 510.62 in Council Bluffs, Iowa across the Missouri River to milepost 514.80 near North 25th Street E in Omaha, Nebraska, a distance of approximately 2.12 miles in Pottawattamie County, Iowa and Douglas County, Nebraska. The line includes a milepost equation at Levy Junction near Nash Boulevard in Council Bluffs, where MP 511.35 = MP 513.41. CC&P also will abandon the south leg of its wye track at Council Bluffs, extending from milepost 511.17 on CC&P's main line near Avenue K to the connection with the Missouri River Bridge Line at North 16th Street, an additional distance of approximately 0.44 miles.

CC&P's petition for exemption will be filed pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1121. A map showing the location of the Missouri River Bridge Line is attached for your reference. CC&P's Missouri River bridge, a movable center-pivot swing span, has been out-of-service for several years, and the U.S. Coast Guard has insisted that the bridge be removed. Post-abandonment removal of the bridge will require further authorization of the Coast Guard and the U.S. Army Corps of Engineers. CC&P anticipates that, after abandonment, the wye tracks east of Levy Junction will be retained as unregulated trackage for use in turning locomotives and other equipment. Other trackage will be salvaged.

Your review of a previous proposal to abandon CC&P's Missouri River bridge was requested by letter dated November 20, 2009. That proposal was captioned as Docket No. AB-314 (Sub-No. 5X), and involved slightly different milepost endpoints. CC&P did not

Appendix F

FLETCHER & SIPPEN LLC

Mr. Christopher T. Rodgers
October 23, 2013
Page 2

proceed with abandonment at that time. Even if you provided a response to the previous letter, please consider this a new request for comments, as outlined below.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Missouri River Bridge Line so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

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11. Coastal Zone Management Areas; or
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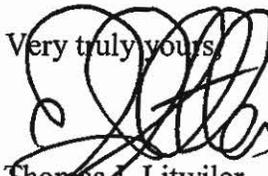
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In accordance with the Board's regulations, a copy of the Environmental/Historic Report will be forwarded to you at least twenty days before CC&P's petition for exemption is filed at the Board.

FLETCHER & SIPPEL LLC

Mr. Christopher T. Rodgers
October 23, 2013
Page 3

If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,


Thomas J. Litwiler
Attorney for Chicago, Central & Pacific
Railroad Company

TJL:tl

Attachment

FLETCHER & SIPPET LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 23, 2013

Mr. Douglas Cook
Planning & Zoning Coordinator
Douglas County Environmental Services
3015 Menke Circle
Omaha, Nebraska 68134

Re: **Docket No. AB-314 (Sub-No. 7X)**
Chicago, Central & Pacific Railroad Company -- Abandonment
Exemption -- In Pottawattamie County, IA and Douglas County, NE

Dear Mr. Cook:

On or after December 2, 2013, Chicago, Central & Pacific Railroad Company ("CC&P") expects to file with the Surface Transportation Board a petition for exemption for the abandonment of CC&P's line of railroad, referred to herein as the Missouri River Bridge Line, extending from milepost 510.62 in Council Bluffs, Iowa across the Missouri River to milepost 514.80 near North 25th Street E in Omaha, Nebraska, a distance of approximately 2.12 miles in Pottawattamie County, Iowa and Douglas County, Nebraska. The line includes a milepost equation at Levy Junction near Nash Boulevard in Council Bluffs, where MP 511.35 = MP 513.41. CC&P also will abandon the south leg of its wye track at Council Bluffs, extending from milepost 511.17 on CC&P's main line near Avenue K to the connection with the Missouri River Bridge Line at North 16th Street, an additional distance of approximately 0.44 miles.

CC&P's petition for exemption will be filed pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1121. A map showing the location of the Missouri River Bridge Line is attached for your reference. CC&P's Missouri River bridge, a movable center-pivot swing span, has been out-of-service for several years, and the U.S. Coast Guard has insisted that the bridge be removed. Post-abandonment removal of the bridge will require further authorization of the Coast Guard and the U.S. Army Corps of Engineers. CC&P anticipates that, after abandonment, the wye tracks east of Levy Junction will be retained as unregulated trackage for use in turning locomotives and other equipment. Other trackage will be salvaged.

Your review of a previous proposal to abandon CC&P's Missouri River bridge was requested by letter dated November 20, 2009. That proposal was captioned as Docket No. AB-314 (Sub-No. 5X), and involved slightly different milepost endpoints. CC&P did not proceed with abandonment at that time. Even if you provided a response to the previous letter, please consider this a new request for comments, as outlined below.

Appendix G

FLETCHER & SIPPEL LLC

Mr. Douglas Cook
October 23, 2013
Page 2

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Missouri River Bridge Line so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land;
10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; or
12. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

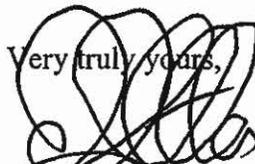
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FLETCHER & SIPPEL LLC

Mr. Douglas Cook
October 23, 2013
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Thomas J. Litwiler
Attorney for Chicago, Central & Pacific
Railroad Company

TJL:tl

Attachment

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

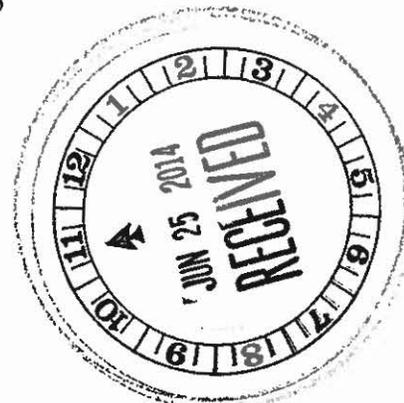
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www.fletcher-sippel.com

October 23, 2013

Mr. James R. Thele
Acting Director
City of Omaha Planning Department
1819 Farnam Street
Suite 110
Omaha, Nebraska 68183-110



Re: **Docket No. AB-314 (Sub-No. 7X)**
Chicago, Central & Pacific Railroad Company -- Abandonment
Exemption -- In Pottawattamie County, IA and Douglas County, NE

Dear Mr. Thele:

On or after December 2, 2013, Chicago, Central & Pacific Railroad Company ("CC&P") expects to file with the Surface Transportation Board a petition for exemption for the abandonment of CC&P's line of railroad, referred to herein as the Missouri River Bridge Line, extending from milepost 510.62 in Council Bluffs, Iowa across the Missouri River to milepost 514.80 near North 25th Street E in Omaha, Nebraska, a distance of approximately 2.12 miles in Pottawattamie County, Iowa and Douglas County, Nebraska. The line includes a milepost equation at Levy Junction near Nash Boulevard in Council Bluffs, where MP 511.35 = MP 513.41. CC&P also will abandon the south leg of its wye track at Council Bluffs, extending from milepost 511.17 on CC&P's main line near Avenue K to the connection with the Missouri River Bridge Line at North 16th Street, an additional distance of approximately 0.44 miles.

CC&P's petition for exemption will be filed pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1121. A map showing the location of the Missouri River Bridge Line is attached for your reference. CC&P's Missouri River bridge, a movable center-pivot swing span, has been out-of-service for several years, and the U.S. Coast Guard has insisted that the bridge be removed. Post-abandonment removal of the bridge will require further authorization of the Coast Guard and the U.S. Army Corps of Engineers. CC&P anticipates that, after abandonment, the wye tracks east of Levy Junction will be retained as unregulated trackage for use in turning locomotives and other equipment. Other trackage will be salvaged.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Missouri River Bridge Line so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

Appendix H

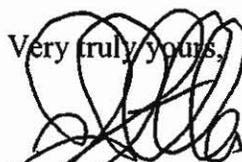
FLETCHER & SIPPEL LLC

Mr. James R. Thele
October 23, 2013
Page 2

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8. Wildlife sanctuaries or refuges and national or state parks or forests;
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11. Coastal Zone Management Areas; or
12. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

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Very truly yours,


Thomas J. Litwiler
Attorney for Chicago, Central & Pacific
Railroad Company

TJL:tl

Attachment



City of Omaha
Jean Stothert, Mayor

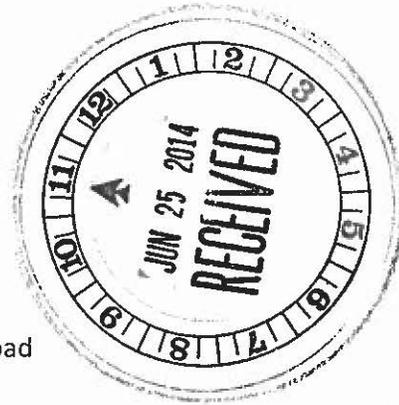
Planning Department

Omaha/Douglas Civic Center
1819 Farnam Street, Suite 1100
Omaha, Nebraska 68183
(402) 444-5150
Telefax (402) 444-6140

James R. Thele
Director

November 13, 2013

Mr. Thomas J. Litwiler
Fletcher and Sippel LLC
29 North Wacker Dr.
Chicago, IL 60606



Re: Docket No. AB-314 (Sub-no. 7X) – Chicago and Pacific Railroad

Dear Mr. Litwiler:

I have reviewed your request for comment letter dated October 23, 2013 regarding the potential abandonment of the Chicago and Pacific's Missouri River Bridge Line. I appreciate the opportunity to provide some insight into how this action might impact the City of Omaha and its future needs and plans. What follows is our assessment of potential impacts and general concerns as they relate to the list of topic areas provided:

1. The track in question served an area of Omaha with a great deal of industrial property and numerous ongoing, viable industries. Although out of service for several years, the existence of the route represents an opportunity for renewed service should it be warranted. As we continue to work to provide the city, and specifically North Omaha, with increased employment opportunity and general economic development, preservation of this route would be preferable. Numerous elements of our Master Plan call for continued and increased industrial employment in the areas served generally by the C&P's line. The North Omaha Development Master Plan has identified numerous shortcomings in the area and the need for increased employment and development is critical. Rail opportunity increases the viability of the area and widens the pool of potential future users.

In addition, the Downtown Master Plan, adopted in 2009, calls for significant effort to provide new and improved connectivity between downtown and the riverfront. Currently, Union Pacific service runs along the entirety of this portion of riverfront and so the desires expressed within the plan center around small opportunities where connections might be added. The discussion concludes, however, "it should be the City's long range goal to find a comprehensive solution that would ultimately relocate the riverfront railroad tracks and provide a direct connection to the river along the entire Downtown Riverfront." The opportunity to reintroduce traffic to the C&P line may be the best opportunity to accomplish this very important vision.

2. At present, only one active route crosses the Missouri within the Omaha metro area. For both present and future rail considerations, related to industry and passenger travel, maintaining additional viable crossing options is critical for the Omaha metro area. The City of Omaha Master Plan, Transportation Element, calls for increased options in non-automobile travel, both within and around the City.

The Federal Railroad Association is the lead federal agency and the Iowa Department of Transportation (Iowa DOT) is the joint-lead state agency for the preparation of an Environmental Impact Statement (EIS) for the Chicago to Council Bluffs-Omaha Regional Passenger Rail System Planning Study. This study contemplates service connecting the Omaha metro through Iowa and to Chicago. For the purposes of continued work toward realization of this transit option, maintaining all available alternatives is critical. The existing Union Pacific mainline may not be available or advisable for increased passenger traffic.

3. Should another crossing need to be created to facilitate any of the above referenced projects, starting from scratch would require more time, a greater investment and thus naturally be a less efficient process. As such, we believe the current crossing should be maintained.

Regarding items numbered 4 through 12, the City is unaware of any adverse effects that may be created by the abandonment of the bridge. However, we believe consultation with the Nebraska Game and Parks Commission, United States Fish and Wildlife Service, the Federal Emergency Management Agency, and the Nebraska Department of Natural Resources should occur. Regarding the historical character of the bridge, the Nebraska State Historic Preservation Officer has identified the bridge as eligible for historic landmark status. Further consultation with this office is warranted.

Sincerely,

Omaha City Planning

A handwritten signature in cursive script that reads "James R. Thele". The signature is written in black ink and is positioned below the typed name.

James R. Thele, Director

FLETCHER & SIPPEL LLC

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Chicago, Illinois 60606-2832

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www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 23, 2013



Mr. Jay T. Mar
State Conservationist
USDA Natural Resources Conservation Service
693 Federal Building
210 Walnut Street
Des Moines, Iowa 50309-2119

Re: **Docket No. AB-314 (Sub-No. 7X)**
Chicago, Central & Pacific Railroad Company -- Abandonment
Exemption -- In Pottawattamie County, IA and Douglas County, NE

Dear Mr. Mar:

On or after December 2, 2013, Chicago, Central & Pacific Railroad Company ("CC&P") expects to file with the Surface Transportation Board a petition for exemption for the abandonment of CC&P's line of railroad, referred to herein as the Missouri River Bridge Line, extending from milepost 510.62 in Council Bluffs, Iowa across the Missouri River to milepost 514.80 near North 25th Street E in Omaha, Nebraska, a distance of approximately 2.12 miles in Pottawattamie County, Iowa and Douglas County, Nebraska. The line includes a milepost equation at Levy Junction near Nash Boulevard in Council Bluffs, where MP 511.35 = MP 513.41. CC&P also will abandon the south leg of its wye track at Council Bluffs, extending from milepost 511.17 on CC&P's main line near Avenue K to the connection with the Missouri River Bridge Line at North 16th Street, an additional distance of approximately 0.44 miles.

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Appendix I

FLETCHER & SIPPEL LLC

Mr. Jay T. Mar
October 23, 2013
Page 2

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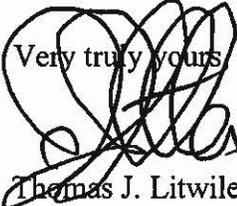
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FLETCHER & SIPPEL LLC

Mr. Jay T. Mar
October 23, 2013
Page 3

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Very truly yours


Thomas J. Litwiler
Attorney for Chicago, Central & Pacific
Railroad Company

TJL:tl

Attachment

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

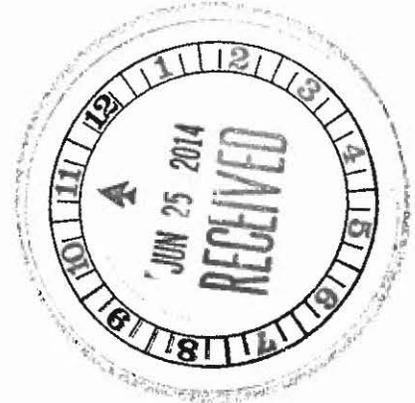
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THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 23, 2013



Mr. Craig R. Derickson
State Conservationist
USDA Natural Resources Conservation Service
152 Federal Building
100 Centennial Mall North
Lincoln, Nebraska 68508-3866

Re: **Docket No. AB-314 (Sub-No. 7X)**
Chicago, Central & Pacific Railroad Company -- Abandonment
Exemption -- In Pottawattamie County, IA and Douglas County, NE

Dear Mr. Derickson:

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FLETCHER & SIPPEL LLC

Mr. Craig R. Derickson
October 23, 2013
Page 2

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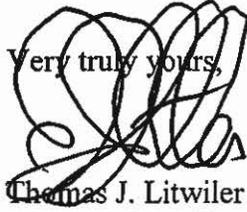
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FLETCHER & SIPPEL LLC

Mr. Craig R. Derickson
October 23, 2013
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Very truly yours,


Thomas J. Litwiler
Attorney for Chicago, Central & Pacific
Railroad Company

TJL:tl

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THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 23, 2013

Mr. Karl Brooks
Administrator, Region VII
U.S. Environmental Protection Agency
11201 Renner Boulevard
Lenexa, Kansas 66219



Re: **Docket No. AB-314 (Sub-No. 7X)**
Chicago, Central & Pacific Railroad Company -- Abandonment
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Appendix J

FLETCHER & SIPPEL LLC

Mr. Karl Brooks
October 23, 2013
Page 2

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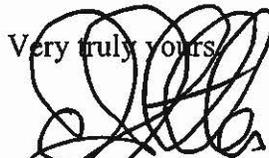
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Mr. Karl Brooks
October 23, 2013
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Very truly yours,


Thomas J. Litwiler
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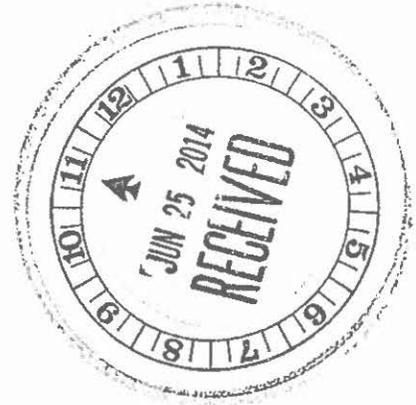
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October 23, 2013



Ms. Christine M. Schwake
Environmental Specialist
Iowa Department of Natural Resources
502 East 9th Street
Des Moines, Iowa 50319-0034

Re: **Docket No. AB-314 (Sub-No. 7X)**
Chicago, Central & Pacific Railroad Company -- Abandonment
Exemption -- In Pottawattamie County, IA and Douglas County, NE

Dear Ms. Schwake:

On or after December 2, 2013, Chicago, Central & Pacific Railroad Company ("CC&P") expects to file with the Surface Transportation Board a petition for exemption for the abandonment of CC&P's line of railroad, referred to herein as the Missouri River Bridge Line, extending from milepost 510.62 in Council Bluffs, Iowa across the Missouri River to milepost 514.80 near North 25th Street E in Omaha, Nebraska, a distance of approximately 2.12 miles in Pottawattamie County, Iowa and Douglas County, Nebraska. The line includes a milepost equation at Levy Junction near Nash Boulevard in Council Bluffs, where MP 511.35 = MP 513.41. CC&P also will abandon the south leg of its wye track at Council Bluffs, extending from milepost 511.17 on CC&P's main line near Avenue K to the connection with the Missouri River Bridge Line at North 16th Street, an additional distance of approximately 0.44 miles.

CC&P's petition for exemption will be filed pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1121. A map showing the location of the Missouri River Bridge Line is attached for your reference. CC&P's Missouri River bridge, a movable center-pivot swing span, has been out-of-service for several years, and the U.S. Coast Guard has insisted that the bridge be removed. Post-abandonment removal of the bridge will require further authorization of the Coast Guard and the U.S. Army Corps of Engineers. CC&P anticipates that, after abandonment, the wye tracks east of Levy Junction will be retained as unregulated trackage for use in turning locomotives and other equipment. Other trackage will be salvaged.

Your review of a previous proposal to abandon CC&P's Missouri River bridge was requested by letter dated November 20, 2009. That proposal was captioned as Docket No. AB-314 (Sub-No. 5X), and involved slightly different milepost endpoints. CC&P did not proceed with abandonment at that time. Even if you provided a response to the previous letter, please consider this a new request for comments, as outlined below.

Appendix K

FLETCHER & SIPPEL LLC

Ms. Christine M. Schwake
October 23, 2013
Page 2

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Missouri River Bridge Line so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land;
10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; or
12. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

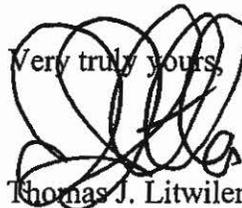
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In accordance with the Board's regulations, a copy of the Environmental/Historic Report will be forwarded to you at least twenty days before CC&P's petition for exemption is filed at the Board.

FLETCHER & SIPPEL LLC

Ms. Christine M. Schwake
October 23, 2013
Page 3

If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,


Thomas J. Litwiler
Attorney for Chicago, Central & Pacific
Railroad Company

TJL:tl

Attachment



STATE OF IOWA

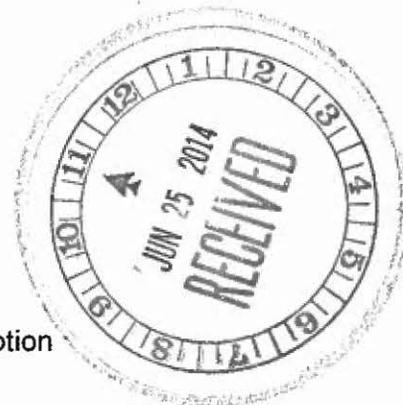
TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
CHUCK GIPP, DIRECTOR

01
11/21/13

November 18, 2013

MR THOMAS J LITWILER
FLETCHER & SIPPEL LLC
29 N WACKER DR STE 920
CHICAGO IL 60606-2832



RE: Chicago, Central & Pacific Railroad Company – Abandonment Exemption
Pottawattamie County, Iowa & Douglas County, NE
Docket No. AB-314 (Sub-No. 7X)

Dear Mr. Litwiler:

This letter is in response to the October 23, 2013 letter concerning the above-referenced project. Thank you for inviting comments on the impact of the above referenced project.

Waters of the United States (includes wetlands) should not be disturbed if a less environmentally damaging alternative exists. Unavoidable adverse impacts should be minimized to the extent practicable. Any remaining adverse impacts should be compensated for through restoration and creation activities (enhancement and/or preservation may be in addition to the restoration/creation). We would ask that Best Management Practices be used to control erosion and protect water quality near the project.

Any proposed placement of dredged or fill material into waters of the United States (including jurisdictional wetlands) requires Department of the Army authorization. When detailed plans are available, please complete and submit the joint application form to the Rock Island District Corps of Engineers (1 copy) and Iowa Department of Natural Resources (2 copies) for processing. The application form may be obtained at:

<http://www.iowadnr.gov/InsideDNR/RegulatoryWater/WetlandsPermitting.aspx> .

An electronic copy of the application form and instructions may also be obtained on the Corps' website: <http://www.mvr.usace.army.mil/Missions/Regulatory.aspx> .

If you have any questions, please call me at (515) 281-6615.

Sincerely,

Christine Schwake
Environmental Specialist

Appendix K-1

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 23, 2013

Mr. Hugh M. Stirts
NEPA Coordinator
Nebraska Department of Environmental Quality
1200 N Street, Suite 400
P.O. Box 98922
Lincoln, Nebraska 68509-8922

Re: **Docket No. AB-314 (Sub-No. 7X)**
Chicago, Central & Pacific Railroad Company -- Abandonment
Exemption -- In Pottawattamie County, IA and Douglas County, NE

Dear Mr. Stirts:

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CC&P's petition for exemption will be filed pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1121. A map showing the location of the Missouri River Bridge Line is attached for your reference. CC&P's Missouri River bridge, a movable center-pivot swing span, has been out-of-service for several years, and the U.S. Coast Guard has insisted that the bridge be removed. Post-abandonment removal of the bridge will require further authorization of the Coast Guard and the U.S. Army Corps of Engineers. CC&P anticipates that, after abandonment, the wye tracks east of Levy Junction will be retained as unregulated trackage for use in turning locomotives and other equipment. Other trackage will be salvaged.

Your review of a previous proposal to abandon CC&P's Missouri River bridge was requested by letter dated November 20, 2009. That proposal was captioned as Docket No. AB-314 (Sub-No. 5X), and involved slightly different milepost endpoints. CC&P did not

Appendix L

FLETCHER & SIPPEL LLC

Mr. Hugh M. Stirts
October 23, 2013
Page 2

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In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Missouri River Bridge Line so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

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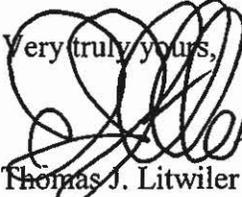
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In accordance with the Board's regulations, a copy of the Environmental/Historic Report will be forwarded to you at least twenty days before CC&P's petition for exemption is filed at the Board.

FLETCHER & SIPPEL LLC

Mr. Hugh M. Stirts
October 23, 2013
Page 3

If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,


Thomas J. Litwiler
Attorney for Chicago, Central & Pacific
Railroad Company

TJL:tl

Attachment

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
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www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 23, 2013

Ms. Inga M. Foster
Environmental Specialist
Iowa Department of Natural Resources
Conservation and Recreation Division
502 East 9th Street
Des Moines, Iowa 50319-0034

Re: **Docket No. AB-314 (Sub-No. 7X)**
Chicago, Central & Pacific Railroad Company -- Abandonment
Exemption -- In Pottawattamie County, IA and Douglas County, NE

Dear Ms. Foster:

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Appendix M

FLETCHER & SIPPEL LLC

Ms. Inga M. Foster
October 23, 2013
Page 2

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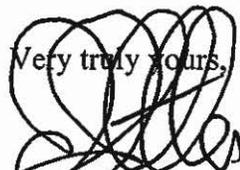
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FLETCHER & SIPPEL LLC

Ms. Inga M. Foster
October 23, 2013
Page 3

If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,


Thomas J. Litwiler
Attorney for Chicago, Central & Pacific
Railroad Company

TJL:tl

Attachment



11/8/13

STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
CHUCK GIPP, DIRECTOR

November 5, 2013

FLETCHER & SIPPEL LLC
Attn: THOMAS LITWILER
29 N WACKER DR STE 920
CICHAGO IL 60606

RE: Environmental Review for Natural Resources
Chicago, Central & Pacific Railroad Company- track abandonment
Council Bluffs
Pottawattamie County
Section 22&23, Township 75 N, Range 44 W

Dear Mr. Litwiller,

Thank you for inviting Department comment on the impact of this project. The Department has searched for records of rare species and significant natural communities in the project area and found no site-specific records that would be impacted by this project. However, these records and data are not the result of thorough field surveys. If listed species or rare communities are found during the planning or construction phases, additional studies and/or mitigation may be required.

This letter is a record of review for protected species, rare natural communities, state lands and waters in the project area, including review by personnel representing state parks, preserves, recreation areas, fisheries and wildlife but does not include comment from the Environmental Services Division of this Department. This letter does not constitute a permit. Other permits may be required from the Department or other state or federal agencies before work begins on this project.

Please reference the following IDNR Environmental Review/Sovereign Land Program tracking number assigned to this project in all future correspondence related to this project: 9483.

If you have questions about this letter or require further information, please contact me at (515) 281-8967.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly Poole".

Kelly Poole
Environmental Specialist
Conservation and Recreation Division

FILE COPY: Kelly Poole
Tracking Number: 9483

cmz

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 23, 2013

Mr. Richard C. Nelson
Supervisor, Rock Island Field Office
U.S. Fish & Wildlife Service
1511 47th Street
Moline, Illinois 61265

Re: **Docket No. AB-314 (Sub-No. 7X)**
Chicago, Central & Pacific Railroad Company -- Abandonment
Exemption -- In Pottawattamie County, IA and Douglas County, NE

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Appendix N

FLETCHER & SIPPEL LLC

Mr. Richard C. Nelson
October 23, 2013
Page 2

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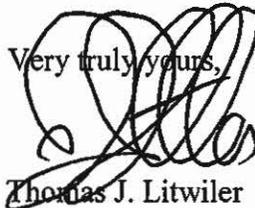
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FLETCHER & SIPPEL LLC

Mr. Richard C. Nelson
October 23, 2013
Page 3

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Very truly yours,

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Thomas J. Litwiler
Attorney for Chicago, Central & Pacific
Railroad Company

TJL:tl

Attachment

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
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THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 23, 2013

Mr. Michael D. George
Supervisor, Nebraska Field Office
U.S. Fish & Wildlife Service
203 West Second Street
Grand Island, Nebraska 68801

Re: **Docket No. AB-314 (Sub-No. 7X)**
Chicago, Central & Pacific Railroad Company -- Abandonment
Exemption -- In Pottawattamie County, IA and Douglas County, NE

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Mr. Michael D. George
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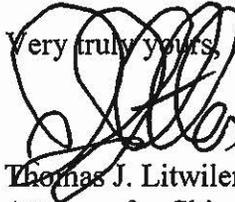
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Very truly yours,


Thomas J. Litwiler
Attorney for Chicago, Central & Pacific
Railroad Company

TJL:tl

Attachment

FWS NE 2014-013

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com



NO OBJECTION

John Cochran

John Cochran Phone: (312) 252-1500
Fax: (312) 252-2400
U.S. Fish & Wildlife Service
www.fletcher-sippel.com

October 23, 2013



Mr. Michael D. George
Supervisor, Nebraska Field Office
U.S. Fish & Wildlife Service
203 West Second Street
Grand Island, Nebraska 68801

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Your review of a previous proposal to abandon CC&P's Missouri River bridge was requested by letter dated November 20, 2009. That proposal was captioned as Docket No. AB-314 (Sub-No. 5X), and involved slightly different milepost endpoints. CC&P did not proceed with abandonment at that time. Even if you provided a response to the previous letter, please consider this a new request for comments, as outlined below.

Appendix N-1

FLETCHER & SIPPEL LLC

Mr. Michael D. George

October 23, 2013

Page 2

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Missouri River Bridge Line so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
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11. Coastal Zone Management Areas; or
12. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

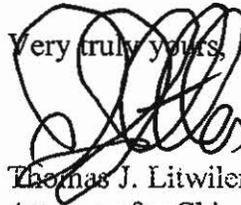
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In accordance with the Board's regulations, a copy of the Environmental/Historic Report will be forwarded to you at least twenty days before CC&P's petition for exemption is filed at the Board.

FLETCHER & SIPPEN LLC

Mr. Michael D. George
October 23, 2013
Page 3

If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,


Thomas J. Litwiler
Attorney for Chicago, Central & Pacific
Railroad Company

TJL:tl

Attachment

FLETCHER & SIPPEL LLC

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Chicago, Illinois 60606-2832

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Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 23, 2013

Ms. Michelle Koch
Environmental Analyst Supervisor
Nebraska Game and Parks Commission
2200 North 33rd Street
Lincoln, Nebraska 68503-0370

Re: **Docket No. AB-314 (Sub-No. 7X)**
Chicago, Central & Pacific Railroad Company -- Abandonment
Exemption -- In Pottawattamie County, IA and Douglas County, NE

Dear Ms. Koch:

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CC&P's petition for exemption will be filed pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1121. A map showing the location of the Missouri River Bridge Line is attached for your reference. CC&P's Missouri River bridge, a movable center-pivot swing span, has been out-of-service for several years, and the U.S. Coast Guard has insisted that the bridge be removed. Post-abandonment removal of the bridge will require further authorization of the Coast Guard and the U.S. Army Corps of Engineers. CC&P anticipates that, after abandonment, the wye tracks east of Levy Junction will be retained as unregulated trackage for use in turning locomotives and other equipment. Other trackage will be salvaged.

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Appendix O

FLETCHER & SIPPEL LLC

Ms. Michelle Koch
October 23, 2013
Page 2

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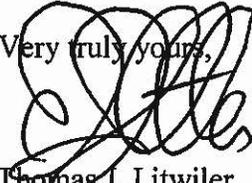
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FLETCHER & SIPPEL LLC

Ms. Michelle Koch
October 23, 2013
Page 3

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Very truly yours,


Thomas J. Litwiler
Attorney for Chicago, Central & Pacific
Railroad Company

TJL:tl

Attachment

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Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 23, 2013

Ms. Karen Anderson
Outdoor Recreation Planner
National Park Service, Midwest Region
601 Riverfront Drive
Omaha, Nebraska 68102-4226

Re: **Docket No. AB-314 (Sub-No. 7X)**
Chicago, Central & Pacific Railroad Company -- Abandonment
Exemption -- In Pottawattamie County, IA and Douglas County, NE

Dear Ms. Anderson:

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Appendix P

FLETCHER & SIPPEL LLC

Ms. Karen Anderson
October 23, 2013
Page 2

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12. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

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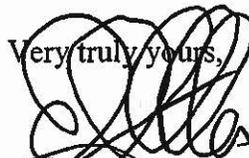
FLETCHER & SIPPEL LLC

Ms. Karen Anderson

October 23, 2013

Page 3

If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,


Thomas J. Litwiler
Attorney for Chicago, Central & Pacific
Railroad Company

TJL:tl

Attachment

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www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 23, 2013

Mr. Bradley E. Thompson
Planning, Programs and Project Management Branch
U.S. Army Corps of Engineers, Omaha District
1616 Capitol Avenue
Suite 9000
Omaha, Nebraska 68102-4901

Re: **Docket No. AB-314 (Sub-No. 7X)**
Chicago, Central & Pacific Railroad Company -- Abandonment
Exemption -- In Pottawattamie County, IA and Douglas County, NE

Dear Mr. Thompson:

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Appendix Q

FLETCHER & SIPPEL LLC

Mr. Bradley E. Thompson
October 23, 2013
Page 2

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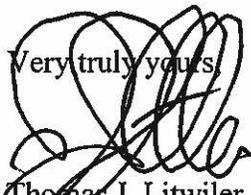
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In accordance with the Board's regulations, a copy of the Environmental/Historic Report will be forwarded to you at least twenty days before CC&P's petition for exemption is filed at the Board.

FLETCHER & SIPPEL LLC

Mr. Bradley E. Thompson
October 23, 2013
Page 3

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Very truly yours


Thomas J. Litwiler
Attorney for Chicago, Central & Pacific
Railroad Company

TJL:tl

Attachment



REPLY TO
ATTENTION OF

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

November 12, 2013

Planning, Programs, and Project Management Branch

Mr. Thomas Litwiler
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Dear Mr. Litwiler:

The U.S. Army Corps of Engineers, Omaha District (Corps) has reviewed your letter dated October 23, 2013 regarding Docket No. AB-314 (Sub No.7X) in which Chicago, Central & Pacific Railroad Company (CC&P) petitions to abandon the following lines of railroad:

- The Missouri River Bridge Line extending from milepost 510.62 in Council Bluffs, Iowa across the Missouri River to milepost 514.80 near North 25th Street E in Omaha, Nebraska, a distance of approximately 2.12 miles in Pottawattamie County, Iowa and Douglas County, Nebraska, and includes a milepost equation at Levy Junction near Nash Boulevard in Council Bluffs, Iowa where MP 511.35 = MP 513.41.
- The south portion of wye track extending from milepost 511.17 on CC&P's main line near Avenue K to the connection with the Missouri River Bridge Line at North 16th Street, an additional distance of 0.44 miles.

The Corps offers the following comments:

Your plans should be coordinated with the state water quality offices 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. Since the proposed abandonment occurs in both Nebraska and Iowa, please coordinate with the Nebraska Department of Environmental Quality and Iowa Department of Natural Resources concerning state water quality programs.

Also, the proposed project does not appear to be located within Corps owned or operated lands; therefore, we are providing no floodplain or flood risk information. 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 offices:

27
11/21

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

and

Mr. Bill Cappuccio
Iowa Department of Natural Resources
Wallace State Office Building
502 9th Street
Des Moines, Iowa 50319
Telephone: 515-281-8942
Fax: 515-281-8895
Email: bill.cappuccino@iowa.gov

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

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 (<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram.aspx>) 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

As acknowledged in your letter, post-abandonment removal of CC&P's Missouri River Bridge will require further authorization from the Corps and other agencies with jurisdictional responsibilities. Please re-coordinate with our office before proceeding with the bridge removal.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Laux". The signature is written in a cursive style with a large, prominent "E" and "L".

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

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

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www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 23, 2013

Mr. William Cappuccio
State NFIP Coordinator
Iowa Department of Natural Resources
502 East 9th Street
Des Moines, Iowa 50319-0034

Re: **Docket No. AB-314 (Sub-No. 7X)**
Chicago, Central & Pacific Railroad Company -- Abandonment
Exemption -- In Pottawattamie County, IA and Douglas County, NE

Dear Mr. Cappuccio:

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Appendix R

FLETCHER & SIPPEL LLC

Mr. William Cappuccio
October 23, 2013
Page 2

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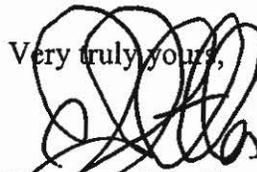
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FLETCHER & SIPPEL LLC

Mr. William Cappuccio
October 23, 2013
Page 3

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Very truly yours,


Thomas J. Litwiler
Attorney for Chicago, Central & Pacific
Railroad Company

TJL:tl

Attachment

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THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 23, 2013

Dr. Shuhai Zheng
Chief, Floodplain Management
Nebraska Department of Natural Resources
301 Centennial Mall South, 4th Floor
P.O. Box 94676
Lincoln, Nebraska 68509-4676

Re: **Docket No. AB-314 (Sub-No. 7X)**
Chicago, Central & Pacific Railroad Company -- Abandonment
Exemption -- In Pottawattamie County, IA and Douglas County, NE

Dear Dr. Zheng:

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Appendix S

FLETCHER & SIPPEL LLC

Dr. Shuhai Zheng
October 23, 2013
Page 2

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In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Missouri River Bridge Line so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land;
10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; or
12. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

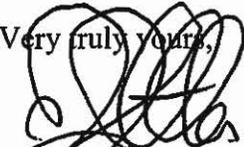
Because of the nature of the proposed abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-314 (Sub-No. 7X) and be sent to the undersigned, as counsel for CC&P. Your comments will be incorporated into the Environmental/Historic Report prepared in connection with this abandonment pursuant to 49 C.F.R. § 1105.7.

In accordance with the Board's regulations, a copy of the Environmental/Historic Report will be forwarded to you at least twenty days before CC&P's petition for exemption is filed at the Board.

FLETCHER & SIPPEL LLC

Dr. Shuhai Zheng
October 23, 2013
Page 3

If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,


Thomas J. Litwiler
Attorney for Chicago, Central & Pacific
Railroad Company

TJL:tl

Attachment

Thomas J. Litwiler

From: Thomas J. Litwiler
Sent: Wednesday, October 23, 2013 6:18 PM
To: 'ngs.infocenter@noaa.gov'
Subject: Railroad Abandonment, STB Docket No. AB-314 (Sub-No. 7X)
Attachments: NGS-Weston letter, 10-23-13, re initial notice.pdf

Friends,

Pursuant to 49 C.F.R. § 1105.7, Chicago, Central & Pacific Railroad Company hereby provides to the National Geodetic Survey notice of a proposed railroad abandonment with detailed map.

T.J. Litwiler
Fletcher & Sippel LLC
(312) 252-1508



Project Review

DATE: November 18, 2013
TO: Thomas J. Litwiler; Attorney for Chicago, Central & Pacific Railroad Company
FROM: Mitch Paine, NDNR
SUBJECT: CC&P—Abandonment Exemption in Douglas County, Nebraska

As requested, the Nebraska Department of Natural Resources (NDNR) has reviewed the proposed project for potential impacts to surface water rights, registered groundwater wells, and floodplain management, and has listed the comments below:

Surface Water Rights

According to NDNR records there are no appropriations appurtenant to the proposed project location.

Groundwater Wells

According to NDNR records, there are no public supply wells within the 1,000 foot spacing for the proposed project area and no other registered wells within the proposed project area.

Floodplain Management

The proposed project is located within the regulated (1% annual chance) floodplain and/or floodway, please see the attached figure. All development within a regulated floodplain and/or floodway needs to comply with local floodplain regulations, which includes obtaining a floodplain development permit. If you have any questions concerning floodplain management and permitting, please contact the local floodplain administrator, Travis Gibbons, at 402.444.3438 or Travis.gibbons@ci.omaha.ne.us.

If you have any questions about this review, please feel free to contact me at 402.471.9252 or mitch.paine@nebraska.gov.

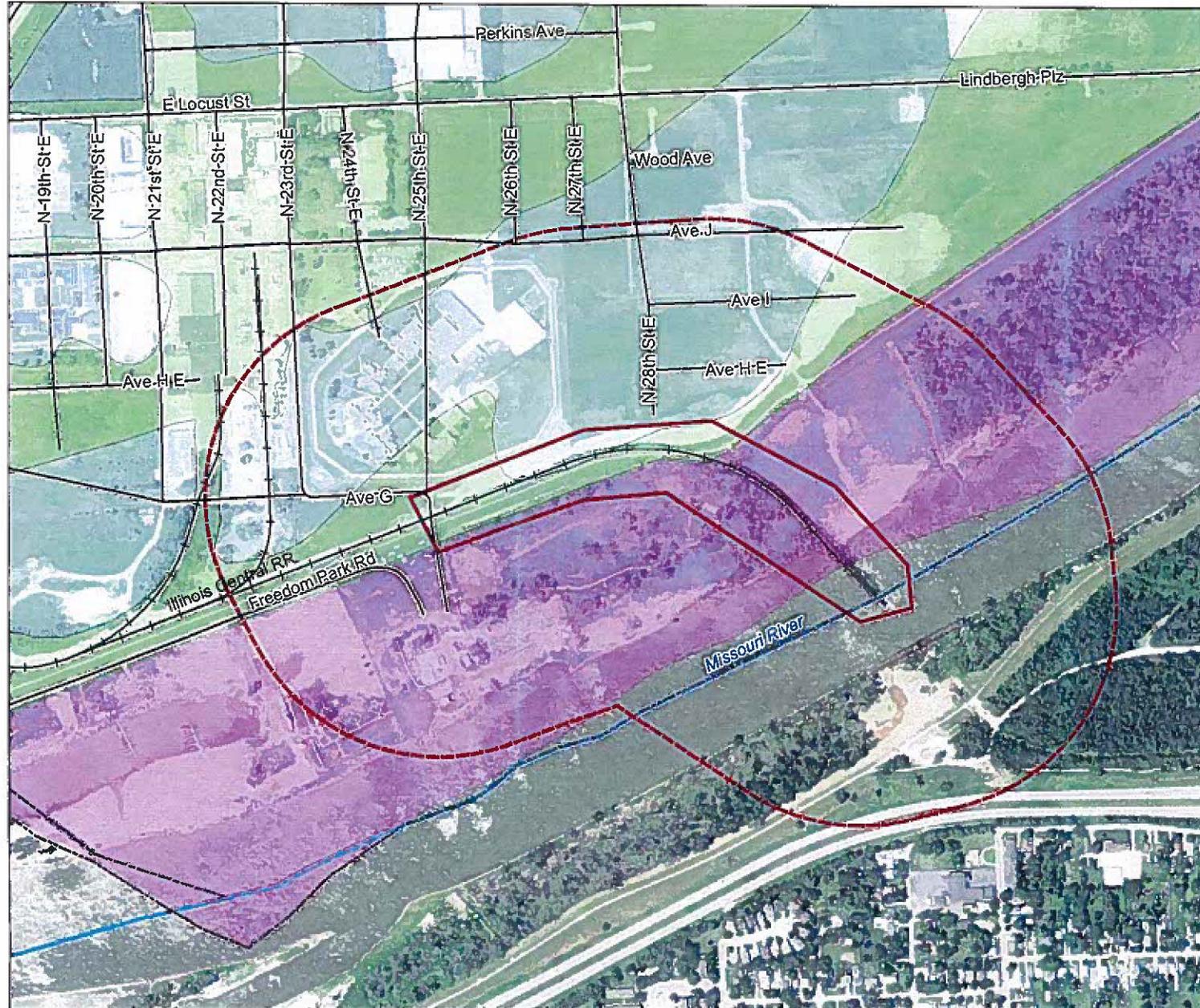
Enclosure (1)

Cc: Travis Gibbons, City of Omaha

CC&P Railroad Abandonment Exemption

City of Omaha, Douglas County, Nebraska

November 1, 2013



Legend

Registered Well

- Commercial
- Domestic
- Irrigation
- Public Water Supply (PWS)
- Stock Watering
- Unprotected PWS
- Other Wells

Surface Water

- ▨ Irrigation
- ▨ Supplemental Irrigation
- ▨ Domestic
- ▨ Other

Effective Flood Zones

- ▨ 1% Annual Flood Chance
- ▨ Floodway
- ▨ 0.2% Annual Flood Chance
- ▨ X Protected by Levee
- ▨ 1 PCT Future Condition

Effective Flood Zone - Paper Map

- ▨ 1% Annual Flood Chance

Other

- ▨ Approximate Project Area
- ▨ 1,000 ft PWS Spacing
- ▨ Political Area
- Road
- Major Stream



0 750 1,500 Feet

Floodplain and Dam Safety Division, Cartographer: Rebecca Groshens

Thomas J. Litwiler

From: Paine, Mitch [mitch.paine@nebraska.gov]
Sent: Monday, November 18, 2013 4:25 PM
To: Thomas J. Litwiler
Cc: Travis Gibbons (travis.gibbons@ci.omaha.ne.us)
Subject: Docket No. AB-314 (Sub-No.7X) Railroad Abandonment Project Review
Attachments: DouglasCo_Rs_20131118_FP.pdf

Dear Mr. Litwiler,

As requested, the Nebraska Department of Natural Resources has conducted a review of the Chicago, Central & Pacific Railroad Company's abandonment project in Douglas County, NE.

Please let me know if you have any additional questions. My contact information is below.

Thank you,
Mitch Paine

--

Mitch Paine

Flood Mitigation Planning Coordinator | Floodplain Management
Nebraska Department of Natural Resources

Phone: 402.471.9252 | Fax: 402.471.2900

Mitch.Paine@nebraska.gov | www.dnr.ne.gov

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 23, 2013

Dr. Neil D. Weston
Chief, Spatial Reference System Division
National Geodetic Survey
N/NGS2, SSMC3, Room 8736
1315 East West Highway
Silver Spring, Maryland 20910-3282

Re: **Docket No. AB-314 (Sub-No. 7X)**
Chicago, Central & Pacific Railroad Company -- Abandonment
Exemption -- In Pottawattamie County, IA and Douglas County, NE

Dear Dr. Weston:

On or after December 2, 2013, Chicago, Central & Pacific Railroad Company ("CC&P") expects to file with the Surface Transportation Board a petition for exemption for the abandonment of CC&P's line of railroad, referred to herein as the Missouri River Bridge Line, extending from milepost 510.62 in Council Bluffs, Iowa across the Missouri River to milepost 514.80 near North 25th Street E in Omaha, Nebraska, a distance of approximately 2.12 miles in Pottawattamie County, Iowa and Douglas County, Nebraska. The line includes a milepost equation at Levy Junction near Nash Boulevard in Council Bluffs, where MP 511.35 = MP 513.41. CC&P also will abandon the south leg of its wye track at Council Bluffs, extending from milepost 511.17 on CC&P's main line near Avenue K to the connection with the Missouri River Bridge Line at North 16th Street, an additional distance of approximately 0.44 miles.

CC&P's petition for exemption will be filed pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1121. A map showing the location of the Missouri River Bridge Line is attached for your reference. CC&P's Missouri River bridge, a movable center-pivot swing span, has been out-of-service for several years, and the U.S. Coast Guard has insisted that the bridge be removed. Post-abandonment removal of the bridge will require further authorization of the Coast Guard and the U.S. Army Corps of Engineers. CC&P anticipates that, after abandonment, the wye tracks east of Levy Junction will be retained as unregulated trackage for use in turning locomotives and other equipment. Other trackage will be salvaged.

Your review of a previous proposal to abandon CC&P's Missouri River bridge was requested by letter dated November 20, 2009. That proposal was captioned as Docket No. AB-314 (Sub-No. 5X), and involved slightly different milepost endpoints. CC&P did not

Appendix T

FLETCHER & SIPPEL LLC

Dr. Neil D. Weston
October 23, 2013
Page 2

proceed with abandonment at that time. Even if you provided a response to the previous letter, please consider this a new request for comments, as outlined below.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Missouri River Bridge Line so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
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9. Prime agricultural land;
10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; or
12. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

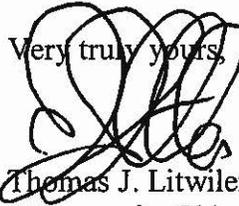
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In accordance with the Board's regulations, a copy of the Environmental/Historic Report will be forwarded to you at least twenty days before CC&P's petition for exemption is filed at the Board.

FLETCHER & SIPPEL LLC

Dr. Neil D. Weston
October 23, 2013
Page 3

If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,


Thomas J. Litwiler
Attorney for Chicago, Central & Pacific
Railroad Company

TJL:tl

Attachment

Thomas J. Litwiler

From: Simon Monroe [simon.monroe@noaa.gov]
Sent: Friday, October 25, 2013 3:06 PM
To: Thomas J. Litwiler
Subject: Re: [ngs.noaa.gov Info_Req #18059] Railroad Abandonment, STB Docket No. AB-314 (Sub-No. 7X)

Dear Mr. Litwiler,

The Railroad Abandonment task is now under the Geodetic Services Division.

Address all future Abandonment Projects to: Simon Monroe, Geodetic Services Division, National Geodetic Survey, N/NGS12 - SSMC Room 9217, 1315 East-West Highway, Silver Spring, Maryland 20910-3282.

If you have additional questions call 301-713-3242.

Thank you,
The National Geodetic Survey

On 10/23/2013 7:17 PM, Thomas J. Litwiler wrote:

Thomas J. Litwiler

From: Simon Monroe [simon.monroe@noaa.gov]
Sent: Tuesday, October 29, 2013 3:17 PM
To: Thomas J. Litwiler
Cc: Surface Transportation Board; Lucy Hall - NOAA Federal; Simon Monroe
Subject: NGS Response, STB Docket AB-314 (SUB NO. 007X)

Thank you for sharing your railroad abandonment environmental report for COUNCIL BLUFFS, Pottawattamie & Douglas Counties, IOWA & NEBRASKA.

Approximately 01 geodetic survey marks may be located in the area described. These marks may or may not be disturbed.

If marks will be disturbed by the abandonment, [THE RAILROAD] shall consult with the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities that will disturb, or destroy any geodetic station marks are described on the attached file. Additional advice is provided at <http://geodesy.noaa.gov/marks/railroads/>

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Thomas J. Litwiler

From: Simon Monroe [simon@viper.ngs.noaa.gov]
Sent: Friday, November 01, 2013 10:54 AM
To: Thomas J. Litwiler
Cc: ngs.infocenter@viper.ngs.noaa.gov
Subject: Re: [ngs.noaa.gov Info_Req #18059] Railroad Abandonment, STB Docket No. AB-314 (Sub-No. 7X)

Hello Mr Litwiler,

Your RR Abandonment has been completed and forwarded to you.

NGS

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 23, 2013

Ms. Kathy Mabie
Fiscal & Policy Analyst
Iowa Department of Management
State Capitol Building, Room G12
1007 East Grand Avenue
Des Moines, Iowa 50319

Re: **Docket No. AB-314 (Sub-No. 7X)**
Chicago, Central & Pacific Railroad Company -- Abandonment
Exemption -- In Pottawattamie County, IA and Douglas County, NE

Dear Ms. Mabie:

On or after December 2, 2013, Chicago, Central & Pacific Railroad Company ("CC&P") expects to file with the Surface Transportation Board a petition for exemption for the abandonment of CC&P's line of railroad, referred to herein as the Missouri River Bridge Line, extending from milepost 510.62 in Council Bluffs, Iowa across the Missouri River to milepost 514.80 near North 25th Street E in Omaha, Nebraska, a distance of approximately 2.12 miles in Pottawattamie County, Iowa and Douglas County, Nebraska. The line includes a milepost equation at Levy Junction near Nash Boulevard in Council Bluffs, where MP 511.35 = MP 513.41. CC&P also will abandon the south leg of its wye track at Council Bluffs, extending from milepost 511.17 on CC&P's main line near Avenue K to the connection with the Missouri River Bridge Line at North 16th Street, an additional distance of approximately 0.44 miles.

CC&P's petition for exemption will be filed pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1121. A map showing the location of the Missouri River Bridge Line is attached for your reference. CC&P's Missouri River bridge, a movable center-pivot swing span, has been out-of-service for several years, and the U.S. Coast Guard has insisted that the bridge be removed. Post-abandonment removal of the bridge will require further authorization of the Coast Guard and the U.S. Army Corps of Engineers. CC&P anticipates that, after abandonment, the wye tracks east of Levy Junction will be retained as unregulated trackage for use in turning locomotives and other equipment. Other trackage will be salvaged.

Your review of a previous proposal to abandon CC&P's Missouri River bridge was requested by letter dated November 20, 2009. That proposal was captioned as Docket No. AB-314 (Sub-No. 5X), and involved slightly different milepost endpoints. CC&P did not

Appendix U

FLETCHER & SIPPEL LLC

Ms. Kathy Mabie
October 23, 2013
Page 2

proceed with abandonment at that time. Even if you provided a response to the previous letter, please consider this a new request for comments, as outlined below.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the Missouri River Bridge Line so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
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8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land;
10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; or
12. The need for permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

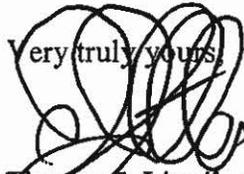
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In accordance with the Board's regulations, a copy of the Environmental/Historic Report will be forwarded to you at least twenty days before CC&P's petition for exemption is filed at the Board.

FLETCHER & SIPPEL LLC

Ms. Kathy Mabie
October 23, 2013
Page 3

If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,


Thomas J. Litwiler
Attorney for Chicago, Central & Pacific
Railroad Company

TJL:tl

Attachment

HISTORIC REPORT - 49 C.F.R. § 1105.8(d)

1. **Map.** A map of the Bridge Segment is attached hereto as **Appendix A.**

2. **Description of Line.** The line to be abandoned consists of roughly 2.56 miles of interconnected track referred to herein as the “Bridge Segment.” The first section of the Bridge Segment consists of an approximately 2.12-mile line of railroad extending from milepost 510.62 in Council Bluffs, Pottawattamie County, Iowa, across the Missouri River to milepost 514.80 near North 25th Street E in Omaha, Douglas County, Nebraska. This rail line segment includes a milepost equation (adjustment) at Levy Junction near Nash Boulevard in Council Bluffs where milepost 511.35 = milepost 513.41. The second line segment that CC&P seeks to abandon is the south leg of its wye track at Council Bluffs, extending from milepost 511.17 on CC&P’s main line near Avenue K to the connection with the Missouri River Bridge Line at North 16th Street, an additional distance of approximately 0.44 miles. The Bridge Segment traverses a river bottom area characterized by industry and open areas in western Council Bluffs, Iowa, and eastern Omaha, Nebraska.

3. **Photographs.** The only structure on the Bridge Segment that is 50 years old or older is the Missouri River Bridge. Photographs of this bridge are attached hereto as **Appendix B.**

4. **Information on Structures.** There is one bridge structure on the Bridge Segment that is 50 years old or older – the Missouri River Bridge, a roughly 1,600 foot-long dual swing (draw) span bridge of through truss design located approximately between mileposts 514.19 and 514.54. The Historic Bridges of the U.S. website (which refers to the subject bridge as the “IC Swing Bridge”) gives the following approximate bridge longitude and latitude coordinates: +41.27806, -95.89104 and 41°16’41” N, 95°53’28” W. See <http://www.bridgehunter.com/ne/douglas/ic-swing/>. The Missouri River Bridge consists of two

swing spans, an east span (Iowa side), and a west span (Nebraska side). Most of the other bridge components and approaches evidently date back to 1893 (original construction), 1904 (first bridge reconstruction), and possibly 1908 (reportedly the date of a later bridge reconstruction). See http://en.wikipedia.org/wiki/Illinois_Central_Missouri_River_Bridge. The east span is turned to a “river open” position, aligned with the east bank of the Missouri River, and secured in position by way of cables attached to nearby trees. The west span extends into the Missouri River in the usual “river closed” position. Watercraft may proceed around the bridge via the western side of the river.

At the urging of the U.S. Coast Guard, which regards the bridge as a hazard to Missouri River navigation, CC&P plans to abandon the Bridge Segment to facilitate removal of the bridge itself.

5. History of Operations. CC&P believes that the subject Bridge Segment originally was constructed in or about 1891-3. In 1891, the Omaha Bridge and Terminal Railway Company (“OB&T”) obtained authority to construct the Missouri River Bridge by way of an Act of Congress. OB&T appears to have completed original bridge construction in 1893, but, as mentioned above, the western half of the bridge was rebuilt in 1904 due to changes in the Missouri River channel. The Illinois Central Railroad Company (“IC”) assumed operation of OB&T’s bridge and terminal trackage in 1899. IC acquired control of OB&T in 1902, and OB&T was merged into IC in _____. In late 1985, IC spun off its line west of Chicago to Omaha (including the subject Bridge Segment) and Sioux City to the independent Chicago, Central & Pacific Railroad Company. In turn, the independent CC&P formed the Missouri River Bridge Company in 1994 to take ownership of the Missouri River Bridge, subject to CC&P’s retention of an exclusive rail common carrier easement over the rail line traversing the bridge. In 1996, IC

re-acquired the CC&P (including “MRBC”) and operated CC&P as an IC subsidiary [when and by who was MRBC re-absorbed?], until such time as Canadian National Railway Company (“CN”) acquired control of IC, at which time, CC&P was placed under the direct control of CN’s Grand Trunk Corporation. [MBCR, independent CC&P from IC, re-acquisition by CN-IC, merger of CC&P and MBCR]

The Missouri River Bridge remained in continuous use for decades until, due largely to age-related deterioration, CC&P found it advantageous to negotiate an arrangement (the “Detour Arrangement”) with Union Pacific Railroad Company (“UP”) to allow CC&P trains to detour around the bridge by way of a UP-owned line and bridge across the Missouri River. As a result of CC&P’s reliance upon the Detour Arrangement, there has been no railroad traffic on the Missouri River Bridge for over a decade.

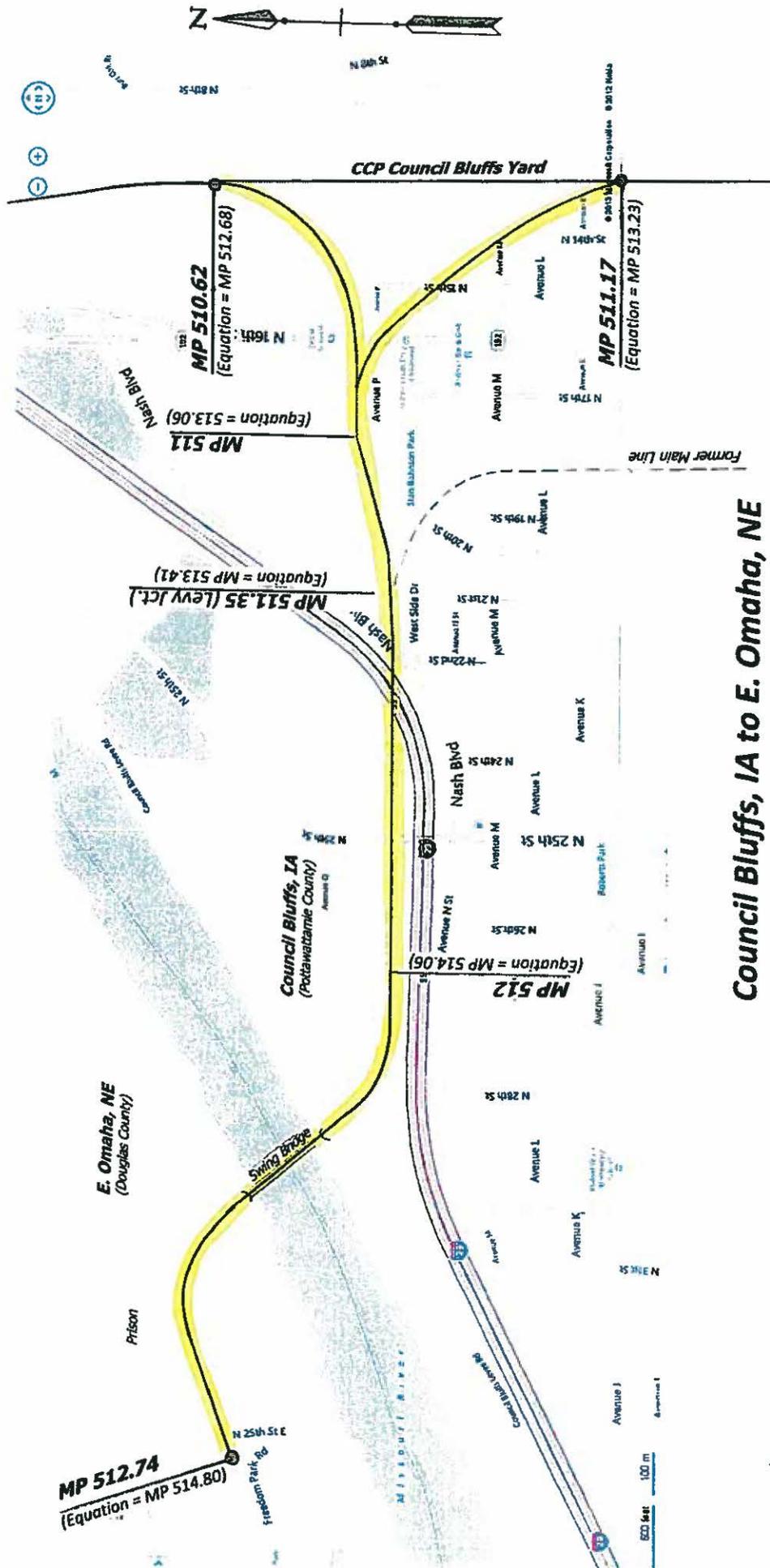
6. Engineering Documents. CC&P possesses limited engineering materials that would be useful to undertaking any historical assessment of the bridge. Nevertheless, CC&P will provide copies of any such documents in its possession.

7. Historic Criteria. Based upon initial feedback from the involved State Historic Preservation Officers in Iowa and Nebraska, CC&P has reason to believe that the Missouri River Bridge may meet the criteria for listing in the National Register of Historic Places (the “National Register”). Aside from this bridge, CC&P believes no culturally significant locations, archaeological sites, or unique land forms will be affected by the abandonment.

CC&P has given notice of the proposed abandonment to the State Historical Society of Iowa (“SHSI”) and the Nebraska State Historical Society (“NSHS”), each acting in its respective capacity as the State Historic Preservation Officer (“SHPO”). See correspondence

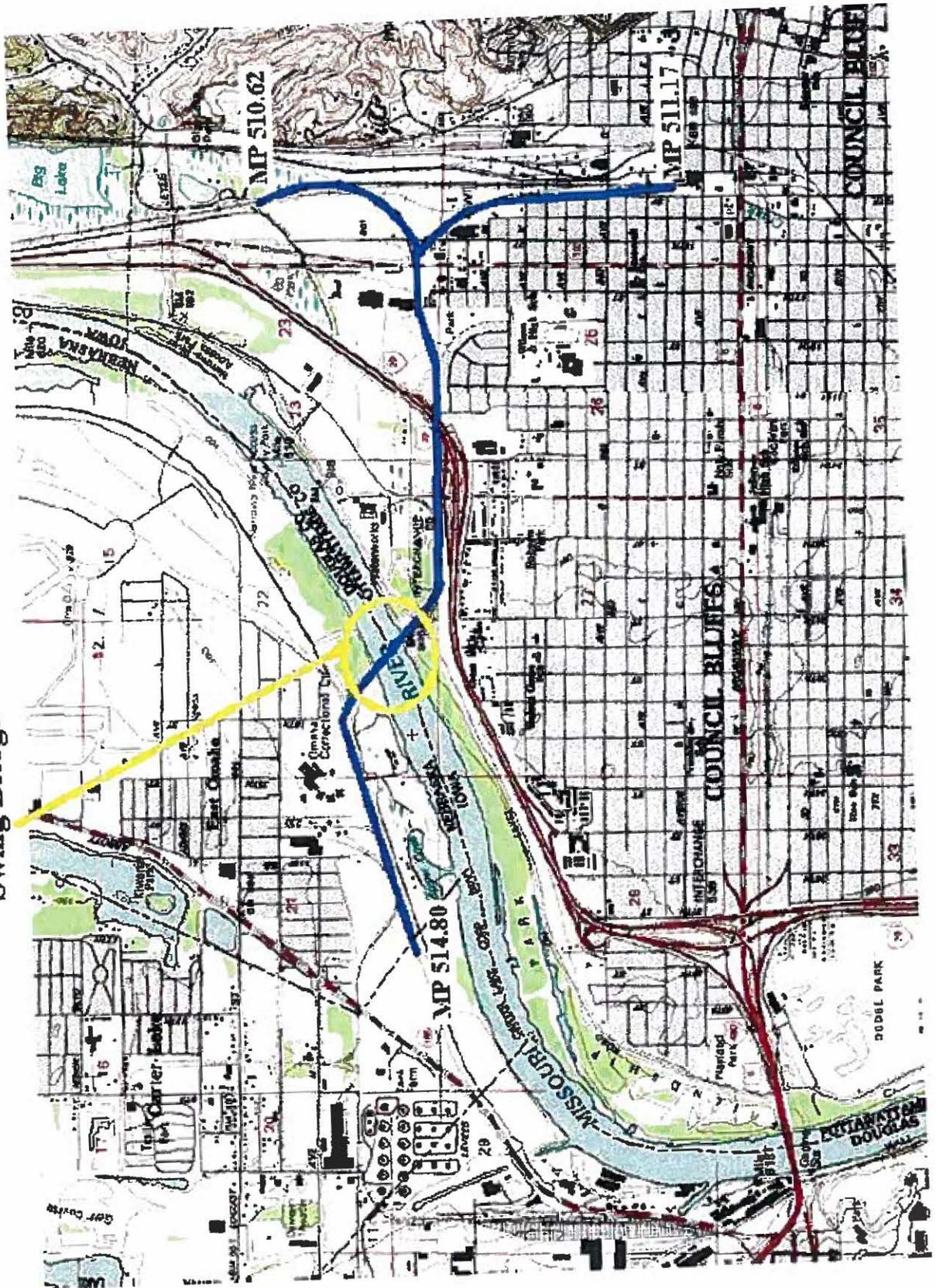
attached hereto as **Appendices C and D**. NSHS has provided written comments on the proposed abandonment, stating its opinion that the Missouri River Bridge (which is referred to as the “Omaha Bridge and Terminal Railway Company Bridge”) is eligible for listing in the National Register, and, in light of the intended purpose of the abandonment to remove the bridge, acknowledging that it will need to “initiate consultation” with the Board, the Coast Guard, and the Army Corps of Engineers and “proceed with Section 106 Review.” See correspondence attached hereto as **Appendix D-1**. To date, CC&P has not received a formal response on the matter from SHSI.

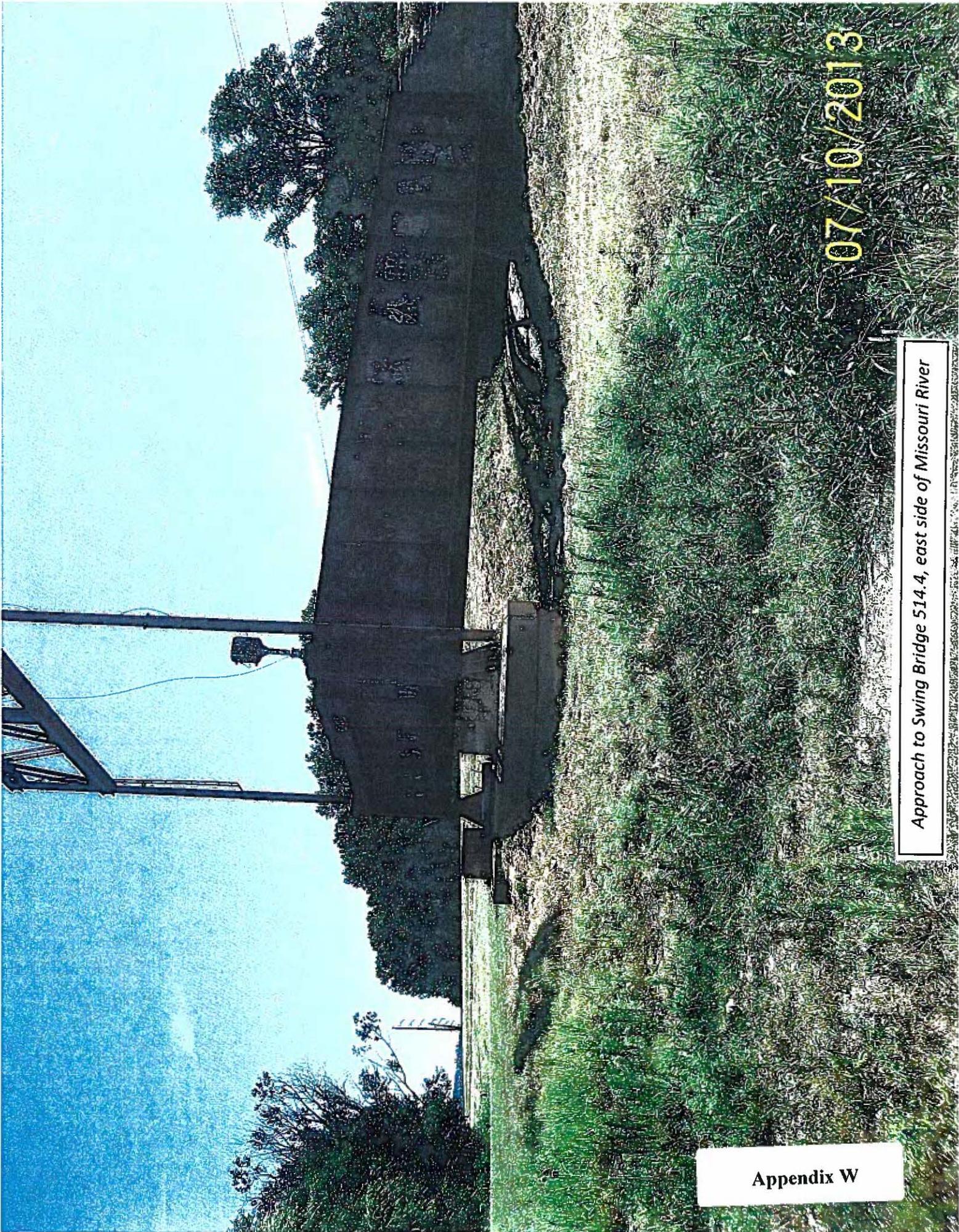
8. Ground Disturbances. Based on readily available information in its possession, CC&P believes that subsurface ground disturbance occurred when OB&T built the track and bridge that comprise the Bridge Segment some 120 years ago, and when it rebuilt the west span of the Missouri River Bridge about 110 years ago. CC&P is unaware of other environmental conditions that might affect the archaeological recovery of resources. Access to the portions of the line that are on the ground are generally fair but restricted in certain areas, but the portions of the line that are located on the bridge infrastructure and approaches are generally inaccessible for a variety of reasons.



**Council Bluffs, IA to E. Omaha, NE
Docket No. AB-314 (Sub. - 7X)**

Swing Bridge





Approach to Swing Bridge 514.4, east side of Missouri River

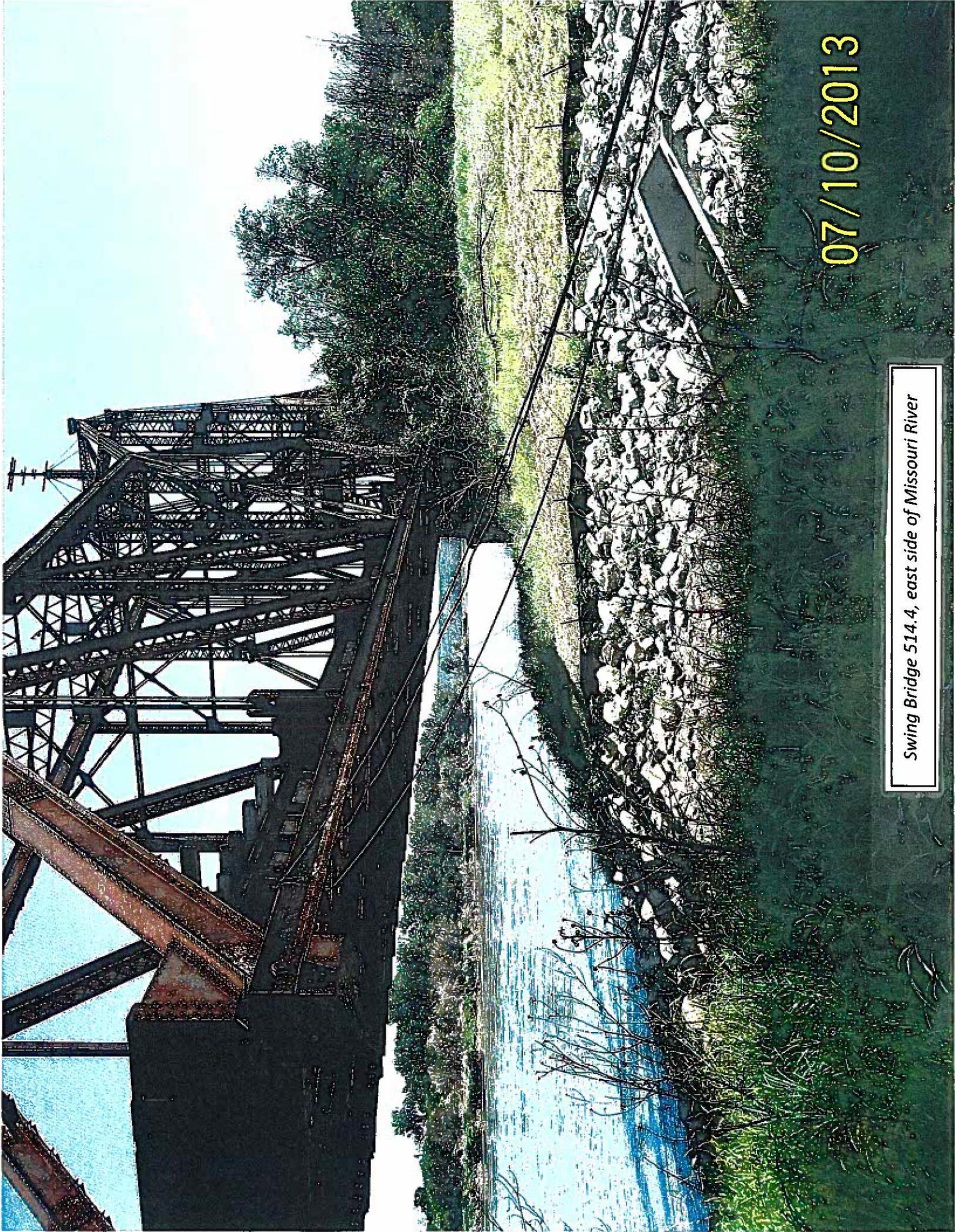
07/10/2013

Appendix W



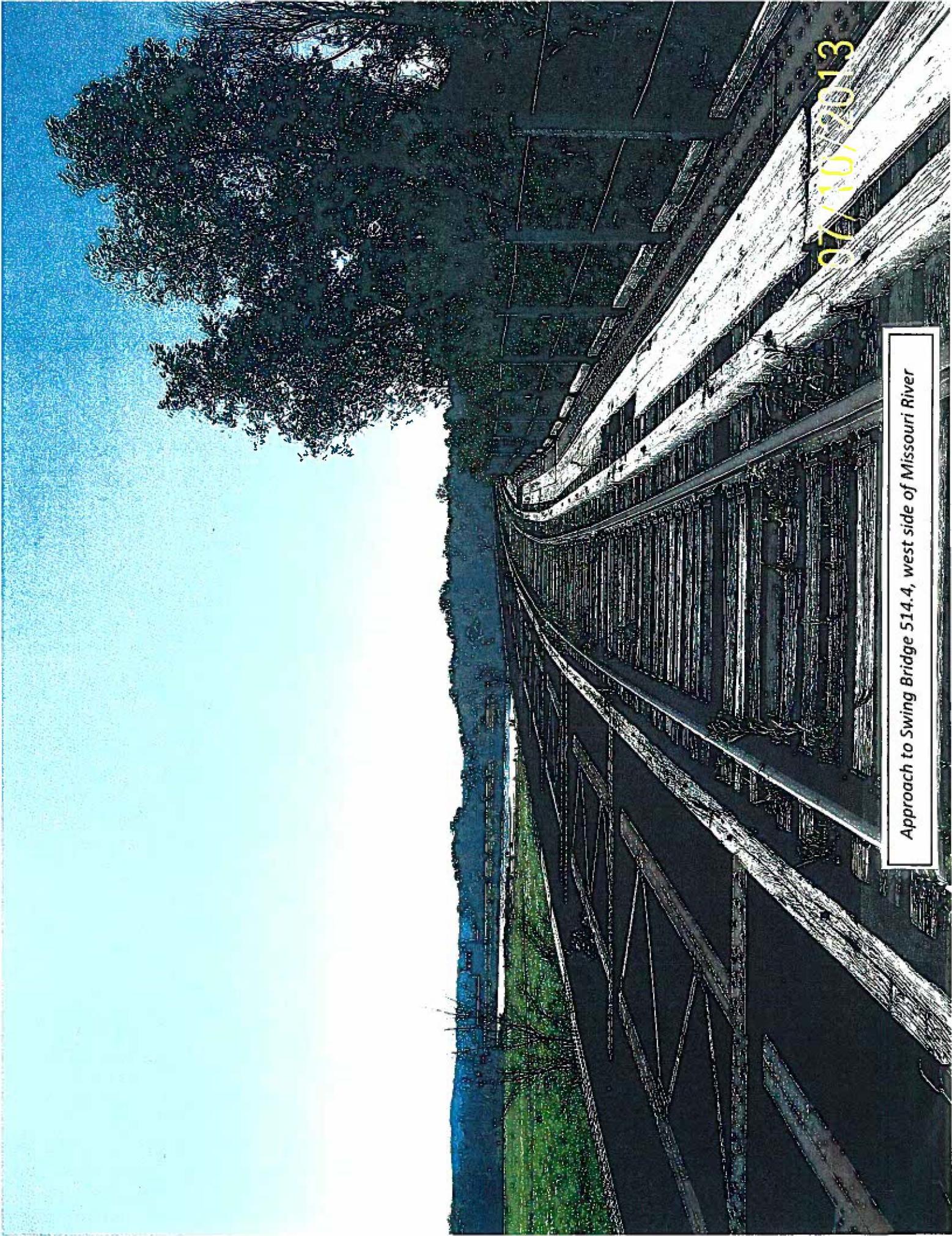
07/16/2013

Approach to Swing Bridge 514.4, east side of Missouri River

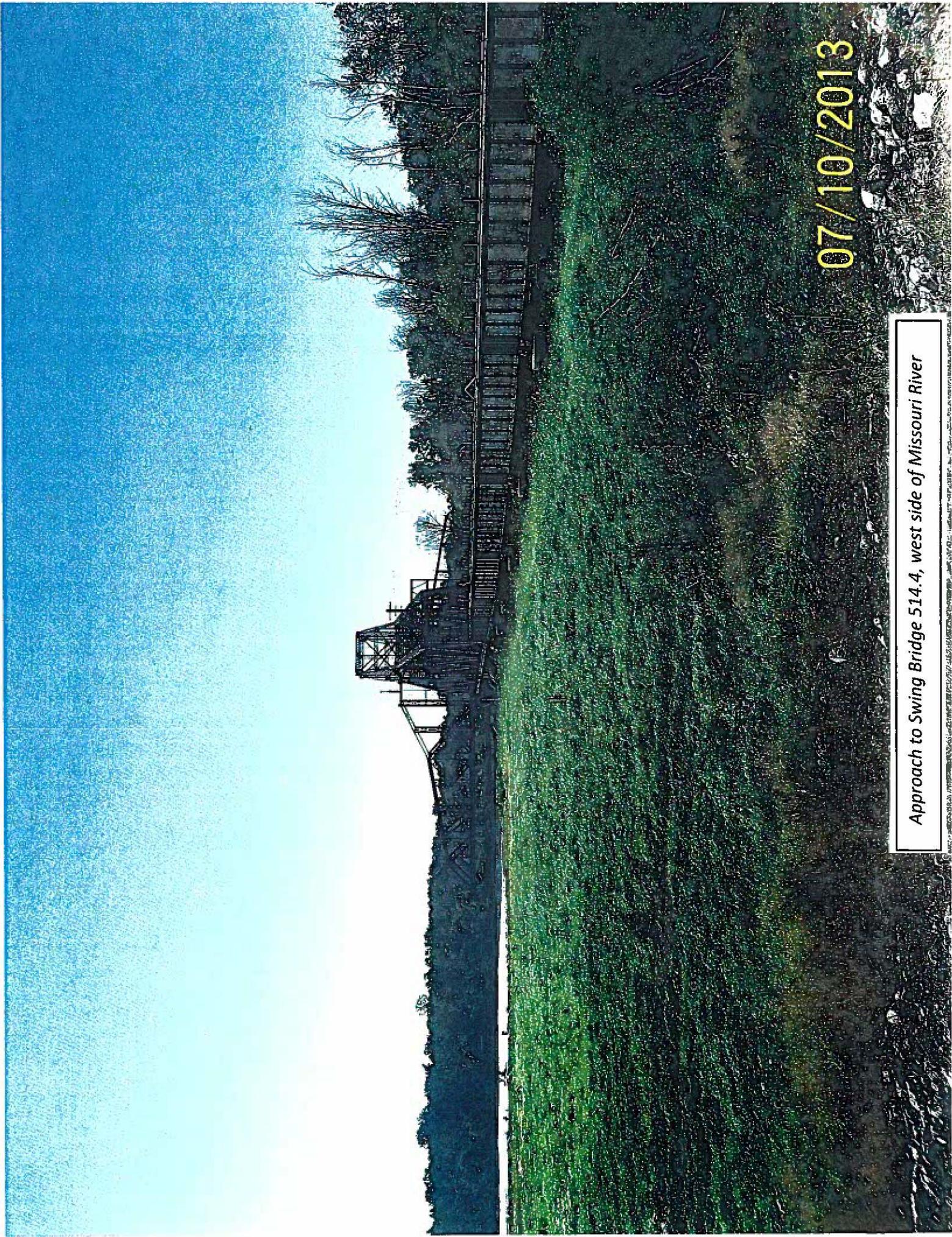


Swing Bridge 514.4, east side of Missouri River

07/10/2013

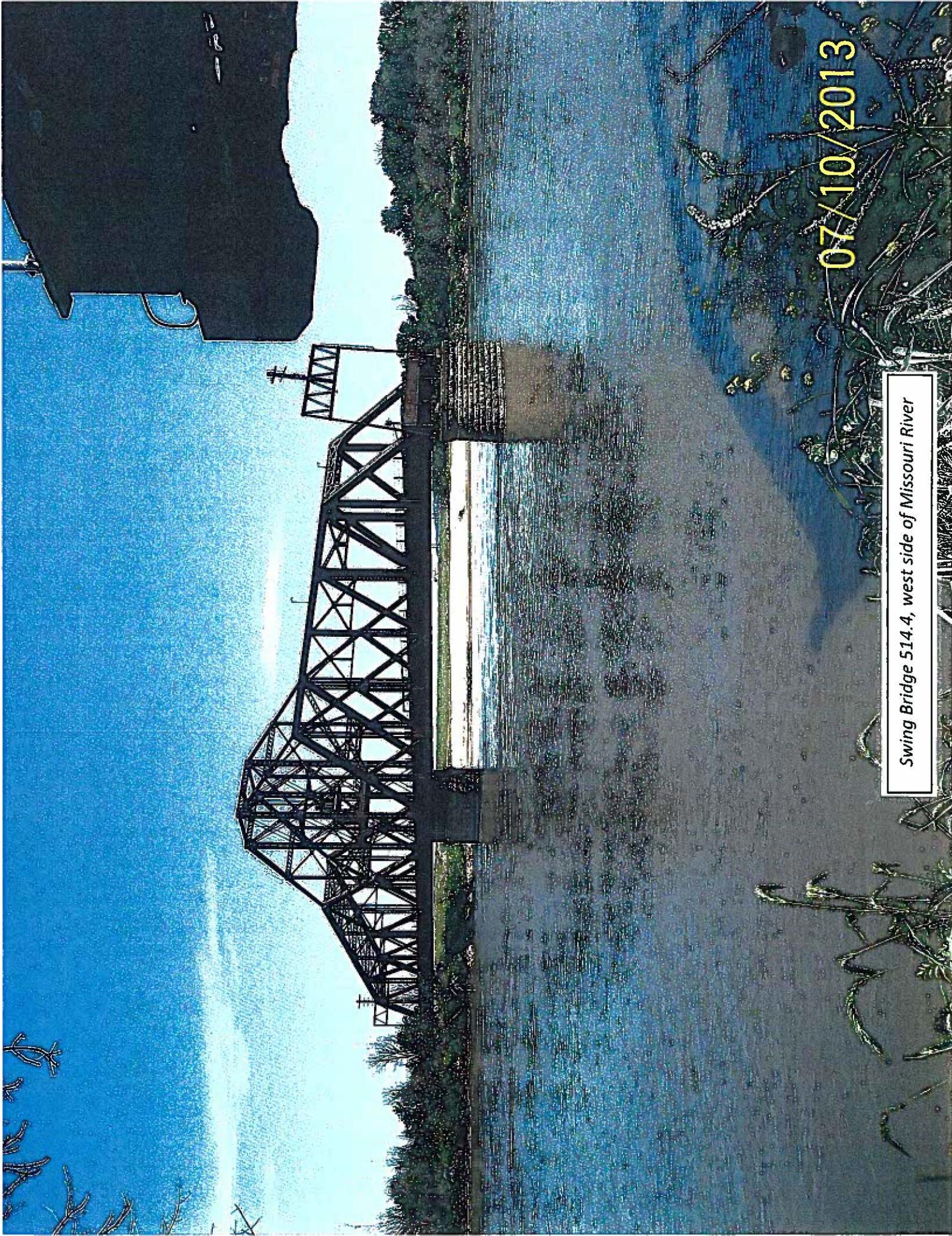


Approach to Swing Bridge 514.4, west side of Missouri River



Approach to Swing Bridge 514.4, west side of Missouri River

07/10/2013



Swing Bridge 514.4, west side of Missouri River

07/10/2013

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 23, 2013

Ms. June Strand
Review & Compliance Coordinator
State Historical Society of Iowa
600 East Locust Street
Des Moines, IA 50309-0290

Re: **Docket No. AB-314 (Sub-No. 7X)**
Chicago, Central & Pacific Railroad Company -- Abandonment
Exemption -- In Pottawattamie County, IA and Douglas County, NE

Dear Ms. Strand:

On or after December 2, 2013, Chicago, Central & Pacific Railroad Company ("CC&P") expects to file with the Surface Transportation Board a petition for exemption for the abandonment of CC&P's line of railroad, referred to herein as the Missouri River Bridge Line, extending from milepost 510.62 in Council Bluffs, Iowa across the Missouri River to milepost 514.80 near North 25th Street E in Omaha, Nebraska, a distance of approximately 2.12 miles in Pottawattamie County, Iowa and Douglas County, Nebraska. The line includes a milepost equation at Levy Junction near Nash Boulevard in Council Bluffs, where MP 511.35 = MP 513.41. CC&P also will abandon the south leg of its wye track at Council Bluffs, extending from milepost 511.17 on CC&P's main line near Avenue K to the connection with the Missouri River Bridge Line at North 16th Street, an additional distance of approximately 0.44 miles.

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Appendix X

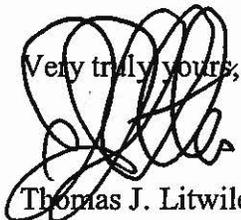
FLETCHER & SIPPEL LLC

Ms. June Strand
October 23, 2013
Page 2

In accordance with the Board's environmental and historic preservation regulations, 49 C.F.R. § 1105.8, we are advising you of the proposed abandonment of the Missouri River Bridge Line so that you may determine whether this action will have any effect on any historic structures or sites. The Missouri River bridge consists of two main center-pivot swing spans, each approximately 520 feet long, and constructed in 1893 and 1904, respectively. The bridge also includes nine 60-foot through plate girder approach spans, constructed in 1904. Further information on and photographs of the bridge will be forwarded to you with the Environmental/Historic Report referenced below. CC&P is uncertain of the historic significance of the Missouri River bridge. CC&P also is unaware of any historic sites involved in the proposed abandonment.

We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-314 (Sub-No. 7X) and be sent to the undersigned, as counsel for CC&P. Your comments will be incorporated into the Environmental/Historic Report prepared in connection with this abandonment pursuant to 49 C.F.R. § 1105.7.

In accordance with the Board's regulations, a copy of the Environmental/Historic Report will be forwarded to you at least twenty days before CC&P's petition for exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,


Thomas J. Litwiler
Attorney for Chicago, Central & Pacific
Railroad Company

TJL:tl

Attachment

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 23, 2013

Ms. Jill E. Dolberg
Review and Compliance Coordinator
Nebraska State Historical Society
1500 R Street
P.O. Box 82554
Lincoln, NE 68501-2554

Re: **Docket No. AB-314 (Sub-No. 7X)**
Chicago, Central & Pacific Railroad Company -- Abandonment
Exemption -- In Pottawattamie County, IA and Douglas County, NE

Dear Ms. Dolberg:

On or after December 2, 2013, Chicago, Central & Pacific Railroad Company ("CC&P") expects to file with the Surface Transportation Board a petition for exemption for the abandonment of CC&P's line of railroad, referred to herein as the Missouri River Bridge Line, extending from milepost 510.62 in Council Bluffs, Iowa across the Missouri River to milepost 514.80 near North 25th Street E in Omaha, Nebraska, a distance of approximately 2.12 miles in Pottawattamie County, Iowa and Douglas County, Nebraska. The line includes a milepost equation at Levy Junction near Nash Boulevard in Council Bluffs, where MP 511.35 = MP 513.41. CC&P also will abandon the south leg of its wye track at Council Bluffs, extending from milepost 511.17 on CC&P's main line near Avenue K to the connection with the Missouri River Bridge Line at North 16th Street, an additional distance of approximately 0.44 miles.

CC&P's petition for exemption will be filed pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1121. A map showing the location of the Missouri River Bridge Line is attached for your reference. CC&P's Missouri River bridge has been out-of-service for several years, and the U.S. Coast Guard has insisted that the bridge be removed. Post-abandonment removal of the bridge will require further authorization of the Coast Guard and the U.S. Army Corps of Engineers. CC&P anticipates that, after abandonment, the wye tracks east of Levy Junction will be retained as unregulated trackage for use in turning locomotives and other equipment. Other trackage will be salvaged.

Your review of a previous proposal to abandon CC&P's Missouri River bridge was requested by letter dated November 20, 2009. That proposal was captioned as Docket No. AB-314 (Sub-No. 5X), and involved slightly different milepost endpoints. CC&P did not

Appendix Y

FLETCHER & SIPPEL LLC

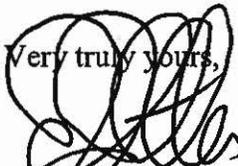
Ms. Jill E. Dolberg
October 23, 2013
Page 2

proceed with abandonment at that time. Even if you provided a response to the previous letter, please consider this a new request for comments, as outlined below.

In accordance with the Board's environmental and historic preservation regulations, 49 C.F.R. § 1105.8, we are advising you of the proposed abandonment of the Missouri River Bridge Line so that you may determine whether this action will have any effect on any historic structures or sites. The Missouri River bridge consists of two main center-pivot swing spans, each approximately 520 feet long, and constructed in 1893 and 1904, respectively. The bridge also includes nine 60-foot through plate girder approach spans, constructed in 1904. Further information on and photographs of the bridge will be forwarded to you with the Environmental/Historic Report referenced below. CC&P is uncertain of the historic significance of the Missouri River bridge. CC&P also is unaware of any historic sites involved in the proposed abandonment.

We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-314 (Sub-No. 7X) and be sent to the undersigned, as counsel for CC&P. Your comments will be incorporated into the Environmental/Historic Report prepared in connection with this abandonment pursuant to 49 C.F.R. § 1105.7.

In accordance with the Board's regulations, a copy of the Environmental/Historic Report will be forwarded to you at least twenty days before CC&P's petition for exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter. Kind regards.

Very truly yours,


Thomas J. Litwiler
Attorney for Chicago, Central & Pacific
Railroad Company

TJL:tl

Attachment



9
11/13/13

November 7, 2013

Mr. Thomas J. Litwiler
Fletcher & Sippel, LLC
29 North Wacker Drive, Suite 920
Chicago, IL 60606-2832

RE: Docket No. AB-314 (Sub-No. 7X)
Chicago, Central & Pacific Railroad Company Abandonment – Missouri River Bridge
Line
HP#0911-298-01 NeHRSI# DO09:0011-001

Dear Mr. Litwiler:

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.

In our opinion, the Missouri River Bridge on the referenced line which we refer to as the "Omaha Bridge and Terminal Railway Company Bridge" is eligible for listing in the National Register of Historic Places. As such, the removal of the bridge would constitute an adverse effect on the historic property, and one could argue that the removal of track could also be considered adverse.

We will need to initiate consultation with the Surface Transportation Board, the Coast Guard and the U.S. Army Corps of Engineers and proceed with Section 106 Review.

If you have any questions, please do not hesitate to call me at 402-471-4773 or contact me via email at jill.dolberg@nebraska.gov.

Sincerely,

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

Appendix Y-1

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