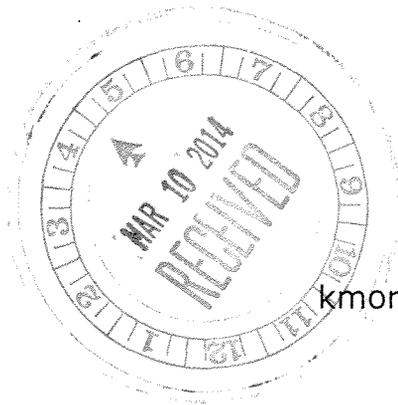




655 Fifteenth Street, NW, Suite 225
Washington, DC 20005

balljanik.com

t 202.638.3307
f 202.783.6947



235604

March 10, 2014

Karl Morell
Of Counsel
kmorell@balljanik.com
235604

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

ENTERED
Office of Proceedings
March 10, 2014
Part of
Public Record

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

Dear Ms. Brown:

Attached for filing are the original and ten copies of a Notice of
Exemption under 49 C.F.R. 1152.50. Also attached is a check
covering the \$3,900 filing fee.

If you have any questions, please call me.

Sincerely,

Karl Morell
Of Counsel

Enclosures

FILED
March 10, 2014
Surface Transportation Board

FEE RECEIVED
March 10, 2014
Surface Transportation Board

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 1115X

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

NOTICE OF EXEMPTION

Karl Morell
Of Counsel
Ball Janik LLP
655 Fifteenth Street, N.W.
Suite 225
Washington, D.C. 20005
(202) 638-3307

Attorney for:
NEBRASKA CENTRAL RAILROAD
COMPANY

Dated: March 10, 2014

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 1115X

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

NOTICE OF EXEMPTION

Nebraska Central Railroad Company ("NCRC") files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 to abandon the 1.81-mile rail line located between milepost 17.5, near Central City, and milepost 19.31, in Central City, Merrick County, Nebraska (the "Line").

1. Proposed consummation date.

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

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

The required certification is attached hereto as Exhibit A.

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

(a) General.

- (1) Exact name of applicant.

Nebraska Central Railroad Company

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

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

- (3) Relief sought.

NCRC seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon the 1.81-mile rail line located between milepost 17.5, near Central City, and milepost 19.31, in Central City, Merrick County, Nebraska. There has been no local or overhead traffic on the Line in over two years.

- (4) Map.

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

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

Karl Morell
Ball Janik LLP
655 Fifteenth Street, N.W., Suite 225
Washington, DC 20005
(202) 638-3307

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

The Line traverses U.S. ZIP Code 68826.

- (e) Rural and community impact.

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

The Line traverses farmland outside of Central City and an urban area within Central City that has adequate road and highway networks. Therefore, there is little or no likelihood that the rail corridor is needed for transit or highway corridor. The right-of-way is suitable for recreational trails. The property underlying the right-of-way may be reversionary, which would affect the transfer of the property for other than rail or rail-banking purposes.

4. The level of labor protection.

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

5. Certification.

Certificates of compliance with the notice requirements of 49 C.F.R. §§

1152.50(d)(1) and 1105.11 are attached as Exhibit C.

6. Environmental Report.

The Environmental Report containing information required by 49 C.F.R. § 1105.7(e) is attached hereto as Exhibit D. Based on information in our possession, the Line does not contain federally granted rights-of-way. Any documentation in the NCRC's possession will be made available promptly to those requesting it.

7. Historic Report.

The Historic Report containing information required by 49 C.F.R. § 1105.8 is attached hereto as Exhibit E.

Respectfully submitted,

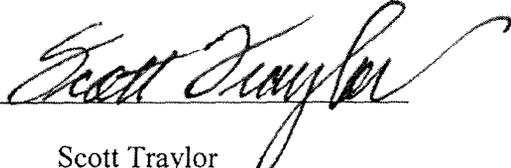


Karl Morell
Of Counsel
Ball Janik LLP
655 Fifteenth Street, N.W., Suite 225
Washington, D.C. 20005
(202) 638-3307

Attorney for:
NEBRASKA CENTRAL RAILROAD
COMPANY

Dated: March 10, 2014

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



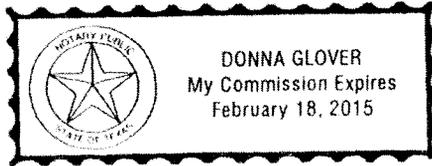
Scott Traylor

SUBSCRIBED AND SWORN TO before me this 7th day of March, 2014.

My Commission Expires: 2-18-15



Notary Public



CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB 1115X was mailed via first class mail on February 26, 2014 to the following parties:

State Public Service Commission

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

Military Traffic Management Command

MTMCTEA
ATTN: SDTE-SE
Railroads for National Defense
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

National Park Service

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

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

U.S. Department of Agriculture

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

Dated: March 10, 2014

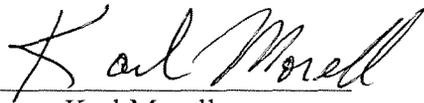


Karl Morell

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB 1115X was advertised on March 5, 2014 in the Grand Island Independent, a newspaper of general circulation in Merrick County, Nebraska as required by 49 C.F.R. § 1105.12.

Dated: March 10, 2014


Karl Morell

**ENVIRONMENTAL REPORT
CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, in Docket No. AB 1115X, the transmittal letter required by 49 C.F.R. § 1105.11, was mailed to all agencies listed in 49 C.F.R. § 1105.7(b), as well as the additional agencies listed below via first class mail on January 27, 2014.

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that copies of the Environmental Report were mailed via first class mail on January 27, 2014 to the following agencies:

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

City Administrator
Central City
1515 17th Street
Central City, NE 68826

Mr. Wayne Vanek
Natural Resources Conservation Service
Federal Building Room 152
100 Centennial Mall North
Lincoln, NE 68508-3866

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

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

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

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

Ms. Amanda Ciurej
Corps of Engineers, Omaha District
1616 Capital Avenue
Omaha, NE 68102-4901

Date: March 10, 2014


Karl Morell

**HISTORIC REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB 1115X was mailed via first class mail on January 27, 2014, to the following party:

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

Date: March 10, 2014

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

Karl Morell

EXHIBIT D

ENVIRONMENTAL REPORT

(49 C.F.R. 1105.7)

Docket No. AB-1115X

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Not applicable

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DOCKET NO. AB-1115X

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

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

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

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

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

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

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

HISTORIC REPORT

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

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

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

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

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

A picture of the bridge is attached as Exhibit 3.

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

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

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

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

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

NCRC does not possess any such documents.

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

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

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

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

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

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

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