

ENTERED
Office of Proceedings
January 22, 2015
Part of
Public Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB DOCKET NO. AB-314 (Sub-No. 7X)

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

ABANDONMENT PETITION FOR EXEMPTION

INTRODUCTION

Pursuant to 49 U.S.C. § 10502 and the rules applicable thereto at 49 C.F.R. parts 1121 and 1152, Chicago, Central & Pacific Railroad Company (“CC&P”) files this petition (the “Petition”) seeking an exemption from the provisions of 49 U.S.C. § 10903 to abandon approximately 2.56 miles of interconnected 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;¹ 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 line segment at North 16th Street, an additional distance of approximately 0.44 miles.

¹ The subject rail line includes a milepost equation (adjustment) at Levy Junction near Nash Boulevard in Council Bluffs where milepost 511.35 = milepost 513.41, accounting for what might otherwise be perceived as a mileage discrepancy based exclusively on calculations applying the terminal milepost numbers.

**FILED
January 22, 2015
SURFACE
TRANSPORTATION BOARD**

1

**FEE RECEIVED
January 22, 2015
SURFACE
TRANSPORTATION BOARD**

The Missouri River Bridge Line traverses United States Postal Service ZIP Codes 51501 and 68110. Based on information in CC&P's possession, the Missouri River Bridge Line does not contain federally granted rights-of-way. Any documentation in CC&P's possession will be made available to those requesting it. The following station is located along the Missouri River Bridge Line (which stations will remain open, as service will continue, albeit via alternative rail routes): Council Bluffs.

Most of the subject Missouri River Bridge Line was part of CC&P's original main line extending from Chicago, Illinois, to Omaha, Nebraska. The vast majority of the CC&P main line is very much in active use, but the Missouri River Bridge Line segment of the original route has not hosted common carrier service for more than two decades. (In recent years, the wye trackage component of the Missouri River Bridge Line in Council Bluffs has been used for turning locomotives and equipment, but not for the provision of rail common carrier service.) To reach its railroad facilities and shippers at the railroad's western terminus in Omaha, CC&P has for several years operated over a roughly parallel-running rail line owned by the Union Pacific Railroad Company ("UP") pursuant to a non-STB-regulated switching arrangement (the "Switching Arrangement").² In the presence of the CC&P-UP Switching Arrangement, CC&P does not need to use the Missouri River Bridge Line to be able to provide uninterrupted, through service to its Omaha customers. At the same time, however, the Missouri River Bridge Line has been a strategic CC&P asset as a "mothballed" alternative to the aforementioned Switching Arrangement.

² Coordinated UP-CC&P switching arrangements date back to the early 1990s, at which time the nature of the switching arrangements was reviewed and the arrangement was found not to require advance agency authorization. See Brotherhood of Locomotive Engineers v. Union Pacific Railroad Company and Chicago Central & Pacific Railroad Company, 1993 WL 418083 (ICC 1993), aff'd Brotherhood of Locomotive Eng'rs v. STB, 101 F.3d 718 (D.C.Cir.1996).

As the name suggests, the Missouri River Bridge Line crosses the Missouri River via a two-span swing (or draw) bridge (the “Missouri River Bridge” or “Bridge”). In the mid-1990s CC&P conveyed ownership of the bridge to a sister company – the Missouri River Bridge Company (“MRBC”) – which the Interstate Commerce Commission determined was not a carrier subject to the agency’s jurisdiction as a result of Bridge ownership due to CC&P’s retention of the exclusive right to conduct freight common carrier operations over the Bridge.³ (MRBC was merged back into CC&P in 2011.) Like the rail line segment traversing it, the Missouri River Bridge has been inactive for many years. It is inoperable, and the eastern (Iowa side) span has been for many years locked in an open position to better facilitate river navigation. As indicated above, the Coast Guard, perceiving the Bridge to be inactive, considers the Bridge to be a hazard to Missouri River navigation, and has demanded that CC&P remove it under threat of penalty.⁴ CC&P believes that Bridge removal cannot be compelled absent Board authority to abandon the Missouri River Bridge Line.

The proposed Missouri River Bridge Line abandonment should have no material impact upon CC&P traffic or customers – no shippers are located along the subject rail line; no through traffic has moved on the line or over the Bridge for more than 20 years; and traffic to and from CC&P-served shippers in Omaha is handled pursuant to an aforementioned Switching Arrangement. Even in the absence of the Switching Arrangement, CC&P would continue to be able to operate its Omaha trackage as an “island” and interchange such traffic (likely with UP) for bridging back to CC&P at or around Council Bluffs. Although very unlikely, a future CC&P island operation is possible if the Switching Arrangement were to end, and, because of this, it is

³ Missouri River Bridge Company – Acquisition Exemption – Certain Assets of Chicago, Central & Pacific Railroad Company, Finance Docket No. 32384 (ICC served March 3, 1994).

⁴ Selected documents relating the Coast Guard’s bridge removal requests/demands and CC&P’s responses thereto are attached as Exhibit A.

not clear whether CC&P could make the necessary certification under 49 C.F.R. § 1152.50(b) concerning the re-routing of overhead traffic to avail itself of the two-year-out-of-service class exemption procedures at 49 C.F.R. subpart F. So, out of an abundance of caution, CC&P has chosen to seek abandonment authority pursuant to 49 U.S.C. § 10502 and the Board's individual petition for exemption procedures at 49 C.F.R. § 1121 and 49 C.F.R. subpart G.

The requested abandonment exemption should be granted because –

- in keeping with the standards of section 10502 – (a) application of the Board's formal abandonment process is unnecessary to carry out the Rail Transportation Policy ("RTP") of 49 U.S.C. § 10101; (b) the proposed action is of limited scope; and (c) regulation is not necessary to protect CC&P's customers from market power abuse;
- No CC&P customers will lose access to rail service as a result of the proposed abandonment. CC&P customers will continue to receive CC&P service to and from Omaha under either the existing Switching Arrangement, or, in its absence, via third-party bridging service linking CC&P lines in Council Bluffs and Omaha; and
- The proposed abandonment will facilitate the removal of CC&P's bridge across the Missouri River that the Coast Guard regards as a hazard to waterway navigation.

CC&P's Petition should be granted in keeping with agency policy and precedent.

MAPS AND EXHIBITS

Selected correspondence between the Coast Guard and CC&P concerning bridge removal are attached as Exhibit A. A map of the Missouri River Bridge Line is attached as Exhibit B. A draft Federal Register notice is attached as Exhibit C, and the certifications of compliance with 49 C.F.R. §§ 1105.12 and 1152.60(d) are included as Exhibit D. Attached as part of Exhibit E is a certificate of compliance with the advance notice requirements for Environmental and Historic Reports as set forth at 49 C.F.R. § 1105.11. Also included as part of Exhibit E is a combined Environmental and Historic Report ("E&HR") prepared in anticipation of the proposed abandonment, which conforms to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8.

FACTUAL BACKGROUND

As indicated, most of the Missouri River Bridge Line is part of CC&P's traditional Chicago-Omaha main line. CC&P's Missouri River Bridge, spanning its namesake river and linking Council Bluffs and Omaha, is very old, in deteriorated condition, and has been costly to maintain and operate over in the past. In light of CC&P's usual traffic levels, the expense of maintaining and operating this bridge has been difficult to justify. However, due to a long-standing arrangement with UP, CC&P has been able to route traffic moving to and from Omaha away from the Missouri River Bridge. Because CC&P has not relied upon the Missouri River Bridge for several years, the Coast Guard has determined that it is a hazard to Missouri River navigation, and the Coast Guard has for some time pressed CC&P to remove the bridge under threat of penalty. The Missouri River Bridge Line running across the Bridge is a Board-regulated line of railroad, so CC&P cannot remove the subject span unless or until – (1) the Board has authorized abandonment of the Missouri River Bridge Line; and (2) CC&P has complied with the documentary mitigation conditions that may be imposed here as preconditions to Bridge removal.

Notwithstanding its concerns over the loss of a strategic railroad asset, CC&P nevertheless has decided to work with the Coast Guard toward abandonment to facilitate Missouri River Bridge removal. Accordingly, CC&P has elected to seek STB abandonment authority at this juncture. The Missouri River Bridge Line itself has no shippers, but the result of abandonment would be that CC&P's single-line, through service to and from Omaha would depend upon a long-standing Switching Arrangement. In the very unlikely event that the Switching Arrangement were to terminate, then CC&P and its customers might have to rely on

third-party railroad bridging service to and from Omaha to link the otherwise disconnected portions of CC&P's system.

Under the circumstances, CC&P cannot assure that customers routing traffic via CC&P to and from Omaha would be entirely unaffected by the proposed abandonment in the future. For this reason, CC&P's Omaha customers will be served with a copy of the subject abandonment petition. See Exhibit D.

PETITIONER'S REPRESENTATIVE

CC&P is represented by Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606-2832; telephone: (312) 252-1504; facsimile: (312) 252-2400; email: rwimbish@fletcher-sippel.com.

THE EXEMPTION STANDARDS HAVE BEEN MET

Under 49 U.S.C. § 10903, a rail line cannot be abandoned without prior Board approval. However, under 49 U.S.C. § 10502, the Board must exempt a proposed rail line abandonment from section 10903's formal requirements when it finds that – (1) regulation of the transaction is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101; and (2) either (a) the transaction is of limited scope, or (b) regulation is not needed to protect shippers from market power abuse. The proposed abandonment meets section 10502's statutory requirements.

A. Regulation Is Not Necessary To Carry Out The Rail Transportation Policy

There is no need for detailed Board scrutiny under 49 U.S.C. § 10903 in this instance, as the requested Board action is in keeping with, and indeed will advance, various elements of the RTP. Granting CC&P's Petition – rather than requiring it to incur the substantial costs and potential delays involved in submitting an application – promotes a fair and expeditious regulatory decision-making process; ensures the development and continuation of a sound rail

transportation system with effective competition among rail carriers and other modes to meet the needs of the public; reduces regulatory barriers to exit from the industry; and provides for the expeditious handling and resolution of proceedings required or permitted to be brought under this part. See 49 U.S.C. §§ 10101(2), (4), (7), and (15). Moreover, granting CC&P's Petition will foster sound economic conditions, and will encourage efficient management in accordance with the RTP. See 49 U.S.C. §§ 10101(5) and (9).

For these reasons, the Board need not, and should not, require CC&P to use the formal abandonment application procedures. The proposed abandonment and CC&P's use of the Board's exemption procedures should have no material impact upon shipper interests, will not affect the operational status quo, and is consistent with the RTP.

B. The Proposed Abandonment Is of Limited Scope

The proposed abandonment is of limited scope, involving approximately 2.56 miles of long-out-of-service rail line including a bridge that the Coast Guard views as an impediment to river navigation. Abandonment of the Missouri River Bridge Line should not affect CC&P service and traffic flows, particularly if the CC&P-UP Switching Arrangement remains in place.

C. Regulation of the Abandonment Is Not Necessary to Protect Shippers from Market Power Abuse

Because the proposed abandonment is of limited scope, CC&P need not show that regulation is unnecessary to protect shippers from market power abuse. But it is nevertheless clear that the use of the Board's formal abandonment procedures is unnecessary to protect shippers from any potential abuse of market power. The proposed abandonment will not deprive customers of access to CC&P's rail service. No shippers are located upon the Missouri River Bridge Line, and line-haul service for CC&P customers in Omaha will remain available under either the existing Switching Arrangement, a new agreement, or via an interline arrangement

with a third party such as UP. Also, the proposed abandonment will not affect rail-to-rail or multi-modal competition.

PUBLIC INTEREST FACTORS

Public interest considerations weigh in favor of Board approval of the subject Petition. The proposed abandonment of the Missouri River Bridge Line will facilitate formal closure and removal of CC&P's Missouri River Bridge to aid river navigation (as is reflected by the Coast Guard's demands), but it will not deprive any shipper of access to CC&P. In fact, the proposed abandonment would promote efficient railroad operations by eliminating unnecessary and long-unused railroad infrastructure that is, in and of itself, nonessential to the transportation of CC&P's traffic. Additionally, the proposed abandonment would benefit the surrounding community by removing grade crossings, promoting safer water navigation, and eliminating potential liability stemming from retention of the bridge. As such, CC&P submits that the abandonment would be in keeping with, and indeed will advance, the public interest.

LABOR PROTECTIVE CONDITIONS

The interests of CC&P 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).

ENVIRONMENTAL AND HISTORIC IMPACTS REVIEW

CC&P has prepared a combined Environmental and Historic Report ("E&HR") in connection with the proposed abandonment. That E&HR is attached hereto as part of Exhibit E.

CONCLUSION

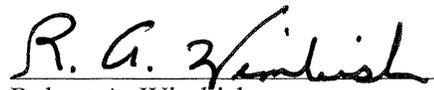
CC&P seeks an exemption from the provisions of 49 U.S.C. § 10903 to abandon roughly 2.56 miles of rail line located in Council Bluffs, Iowa, and Omaha, Nebraska, and spanning the

Missouri River. As explained above, the Missouri River Bridge Line is not used for the provision of common carrier service, and, in fact, the portion of the Missouri River Bridge Line west of the wye track connections has not been operated in over two decades, while the wye track is used for typical railroad yard purposes (i.e., the turning of locomotives and equipment). CC&P has targeted Missouri River Bridge Line for abandonment at the behest of the U.S. Coast Guard, which views the Missouri River Bridge as a hazard to river navigation and, which has urged that the bridge be removed under threat of penalty.

The requested abandonment exemption is in keeping with, and will promote, the public interest. No shipper is likely to be harmed by the abandonment, because there are no shippers located on the Missouri River Bridge Line, and CC&P expects that it will continue to be able to serve customers in Omaha under either the existing Switching Arrangement with UP or under an interline arrangement with UP or another carrier in the unlikely event that the Switching Arrangement is terminated. For the reasons offered herein, application of section 10903's formal abandonment procedures is not needed to carry out the RTP set forth at 49 U.S.C. § 10101, and, in fact, granting CC&P's Petition would promote many of the elements of that policy. Likewise, the proposed abandonment is of limited scope, and no potential for abuse of market power would result from the requested exemption.

Dated: January 22, 2015

Respectfully submitted,



Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 920
Chicago, IL 60606-2832
Tel: (312) 252-15044
rwimbish@bakerandmiller.com

Attorney for Chicago, Central & Pacific Railroad Company

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB DOCKET NO. AB-314 (Sub-No. 7X)

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

ABANDONMENT PETITION FOR EXEMPTION

EXHIBIT A

SELECTED U.S. COAST GUARD – CC&P CORRESPONDENCE

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Eighth Coast Guard District

1222 Spruce Street
St. Louis, MO 63103-2832
Staff Symbol: dwb
Phone: (314) 269-2382
Fax: (314) 269-2737
Email: david.a.orzechowski@uscg.mil

16591.1/618.3 MOR
February 20, 2009

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Thomas J. Healey
Counsel – Regulatory
Canadian National Railroad
17641 S. Ashland Avenue
Homewood, IL 60430-1339

Subj: ILLINOIS CENTRAL GULF RAILROAD DRAWBRIDGE, MILE 618.3,
MISSOURI RIVER

Dear Mr. Healey:

This is in reply to your letter dated February 12, 2009 asking for a 90 day extension of time to facilitate discussions with Union Pacific Railroad. Your request is granted. If no response is received by May 20, 2009, we will initiate civil penalty action against your company.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Wiebusch".

ROGER K. WIEBUSCH
Bridge Administrator
By direction of the District Commander

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Eighth Coast Guard District

1222 Spruce Street
St. Louis, MO 63103-2832
Staff Symbol: dwb
Phone: (314) 269-2382
Fax: (314) 269-2737
Email: david.a.orzechowski@uscg.mil

16591.1/618.3 MOR
January 13, 2009

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Thomas J. Healey
Counsel – Regulatory
Canadian National Railroad
17641 S. Ashland Avenue
Homewood, IL 60430-1339

Subj: ILLINOIS CENTRAL GULF RAILROAD DRAWBRIDGE, MILE 618.3,
MISSOURI RIVER

Dear Mr. Healey:

Please refer to your letter dated December 19, 2008 regarding the subject bridge. You state the bridge is an element of a line of railroad owned by Chicago, Central & Pacific Railroad Company and is regulated by the Surface Transportation Board (STB). The STB does have jurisdiction to regulate the line, however, the bridge is a separately permitted structure regulated by the U.S. Coast Guard.

Since the bridge is no longer being used as a transportation function and no plans are in place to revert the bridge to active use, it must be completely removed from the waterway. If we do not hear from your company in 30 days on the removal of this bridge, we will initiate civil penalty action which will result in the assessment of a civil penalty of \$25,000 per day.

Sincerely,

ROGER K. WIEBUSCH
Bridge Administrator
By direction of the District Commander

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Eighth Coast Guard District

1222 Spruce Street
St. Louis, MO 63103-2832
Staff Symbol: dwb
Phone: (314) 269-2382
Fax: (314) 269-2737
Email: david.a.orzechowski@uscg.mil

16591.1/618.3 MOR
October 20, 2008

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Thomas J. Healey
Counsel – Regulatory
Canadian National Railroad
17641 S. Ashland Avenue
Homewood, IL 60430-1339

Subj: ILLINOIS CENTRAL GULF RAILROAD DRAWBRIDGE, MILE 618.3,
MISSOURI RIVER

Dear Mr. Healey:

This letter is to rescind and replace the Coast Guard letter of December 6, 2007, (see Enclosure) in reference to the subject bridge. A visit to the bridge site revealed that the bridge is presently not being used for land transportation. Our records indicate that rail traffic over the bridge ceased in the 1990's. Subsequent to this closure the drawspan was locked in the open to navigation position; thereby prohibiting the bridge to be used for any form of land transportation.

The Secretary of Homeland Security has delegated to the U.S. Coast Guard the authority, under the Bridge Statutes, to ensure that marine navigation is free, easy, and unobstructed. All bridges in or over navigable waters of the United States are obstructions to navigation and are permitted and tolerated only as long as they serve the needs of land transportation while allowing for the reasonable needs of navigation. When a bridge is no longer used for a transportation purpose, it is considered in violation of federal law and to constitute an unreasonable obstruction to navigation. Presently, your bridge is not being used for land transportation nor does it appear that it will be returned to use. Under these circumstances, you have three options:

1. Return the bridge to an active transportation function. Please contact this office to negotiate a reasonable period to return the bridge to service. After this time is set, the Coast Guard will periodically monitor the bridge to ensure compliance.

2. Should you desire to retain portions of the bridge in the waterway after removal of the main navigation span, you should consult with the U. S. Army Corps of Engineers. Failure to obtain Corps' approval to leave parts of the structure in the waterway after it has lost its character as a bridge will subject you to remove the bridge in its entirety down to or below the natural bottom of the waterway or such other elevation as deemed appropriate by the District Commander in consultation with the Corps of Engineers.

Subj: ILLINOIS CENTRAL GULF RAILROAD DRAWBRIDGE,
MILE 618.3, MISSOURI RIVER

16591.1/618.3 MOR
October 20, 2008

3. Completely remove the bridge from the waterway at no expense to the Federal Government. The Coast Guard's involvement in the removal process will include early review of the proposed removal plan that will allow the Coast Guard to notify effected mariners and to ensure that the reasonable needs of navigation are met during the removal operations.

You are requested to respond in writing within 60 days from the receipt of this letter regarding your plans for this bridge. Failure to respond to this notification constitutes a violation and may result in civil penalties being assessed against the Canadian National Railroad.

If you have any questions, please contact Mr. David Orzechowski at the above listed telephone number.

Sincerely,



ROGER K. WIEBUSCH
Bridge Administrator
By direction of the District Commander

Enclosure: CG ltr dtd 6 Dec 07

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Eighth Coast Guard District

222 Spruce Street
St. Louis, MO 63103-2832
Staff Symbol: dwb
Phone: (314) 269-2382
Fax: (314) 269-2737
Email: david.a.orzechowski@uscg.mil

16593.22/618.3 MOR
December 6, 2007

Mr. Alan S. Craine
Manager-Bridges & Structures
Canadian National Railroad
17641 Ashland Avenue
Homewood, IL 60430

Subj: ILLINOIS CENTRAL GULF RAILROAD DRAWBRIDGE, MILE 618.3
MISSOURI RIVER

Dear Mr. Craine:

This is in reply to your letter dated October 17, 2007 regarding the subject bridge. The Coast Guard is the sole federal agency for permitting bridges. No other federal agency has this authority. Bridges across the navigable waters of the United States are considered obstructions to navigation, permitted only when they serve the needs of transportation. Once a bridge ceases to serve a transportation function, it is required to be removed.

Your request to continue to retain the unused structure in place is denied. Plans should be formulated and submitted to this office for its removal. Failure to promptly remove the bridge could result in the assessment of civil penalties of up to \$20,000 per day.

Please contact Mr. David Orzechowski at 314-269-2382, if you have any questions concerning this matter.

Sincerely,

ROGER K. WIEBUSCH
Bridge Administrator
By direction of the District Commander

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

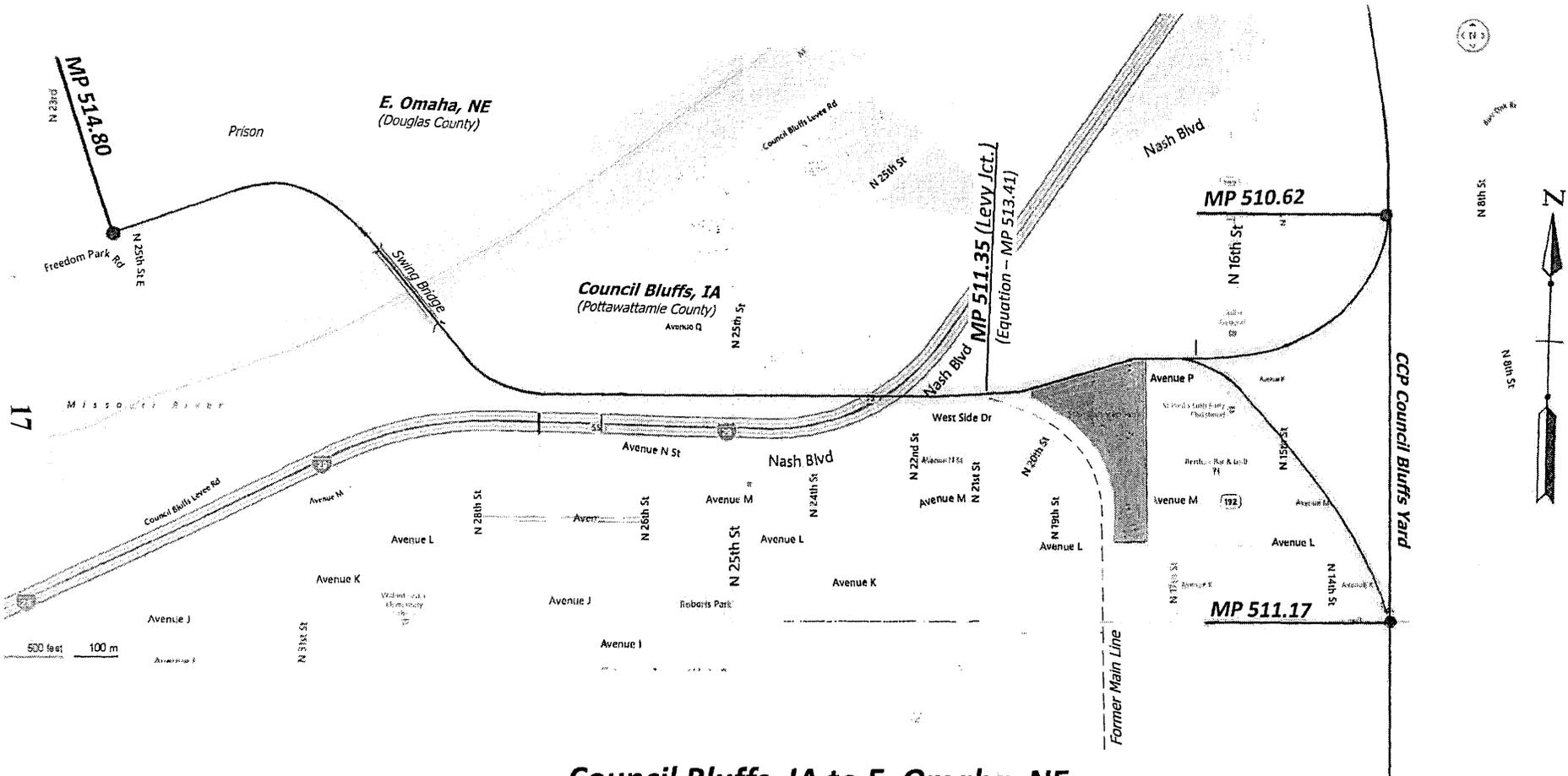
STB DOCKET NO. AB-314 (Sub-No. 7X)

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– ABANDONMENT EXEMPTION –
IN POTTAWATTAMIE COUNTY, IOWA, AND DOUGLAS COUNTY, NEBRASKA**

ABANDONMENT PETITION FOR EXEMPTION

EXHIBIT B

MAP



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

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– ABANDONMENT EXEMPTION –
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ABANDONMENT PETITION FOR EXEMPTION

EXHIBIT C

DRAFT FEDERAL REGISTER NOTICE

DEPARTMENT OF TRANSPORTATION

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

On January 22, 2015, Chicago, Central & Pacific Railroad Company (CC&P) filed a petition under 49 U.S.C. § 10502 for an individual exemption from the provisions of 49 U.S.C. § 10903 to abandon approximately 2.56 miles of interconnected 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;⁵ 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 line segment at North 16th Street, an additional distance of approximately 0.44 miles.

The line for which the abandonment exemption request was filed includes the station of Council Bluffs (which will remain open), and traverses through United States Postal Service ZIP Codes 51501 and 68110. According to the petition, the Missouri River Bridge Line has not been used for the provision of rail common carrier service for over 20 years and there are no shippers located on it. Overhead traffic that could use the Missouri River Bridge Line were it to be reactivated traverses an alternative route via an arrangement with the Union Pacific Railroad

⁵ The subject rail line includes a milepost equation (adjustment) at Levy Junction near Nash Boulevard in Council Bluffs where milepost 511.35 = milepost 513.41, accounting for what might otherwise be perceived as a mileage discrepancy based exclusively on calculations applying the terminal milepost numbers.

Company (“UP”), and, in the unlikely event that arrangement were to be terminated, then overhead traffic would still make use of an alternative through route via CC&P-third-party railroad interline service.

The Line does not contain federally-granted rights-of-way. Any documentation in the railroad’s possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in Oregon Short Line Railroad – Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979).

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. § 10502(b). A final decision will be issued by _____, 2015.

CC&P seeks to abandon the Missouri River Bridge Line primarily to facilitate the formal closure and removal of its Missouri River Bridge at the behest of the U.S. Coast Guard. Due to many years of bridge inactivity and the absence of shipper along the Missouri River Bridge Line, the U.S. Coast Guard has deemed CC&P’s Missouri River Bridge to be a navigation hazard.

All interested persons should be aware that following abandonment of rail service and salvage of the line, portions of the line may be suitable for other public use, including interim trail use.

Any request for a public use condition under 49 C.F.R. § 1152.28, and any request for trail use/rail banking under 49 C.F.R. § 1152.29 will be due no later than 20 days after notice of the filing of the petition for exemption is published in the Federal Register.

All filings in response to this notice must refer to Docket No. AB-314 (Sub-No. 7X) and must be sent to: (1) Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001; and (2) Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920,

Chicago, IL 60606-2832. Replies to the petition are due on or before _____, 2015.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Assistance, Governmental Affairs and Compliance at (202) 245-0238 or refer to the full abandonment or abandonment regulations at 49 C.F.R. part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis (OEA) at (202) 245-0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by OEA will be served upon all parties of record and upon any agencies or other persons who comment during its preparation. Other interested persons may contact OEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally are made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA generally will be within 30 days of its service.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: _____.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

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– ABANDONMENT EXEMPTION –
IN POTTAWATTAMIE COUNTY, IOWA, AND DOUGLAS COUNTY, NEBRASKA**

ABANDONMENT PETITION FOR EXEMPTION

EXHIBIT D

CERTIFICATIONS OF SERVICE/PUBLICATION

Certificate of Service

49 C.F.R. § 1152.60(d) – Notice

I certify that, in keeping with 49 C.F.R. § 1152.60(d), I caused the following parties to be served with a copy of Chicago, Central & Pacific Railroad Company's foregoing abandonment petition for exemption:

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

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

David Dorfman
SDDC TEA
Railroads for National Defense
709 Ward Dr., Bldg. 1990
Scott AFB, IL 62225
(618) 220-5741

Charlie Stockman
National Park Service
Rivers & Trails Conservation Program
1201 Eye Street, NW, 9th Floor (Org. Code 2220)
Washington, D.C. 20005
(202) 354-6900

Thomas L. Tidwell, Chief
Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024
(202) 205-8439
S/W Sandy Berg, Office Manager

In addition, I also hereby certify that I have served the following CC&P customers with a copy of the foregoing abandonment petition for exemption:

Conagra
2900 C Street
Omaha, NE 68107

Sapp Brothers – Carter Lake, Iowa
500 1/2 Avenue H
Carter Lake, IA 51510

Paxton Vierling Steel
P.O Box 1085
Omaha, NE 68101

Drake Williams
1601 N 11th Street
Omaha, NE 68110

Monarch Oil
2200 Ave H E
Omaha, NE 68110

Omaha Box Products
2501 N 21st Street E
Omaha, NE 68110

January 22, 2015



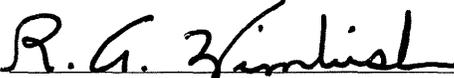
Robert A. Wimbish
Attorney for Chicago, Central & Pacific
Railroad Company

Certificate of Newspaper Publication

49 C.F.R. § 1105.12 – Newspaper Notice

I hereby certify that a “Notice of Intent to Abandon Rail Service” was published in the form prescribed by the Board for a Petition for Exemption (49 C.F.R. § 1105.12). The notice was published one time on July 1, 2014, in the *Council Bluffs Daily Nonpareil*, a newspaper of general circulation in Pottawattamie County, Iowa, and published one time on July 8, 2014, in the *Douglas County Post-Gazette*, a newspaper of general circulation in Douglas County, Nebraska. Affidavits of Publication from both periodicals follow.

January 22, 2015



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

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB DOCKET NO. AB-314 (Sub-No. 7X)

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

ABANDONMENT PETITION FOR EXEMPTION

EXHIBIT E

CERTIFICATE OF COMPLIANCE WITH ENVIRONMENTAL AND HISTORIC REPORT SERVICE REQUIREMENTS AND COMBINED ENVIRONMENTAL AND HISTORIC REPORT

DOCKET NO. AB-325 (SUB-NO. 2X)
LIST OF ENVIRONMENTAL CONTACTS (cont.)

ENVIRONMENTAL AND HISTORIC REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. §§ 1105.7(b) and 1105.8(c), I hereby certify that a copy of a Combined Environmental and Historic Report in STB Docket No. AB-314 (Sub-No. 7X) was mailed via U.S.P.S. first class mail on June 24, 2014, to the following “consulting agencies”:

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

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

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

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

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

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

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

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

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

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

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

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

DOCKET NO. AB-314 (SUB-NO. 7X)
LIST OF ENVIRONMENTAL CONTACTS (cont.)

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

Mr. Simon Monroe
Geodetic Services Division
National Geodetic Survey
N/NGS12 – SSMC Room 9217
1315 East-West Highway
Silver Spring, MD 20910-3282

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

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

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

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

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

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

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

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

Mr. James R. Thele
Acting Director
City of Omaha Planning Department
1819 Farnam Street, Suite 1100
Omaha, NE 68183-1100

Section 106 Review & Compliance Coordinator
State Historical Society of Iowa
600 East Locust Street
Des Moines, IA 50319

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

DOCKET NO. AB-314 (SUB-NO. 7X)
LIST OF ENVIRONMENTAL CONTACTS (cont.)

Thomas P. Hanafan, Mayor
City of Council Bluffs, Iowa
209 Pearl Street
Council Bluffs, IA 51503-4270

Greg Reeder
Director of Public Works
City of Council Bluffs, Iowa
209 Pearl Street
Council Bluffs, IA 51503

Mitch Paine
Flood Mitigation Planning Coordinator
Floodplain Management
Nebraska Department of Natural Resources
301 Centennial Mall South
Lincoln, Nebraska 68509-4676

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

Roger K. Wiebusch
Bridge Administrator
United States Coast Guard
1222 Spruce Street
St. Louis, MO 63101-2832

January 22, 2015



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

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 an open (to river traffic) 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 customers in Omaha due to CC&P's reliance upon the aforementioned Switching Arrangement.

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 legally be compelled absent appropriate Board abandonment authority. Acceding to the Coast Guard's continuing demands, CC&P has initiated this abandonment proceeding, thereby facilitating Missouri River Bridge removal.

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 customers in Omaha is handled pursuant to the Switching Arrangement. Even in the absence of the Switching Arrangement, CC&P would continue to operate its remaining Omaha

trackage as an “island,” and would interchange such traffic with another carrier, likely UP, for bridging between CC&P’s Omaha and Council Bluffs trackage.

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 in keeping with the Coast Guard’s demands. CC&P intends to retain the wye tracks east of Levy Junction as unregulated trackage (i.e., yard track under 49 U.S.C. § 10906) for use in turning locomotives and other equipment. CC&P contemplates that bridge removal will require authorization from the Coast Guard and the U.S. Army Corps of Engineers, in addition to the Board’s authorization to abandon. Where track to be salvaged is located on the ground, the subgrade will remain in place. 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 navigational hazard. Because of the difficulties that CC&P may encounter with the Coast Guard in the event of inaction, CC&P does not believe that retaining the Missouri River Bridge Line is 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. However, it warrants mention that the Federal Railroad Administration (“FRA”), in a Final Environmental Impact Statement, had identified the Missouri River Bridge as railroad infrastructure that could be used as part of a possible alternative routing for proposed Amtrak Chicago-Council Bluffs/Omaha then under FRA study. (See May 2013 Tier 1 FEIS for Chicago to Council Bluffs-Omaha passenger service, attached hereto as **Appendix Z.**)

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 responded 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** and see **Appendix W** (regarding “alternative” passenger train routings and Missouri River rail crossings under consideration as part of FRA’s analysis).

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**. NRCS has responded, advising that it has “determined that [the] project [is] found to be cleared of [Farmland Protection Policy Act] significant concerns.” See correspondence attached hereto as **Appendix I-1**.

(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) CC&P has no opinion, concerning whether the Missouri River Bridge Line traversing the Missouri River Bridge is suited for alternative public use under 49 U.S.C. § 10905. CC&P is aware of no concrete plans for redeploying the rail corridor and bridge for non-rail public purposes, 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**).. However, as explained elsewhere, CC&P has targeted the bridge for removal at the behest of the Coast Guard in order to eliminate perceived river navigation hazards.

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 NDEQ, and EPA has provided no guidance on air quality issues.

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 track 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”). See correspondence attached hereto as **Appendix N**. FWS initially responded that it had “no objection” to the abandonment and bridge salvage (Appendix N-1), but later, in a letter dated July 17, 2014, provided extensive potential impacts analysis expressing concern about potential adverse impacts upon the following species known to exist in, or migrate through, the area: interior least tern, pallid sturgeon, piping plover, northern long-eared bat, golden and bald eagles, and migrating birds generally during nesting season. See correspondence attached hereto as **Appendix N-2**. In light of the July 17 correspondence from FWS, and in the interest of developing an suitable and appropriately-focused mitigation plan to address possible biological resources impacts (if any) given the scope and purpose of the proposed abandonment and track and bridge salvage, CC&P proposes to engage the Board’s Office of Environmental Analysis and FWS jointly in additional consultation.

CC&P also has contacted the Nebraska Game and Parks Commission (“NG&P”) for similar such input. CC&P has received no response to date. See correspondence attached as **Appendix O**.

The United States Environmental Protection Agency (“EPA”) has remarked that “long-neglected sections of the track might have become a nursery for invasive plant species,” and has suggested that if invasive plant species are indeed found within the project area, “the NEPA should describe what measures will be undertaken for their treatment or removal.” See correspondence attached as **Appendix J-1**. EPA has added that measures should be taken to prevent incidental spills associated with

“machinery maintenance and refueling, limit[ing] damage to floodplain plants during removal” of the bridge, including control of “construction debris.” Id.

(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 is anticipated to occur in any waters of the United States. See correspondence attached hereto as **Appendix K-1**.

The Nebraska Department of Natural Resources has stated that the 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 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 input from the Corps, Iowa DNR, Nebraska DNR, and NDEQ concerning water quality and 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**.

In addition to its input on other matters addressed in the preceding sections of this environmental report, EPA has remarked that the “STB’s NEPA compliance document should include data reflecting sampling of soil within the right-of-way for possible contamination,” and should also “address the final disposition of wood treated with creosote and any contaminated soil.” See correspondence attached hereto as **Appendix J-1**. To clarify, CC&P does not intend to engage in any excavation or similar disturbance of soil, and CC&P will dispose of any creosote-treated wood in accordance with applicable regulations in keeping with its current practice.

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 (to river navigation) 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 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. The independent Chicago, Central & Pacific Railroad Company 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 twice 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**. CC&P has not received written input from SHSI, but it has received guidance based upon telephone conversations, in which SHSI has directed CC&P to undertake an archaeological site background check in accordance with SHSI processes.

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

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.

FLETCHER & SIPPEL LLC

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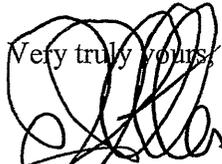
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In accordance with the Board's regulations, a copy of the Environmental/Historic Report will be forwarded to you at least twenty days before CC&P's petition for exemption is filed at the Board.

FLETCHER & SIPPEL LLC

Ms. 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

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(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

FLETCHER & SIPPEN 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):

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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
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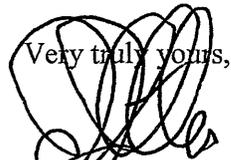
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FLETCHER & SIPPEL LLC

Ms. Beverly Vonasek
October 23, 2013
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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

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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:

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Mr. Scott A. Belt
October 23, 2013
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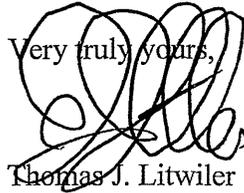
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FLETCHER & SIPPEN LLC

Mr. Scott A. Belt
October 23, 2013
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Very truly yours,


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

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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

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FLETCHER & SIPPEL LLC

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

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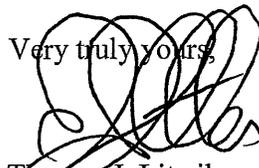
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FLETCHER & SIPPEN LLC

Ms. Kay E. Mocha
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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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

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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.

FLETCHER & SIPPEL LLC

Mr. Donald D. Gross

October 23, 2013

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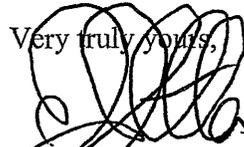
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Mr. Donald D. Gross
October 23, 2013
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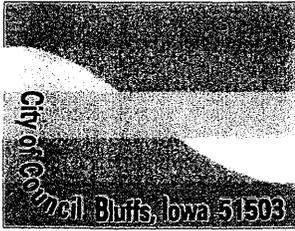
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Very truly yours,


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

TJL:tl

Attachment



11/12/13

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,

A handwritten signature in black ink, appearing to read "T. Hanafan", written over the typed name and title.

Thomas P. Hanafan, Mayor
City of Council Bluffs

REB

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

-----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 & 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. Christopher T. Rodgers
Chair, Board of County Commissioners
Douglas County, Nebraska
1819 Farnam Street
LC2, Civic Center
Omaha, Nebraska 681883

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

FLETCHER & SIPPEL 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):

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).

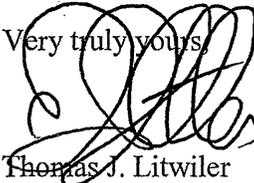
Because of the nature of the proposed abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-314 (Sub-No. 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. 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 & 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. 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.

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).

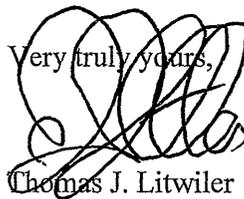
Because of the nature of the proposed abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-314 (Sub-No. 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. Douglas Cook
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

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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

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):

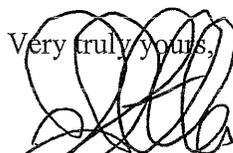
FLETCHER & SIPPEL LLC

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

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. 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



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.

PT
11/13/13

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 above the printed name.

James R. Thele, Director

FLETCHER & SIPPEN LLC

ATTORNEYS AT LAW

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

Phone: (312) 252-1500
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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.

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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FLETCHER & SIPPEN LLC

Mr. Jay T. Mar
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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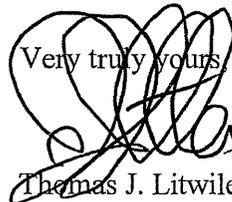
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FLETCHER & SIPPEL LLC

Mr. Jay T. Mar
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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www.fletcher-sippel.com

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
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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).

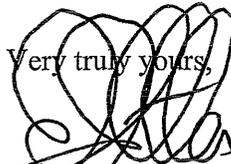
Because of the nature of the proposed abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-314 (Sub-No. 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

Mr. Craig R. Derickson
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

Robert Wimbish

From: Vanek, Wayne - NRCS, Lincoln, NE <Wayne.Vanek@ne.usda.gov>
Sent: Monday, July 07, 2014 1:20 PM
To: Robert Wimbish
Subject: FW: Chicago, Central & Pacific Railroad Company---Abandonment
Attachments: 20131105_10254910930_35_Farmland_Classification_RR_Abandon.pdf

Previous 2013 email response and evaluation Mr. Thomas J. Litwiler. Report indicates; **“To date, NRCS has not provided a response.”**

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

From: Vanek, Wayne - NRCS, Lincoln, NE
Sent: Thursday, November 07, 2013 7:11 AM
To: 'tlitwiler@fletcher-sippel.com'
Subject: Chicago, Central & Pacific Railroad Company---Abandonment



ATTENTION: Mr. Thomas J. Litwiler

Fletcher & Sippel, LLC

Attorneys at Law

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

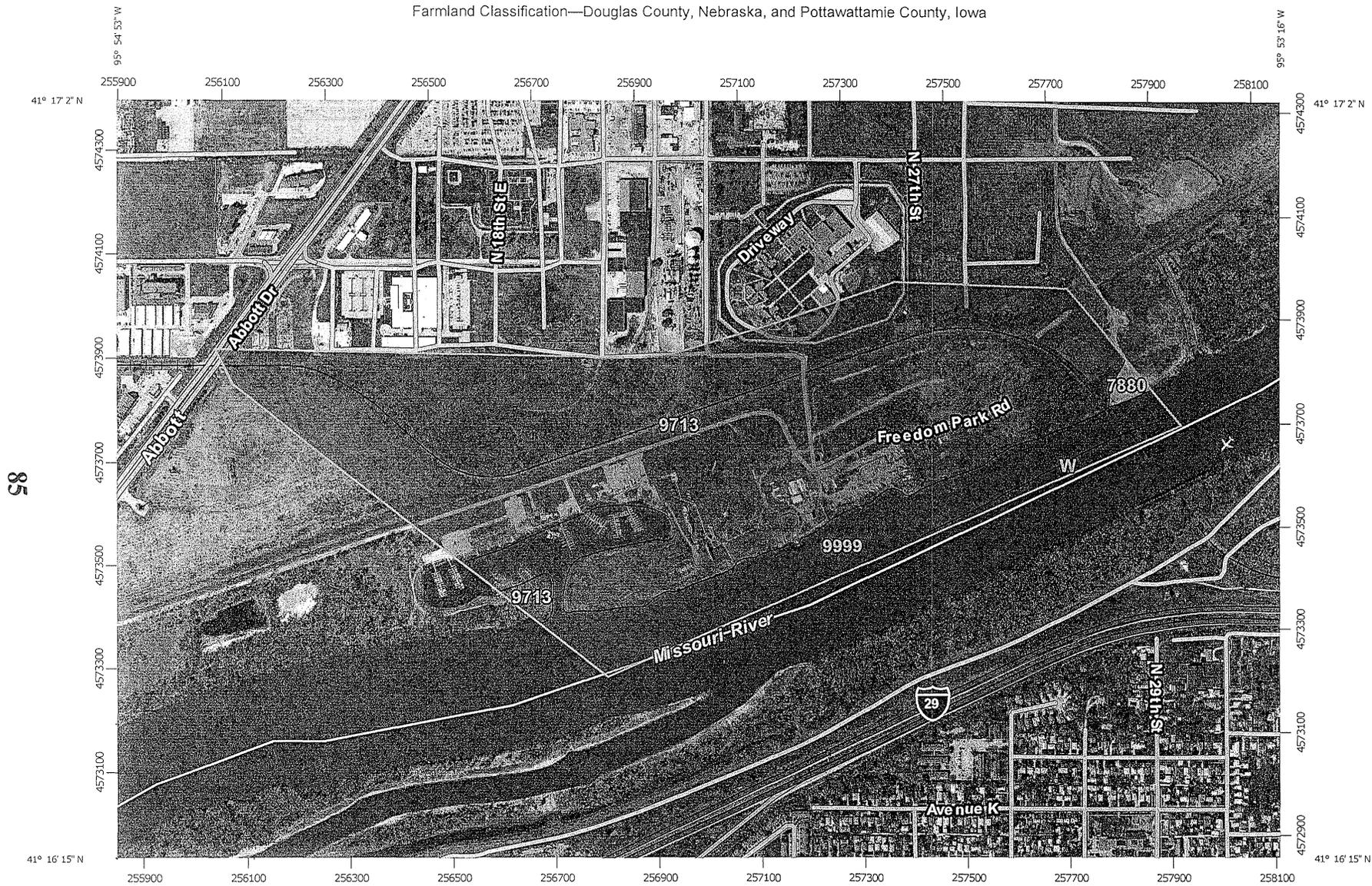
It has been determined that a Farmland Conversion Impact Rating For Corridor Types Projects form (NRCS-CPA-106) will not be needed on this project since nearly all of the project area in **Not Prime Farmland**, thus, **NRCS has determined that your project was found to be cleared of FPPA**

significant concerns. We encourage you to continue to be aware of prime and important farmlands in general and the role they play in current and future projects.

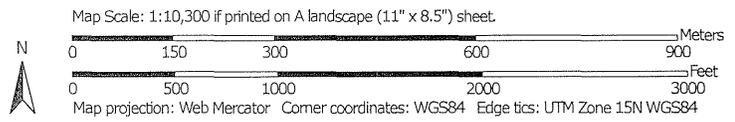
Wayne Vanek
USDA-NRCS
Fed. Bldg. Rm. 152
100 Centennial Mall North
Lincoln, NE. 68508-3866
402.437.4125
wayne.vanek@ne.usda.gov

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Farmland Classification—Douglas County, Nebraska, and Pottawattamie County, Iowa



85



MAP LEGEND

Area of Interest (AOI)
Area of Interest (AOI)

Soils

Soil Rating Polygons

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season

-  Prime farmland if subsoiled, completely removing the root inhibiting soil layer
-  Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
-  Prime farmland if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance
-  Farmland of local importance
-  Farmland of unique importance
-  Not rated or not available

Soil Rating Lines

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained

-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if subsoiled, completely removing the root inhibiting soil layer
-  Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60

-  Prime farmland if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance
-  Farmland of local importance
-  Farmland of unique importance
-  Not rated or not available

Soil Rating Points

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season

-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season
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Water Features

MAP INFORMATION

-  Streams and Canals
- Transportation**
-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads
- Background**
-  Aerial Photography

The soil surveys that comprise your AOI were mapped at scales ranging from 1:12,000 to 1:15,800.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Douglas County, Nebraska
Survey Area Data: Version 7, Jul 30, 2012

Soil Survey Area: Pottawattamie County, Iowa
Survey Area Data: Version 17, Aug 22, 2012

Your area of interest (AOI) includes more than one soil survey area. These survey areas may have been mapped at different scales, with a different land use in mind, at different times, or at different levels of detail. This may result in map unit symbols, soil properties, and interpretations that do not completely agree across soil survey area boundaries.

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 11, 2011—Oct 13, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Farmland Classification

Farmland Classification— Summary by Map Unit — Douglas County, Nebraska (NE055)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
7880	Onawa silty clay, occasionally flooded	Prime farmland if drained	1.0	0.5%
9713	Urban land-Udorthents complex, 0 to 10 percent slopes, occasionally flooded	Not prime farmland	146.0	78.7%
9999	Water	Not prime farmland	35.9	19.3%
Subtotals for Soil Survey Area			182.8	98.5%
Totals for Area of Interest			185.6	100.0%

Farmland Classification— Summary by Map Unit — Pottawattamie County, Iowa (IA155)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
W	Water	Not prime farmland	2.8	1.5%
Subtotals for Soil Survey Area			2.8	1.5%
Totals for Area of Interest			185.6	100.0%

Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

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. 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
Exemption -- In Pottawattamie County, IA and Douglas County, NE

Dear Mr. Brooks:

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.

FLETCHER & SIPPEL LLC

Mr. Karl Brooks
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).

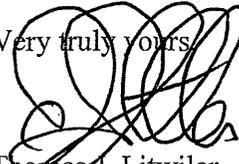
Because of the nature of the proposed abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-314 (Sub-No. 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. Karl Brooks
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



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

JUL 7 2014

Surface Transportation Board
Office of Environmental Analysis
395 E Street, S.W., Room 1106
Washington, D.C. 20423-0001

Dear Sir or Madam:

Re: STB Docket No. AB-314 (Sub-No. 7X), Chicago Central & Pacific Railroad Company –
Abandonment Exemption

We received a letter from Mr. Robert A. Wimbish, Fletcher & Sippel, LLC, dated June 24, 2014, representing the Chicago Central & Pacific Railroad Company, regarding their petition for exemption for the abandonment of 2.56 miles of interconnected track across and adjacent to the Missouri River in Iowa and Nebraska. This action is associated with CCP's intent to remove a currently unused railroad bridge across the Missouri River as required by the U.S. Coast Guard. A Combined Environmental and Historic Report was enclosed with this letter for our review in accordance with Surface Transportation Board regulations governing such petitions. We have reviewed the Report and offer the following comments for your consideration.

The Environment Report provided by CCP did not specifically address the specific best management practices which would be employed during both track and bridge removal. As some of these structures lie within a water of the U.S. or the 100-year floodplain, measures to prevent incidental spills associated with machinery maintenance and refueling, limit damage to floodplain plants during the removal of assets and manage construction debris should be a part of STB's National Environmental Policy Act compliance documentation.

The ER states that "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." The STB's NEPA compliance document should include data reflecting sampling of soil within the right-of-way for possible contamination. Incidental spills, maintenance of equipment and container leaks over the years of use of these sections of track could have resulted in significant soil contamination. Soil sampling and analysis should occur for soils supporting and surrounding all structures removed within the project area.

The NEPA compliance document should address the final disposition of wood treated with creosote and any contaminated soil.



The NEPA compliance document should also address the possibility that long-neglected sections of track might have become a nursery for invasive plant species. Should invasive plant species be identified within the project area, the NEPA document should describe what measures will be taken for their treatment or removal.

We expect that the CCP will be working through the STB with the U.S. Coast Guard and the Army Corps of Engineers regarding project-related actions within the floodplain and the river itself. If you have any questions regarding these comments, please contact Mr. Larry Shepard, of my staff, at shepard.larry@epa.gov or (913) 551-7441.

Sincerely,



Jeffery Robichaud
Acting Director
Environmental Services Division

cc: ✓ Robert A. Wimbish, Fletcher & Sippel, LLC, Chicago, IL
(w/o call)

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. 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.

FLETCHER & SIPPEN 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).

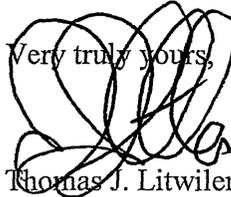
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In accordance with the Board's regulations, a copy of the Environmental/Historic Report will be forwarded to you at least twenty days before CC&P's petition for exemption is filed at the Board.

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



11/21/13

STATE OF IOWA

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

DEPARTMENT OF NATURAL RESOURCES
CHUCK GIPP, DIRECTOR

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

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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FLETCHER & SIPPEL LLC

Mr. Hugh M. Stirts

October 23, 2013

Page 2

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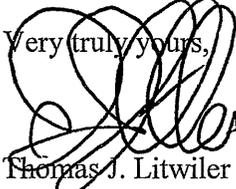
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FLETCHER & SIPPEL LLC

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
Suite 920
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. 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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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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FLETCHER & SIPPEN LLC

Ms. Inga M. Foster
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;
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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).

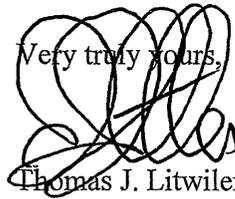
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In accordance with the Board's regulations, a copy of the Environmental/Historic Report will be forwarded to you at least twenty days before CC&P's petition for exemption is filed at the Board.

FLETCHER & SIPPEL LLC

Ms. 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,

Kelly Poole
Environmental Specialist
Conservation and Recreation Division

FILE COPY: Kelly Poole
Tracking Number: 9483

cmz

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. 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

Dear Mr. Nelson:

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.

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Appendix N

FLETCHER & SIPPEL LLC

Mr. Richard C. Nelson

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):

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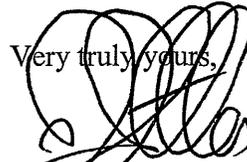
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FLETCHER & SIPPEL LLC

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

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Very truly yours,


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

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
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FLETCHER & SIPPEL LLC

Mr. Michael D. George

October 23, 2013

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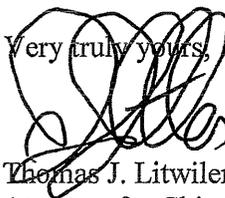
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Mr. Michael D. George
October 23, 2013
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Thomas J. Litwiler
Attorney for Chicago, Central & Pacific
Railroad Company

TJL:tl

Attachment

FWS NE 2014-013

FLETCHER & SIPPET LLC

ATTORNEYS AT LAW

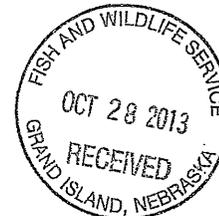
29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

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



NO OBJECTION
John Cochran
John Cochran
U.S. Fish & Wildlife Service
Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

October 23, 2013



Mr. Michael D. George
Supervisor, Nebraska Field Office
U.S. Fish & Wildlife Service
203 West Second Street
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FLETCHER & SIPPEN LLC

Mr. Michael D. George

October 23, 2013

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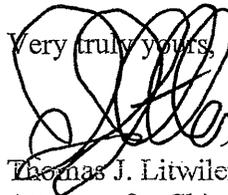
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Thomas J. Litwiler
Attorney for Chicago, Central & Pacific
Railroad Company

TJL:tl

Attachment



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Nebraska Field Office
203 West Second Street
Grand Island, Nebraska 68801

July 17, 2014

FWS-NE: 2014-322

Mr. Robert A. Wimbish
Fletcher and Sippel, LLC
Attorneys at Law
29 North Wacker Drive, Suite 920
Chicago, IL 60606-2823

RE: Chicago Central and Pacific Railroad Company-Abandonment Exemption in Pottawattamie County, Iowa and Douglas County, Nebraska

Dear Mr. Wimbish:

This responds to your June 24, 2014, request for comments and concurrence from the U.S. Fish and Wildlife Service (Service) regarding the subject project. The Service has responsibility for the conservation and management of fish and wildlife resources for the benefit of the American public under the following authorities: 1) Endangered Species Act of 1973, 2) Fish and Wildlife Coordination Act, 3) Bald and Golden Eagle Protection Act, and 4) Migratory Bird Treaty Act. The National Environmental Policy Act requires compliance with these statutes, and the project proponent and lead federal agency are responsible for compliance with these federal laws.

The Service has special concerns for endangered and threatened species, migratory birds, and other fish and wildlife and their habitats. Habitats frequently used by fish and wildlife species are wetlands, streams, riparian (streamside) woodlands, and grasslands. Special attention is given to proposed developments that include the modification of wetlands, stream alterations, loss of riparian habitat, or contamination of habitats. When this occurs, the Service recommends ways to avoid, minimize, or compensate for adverse effects to fish and wildlife and their habitats.

ENDANGERED SPECIES ACT (ESA)

Pursuant to section 7(a)(2) of ESA, every federal agency, shall in consultation with the Service, insure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. If a proposed project may affect federally listed species or designated critical habitat, section 7 consultation is required with the Service.

Based on the information provided in your June 24 letter, the Service has determined that the following federally listed species may occur in the proposed project area or be affected by the proposed project:

<u>Listed Species</u>	<u>Expected Occurrence</u>
Interior least tern (<i>Sterna antillarum</i>)	Migration and nesting
Pallid sturgeon (<i>Scaphirhynchus albus</i>)	Missouri and lower Platte rivers
Piping plover (<i>Charadrius melodus</i>)	Migration and nesting

Interior Least Tern and Piping Plover

The Interior least tern, federally listed as endangered, and the piping plover, federally listed as threatened, nest on unvegetated or sparsely vegetated sandbars in river channels. The nesting season for the least tern and piping plover is from April 15 through September 1. Least terns and piping plovers are known to nest on the major river systems in Nebraska, including the Platte, Loups, Niobrara, and Missouri rivers. Least terns feed on small fish in the river and piping plovers forage for invertebrates on exposed beach substrates. Channel constrictions caused by bridges, causeways, bridge approaches, roadway embankments, bank stabilization, levees, and other unnatural obstructions can result in the loss of broad, shallow, unobstructed channel and sandbar complexes used as feeding and potential nesting habitat by least terns and piping plovers. Additionally, ill-timed human activities in the vicinity of such feeding and nesting habitats can disturb least terns and piping plovers. Environmental contaminants from upstream sources can also adversely impact the least tern and piping plover as well as its habitat and food source. Depletions of instream flows from the Platte River system have negative impacts on least terns and piping plovers.

Pallid Sturgeon

The pallid sturgeon was officially listed as an endangered species on September 6, 1990. In Nebraska, the pallid sturgeon is found in the Missouri and lower Platte rivers. Floodplains, backwaters, chutes, sloughs, islands, sandbars, and main channel waters formed the large-river ecosystem that provided macrohabitat requirements for the pallid sturgeon, a species that is associated with diverse aquatic habitats. These habitats historically were dynamic and in a constant state of change due to influences from the natural hydrograph, and sediment and runoff inputs from an enormous watershed spanning portions of ten states. Environmental contaminants, navigation, channelization and bank stabilization, and hydropower generation projects have caused the widespread loss of this diverse array of dynamic habitats once provided to pallid sturgeon on the Missouri River, resulting in a precipitous decline in populations of the species. The pallid sturgeon may be impacted by water depletions to the Platte River system.

Recommendation for Federally Listed Species

The implementation of the following general Conservation Conditions as well as for specific species will result in a reduction of impacts from the threshold of a *May Affect*,

Likely to Adversely Affect determination to a *May Affect, Not Likely to Adversely Affect* determination.

General Conservation Conditions

- If federal or state listed species are observed during construction, contact this office and the Nebraska Game and Parks Commission (NGPC) for further consolation.
- Refueling will be conducted outside of those sensitive areas (e.g., wetlands, near river and streams, riparian areas, and grasslands)
- Construction waste/debris will be disposed of in areas or a manner which will not adversely affect state and/or federally listed species and/or designated critical habitat.
- If species surveys are required for this project, results will be sent to this office and NGPC.

Species Specific Conservation Conditions

Interior Least Tern and Piping Plover

- Nighttime work with lights from April 15 – August 15 is not recommended. If nighttime work is required, the lead federal agency will notify this office and NGPC with a request for approval at least 10 working days prior to construction so consultation with the Service and NGPC can be re-initiated. Surveys may be required to determine if nesting birds are present within ½ mile of the nighttime activity.
- For construction activities that begin prior to April 15 and continue beyond April 15, surveys will be conducted starting April 8 and continue through the end of construction or August 15 whichever comes first. A qualified biologist, will conduct surveys according to protocol. If species are present the lead federal agency will notify the Contractor to stop work within ¼ mile of nesting activities and notify the Service and NGPC so consultation can be re-initiated and determine when work can resume.
- When initiating construction activities between April 15 and August 15, surveys will start one week prior to construction activities and will continue through the end of construction or August 15th, whichever comes first. A qualified biologist, will conduct surveys according to protocol. If species are present the lead federal agency will notify the Contractor to stop work within ¼ mile of nesting activities and notify the Service and NGPC so consultation can be re-initiated and determine when work can continue.
- River transport and placement of barge(s) will occur outside of Interior least tern and piping plover nesting season which is April 15 - August 15. (Contractor)

- Herbaceous species used for re-seeding within ¼ mile of the location of suitable habitat will be native grass or forb species. Native shrub or woody species used in restoration should reach no more than 4 feet in height at maturity.

Pallid Sturgeon

- No vibratory or impact pile driving from April 1 through June 30 within the channel.
- Any detention basin outlets will be designed such that it is stabilized to prevent streambank erosion and will not otherwise impact stream channel/bank.
- The Contractor will dispose of drill cuttings in areas or a manner which will not adversely affect state and/or federally listed species and/or designated critical habitat.
- Bridge deck debris will be captured and/or contained to prevent material from entering the channel.
- No discharge of water or spoil directly into the channel from April 1 through July 31.
- No flow modifications or disturbance in the channel from February 1 through July 31. Work is allowed within a cofferdam if the work is conducted from the temporary work platform or another location not directly in the channel (i.e., the riverbank). Temporary bridges can be constructed between July 1st and April 1st, provided they are constructed according to the terms and conditions of the associated Department of the Army.
- Any upland soil disturbances will be designed to avoid or minimize sedimentation.

All federally listed species under ESA are also State-listed under the Nebraska Nongame and Endangered Species Conservation Act. However, there are also State-listed species that are not federally listed. To determine if the proposed project may affect State-listed species, the Service recommends that the project proponent contact Michelle Koch (michelle.koch@nebraska.gov), Nebraska Game and Parks Commission (Commission), 2200 N. 33rd Street, Lincoln, NE 68503-0370.

Conference Recommendations for Northern long-eared bat

The northern long-eared bat (*Myotis septentrionalis*) (NLEB) is currently proposed for listing under ESA. The final listing decision for the NLEB is expected in October 2014. At this time, no critical habitat has been proposed for the NLEB. The state of Nebraska is within the known range of the NLEB. During the summer, NLEBs typically roost singly or in colonies in cavities, underneath bark, crevices, or hollows in both live and dead trees and/or snags (typically ≥ 3 inches diameter at breast height [dbh]). Males and non-reproductive females may also roost in cooler places such as caves and mines. This bat seems opportunistic in selecting roosts, using tree species based on presence of cavities or crevices or the presence of peeling bark. Currently, we have no information that indicates a tree species preference for the NLEB in Nebraska; however, the literature does indicate the NLEB uses trees such as American elm, cottonwood, honey locust, various hickory species, maple, green ash, hawthorn, and oak trees throughout its range (Foster and Kurta, 1999; Carter and Feldhamer, 2005; Timpone et al., 2010).

Occasionally, NLEBs have also been documented roosting in man-made structures (i.e., buildings, barns, bridges, etc.) during the summer, particularly when suitable tree roosts are unavailable. They forage for insects over water, forest clearings and under tree canopies in upland and lowland woodlots and tree lined corridors. During the winter, NLEBs predominately hibernate in caves and abandoned mine portals. Additional habitat types may be identified as new information is obtained.

Pursuant to Section 7(a)(4) of the ESA, federal action agencies are required to confer with the Service if their proposed action is likely to jeopardize the continued existence of the NLEB (50 CFR 402.10(a)). Action agencies may also voluntarily confer with the Service if the proposed action may affect a proposed species. Species proposed for listing are not afforded protection under the ESA; however as soon as a listing becomes effective, the prohibition against jeopardizing its continued existence and “take” applies **regardless of an action’s stage of completion**. If the agency retains any discretionary involvement or control over on-the-ground actions that may affect the species after listing, section 7 applies. Therefore, if suitable NLEB habitat is present within the proposed project area, we recommend that any tree clearing activities be scheduled to occur between October 1 – March 30 to avoid impacts to the NLEB maternal roosting period. If tree clearing, bridge demolition or removal of structures occurs during the NLEB maternal roosting period (April 1 – September 30th), the Service recommends that a survey be conducted by a qualified biologist and these survey results be coordinated with our office prior to the start of construction. Additional information regarding NLEB and conference procedures can be found at (<http://www.fws.gov/midwest/angered/mammals/nlba/index.html>).

REVIEW, COMMENTS, AND RECOMMENDATIONS ON THE PROPOSED PROJECT ACTION UNDER OTHER FISH AND WILDLIFE STATUTES

Fish and Wildlife Coordination Act

1. Water Resources

The Fish and Wildlife Coordination Act (FWCA) requires that the project proponent and lead federal agency consult with the Service and State fish and wildlife agency for the purpose of giving equal consideration to fish and wildlife resources in the planning, implementation, and operation of federal and federally funded, permitted, or licensed water resource development projects. FWCA requires that federal agencies take into consideration the effect that water related projects may have on fish and wildlife resources, to take action to avoid impact to these resources, and to provide for the enhancement of these resources.

2. Wetlands, Streams, and Riparian Habitats

If wetlands or streams will be impacted by the proposed project, a Department of the Army permit from the U.S. Army Corps of Engineers may be needed. The Service will provide FWCA comments pursuant to a permit application. The Service recommends that impacts to wetlands, streams, and riparian areas be avoided or minimized, in accordance with the Section 404(B)(1) Guidelines of the Clean Water Act. For projects that do not require access or proximity to, or location within aquatic environments (i.e., non-water dependent project) to fulfill its basic project purpose, it is assumed that

practicable alternatives exist that would cause less damage to aquatic resources than projects that are located in aquatic ecosystems. In addition to determining the least environmentally damaging practicable alternative, 40 CFR Part 230.10(a) of the Guidelines also states, “no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.” If after an alternatives analysis has been completed in accordance with the Guidelines, and unavoidable impacts are to occur to aquatic habitats, the Service recommends that compensation (i.e., restoration of a degraded wetland or creation) occur.

To determine if the proposed project may affect fish and wildlife resources of the State of Nebraska under FWCA, the Service recommends that the project proponent contact Carey Grell (carey.grell@nebraska.gov), Nebraska Game and Parks Commission, 2200 N. 33rd Street, Lincoln, NE 68503-0370.

Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act (Eagle Act) provides for the protection of the bald eagle (*Haliaeetus leucocephalus*) and golden eagle (*Aquila chrysaetos*). The golden eagle is found in arid, open country with grassland for foraging in western Nebraska and usually near buttes or canyons which serve as nesting sites. Golden eagles are often a permanent resident in the Pine Ridge area of Nebraska. Bald eagles utilize mature, forested riparian areas near rivers, streams, lakes, and wetlands and occur along all the major river systems in Nebraska. The bald eagle southward migration begins as early as October and the wintering period extends from December through March. Additionally, many eagles nest in Nebraska from mid-February through mid-July. Disturbances within 0.5-mile of an active nest or within line-of-sight of the nest could cause adult eagles to discontinue nest building or to abandon eggs. Both bald and golden eagles frequent river systems in Nebraska during the winter where open water and forested corridors provide feeding, perching, and roosting habitats, respectively. The frequency and duration of eagle use of these habitats in the winter depends upon ice and weather conditions. Human disturbances and loss of wintering habitat can cause undue stress leading to cessation of feeding and failure to meet winter thermoregulatory requirements. These effects can reduce the carrying capacity of preferred wintering habitat and reproductive success for the species. To comply with the Eagle Act, it is recommended that the project proponent determine whether the proposed project would impact bald or golden eagles. If it is determined that either species could be affected by the proposed project, the Service recommends that the project proponent notify this office as well as the Commission for recommendations to avoid adverse impacts to bald and golden eagles.

Migratory Bird Treaty Act

Under the Migratory Bird Treaty Act (16 U.S.C. 703-712: Ch. 128 *as amended*) (MBTA) construction activities in grassland, roadsides, wetland, riparian (stream), shrubland and woodland habitats, and those that occur on bridges or culverts (e.g., which may affect swallow nests on bridge girders) that would otherwise result in the taking of migratory birds, eggs, young, and/or active nests should be **avoided**. Although the provisions of MBTA are applicable year-round, most migratory bird nesting activity in Nebraska occurs during the period of April 1 to July 15. However, some migratory birds are known to nest outside of the aforementioned primary nesting season period. For

example, raptors can be expected to nest in woodland habitats during February 1 through July 15, whereas sedge wrens, which occur in some wetland habitats, normally nest from July 15 to September 10.

The Service recommends that the project proponent avoid removal or impacts to vegetation during primary nesting season of breeding birds. In the event that construction work cannot be avoided during peak breeding season, the Service recommends that the project manager (or construction contractor) arrange to have a qualified biologist conduct an avian pre-construction risk assessment of the affected habitats (grassed drainages, streamside vegetation) to determine the absence or presence of breeding birds and their nests. Surveys must be conducted during the nesting season. Breeding bird and nesting surveys should use *appropriate* and *defensible* sampling designs and survey methods to assist the proponent in avoiding the unnecessary take of migratory birds. The Service further recommends that field surveys for nesting birds, along with information regarding the qualifications of the biologist(s) performing the surveys, be thoroughly documented and that such documentation be maintained on file by the project proponent (and/or construction contractor) until such time as construction on the proposed project has been completed.

The Service requests that the following be provided to this office prior to the initiation of the proposed project if the above conditions occur.

- a) A copy of any survey(s) for migratory birds done in conjunction with this proposed project, if any. The survey should provide details of the survey methods, date and time of survey, species observed/heard, and location of species observed relative to the proposed project site.
- b) Written description of specific work activities that will take place in all proposed project areas.
- c) Written description of any avoidance measures that can be implemented at the proposed project site to avoid the take of migratory birds.

The Service appreciates the opportunity to review and comment on the subject project. Should you have questions regarding these comments, please contact Mr. John Cochnar within our office at john_cochnar@fws.gov or (308)382-6468, extension 20.

Sincerely,



Kirk D. Schroeder
Acting Nebraska Field Supervisor

REFERENCES

Carter, T.C. and G.A. Feldhamer. 2005. Roost trees used by maternity colonies of Indiana bats and northern long-eared bats in southern Illinois. *Forest Ecology and Management*. 219 259-268.

Foster, R.W. and A. Kurta. 1999. Roosting ecology of the northern bat (*Myotis septentrionalis*) and comparisons with the endangered Indiana bat (*Myotis sodalists*). *Journal of Mammalogy*. 80: 659-672.

Timpone, J.C., J.G. Boyles, K.L. Murray, D.P. Aubrey, and L.W. Robbins. 2010. Overlap in roosting habits of Indiana bats (*Myotis sodalists*) and Northern bats (*Myotis septentrionalis*). *American Midland Naturalist*. 163: 115-123.

cc: CORPS; Omaha, NE (Attn: John Moeschen)
EPA; Kansas City, KS (Attn: Eliodora Chamberlain)
NGPC; Lincoln, NE (Attn: Michelle Koch)
NGPC; Lincoln, NE (Attn: Carey Grell)
NDEQ; Lincoln, NE (Attn: Jason Garbor)

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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:

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 O

FLETCHER & SIPPEL LLC

Ms. Michelle Koch
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).

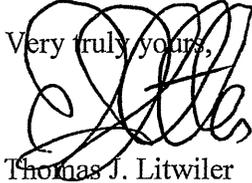
Because of the nature of the proposed abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-314 (Sub-No. 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. Michelle Koch
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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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:

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.

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FLETCHER & SIPPEL LLC

Ms. Karen Anderson

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).

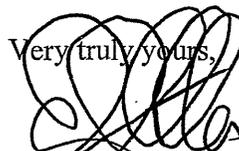
Because of the nature of the proposed abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-314 (Sub-No. 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. 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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(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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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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FLETCHER & SIPPEL LLC

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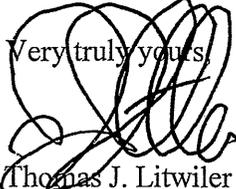
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In accordance with the Board's regulations, a copy of the Environmental/Historic Report will be forwarded to you at least twenty days before CC&P's petition for exemption is filed at the Board.

FLETCHER & SIPPEN LLC

Mr. Bradley E. Thompson
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



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:

11/12/13

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.cappuccio@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.

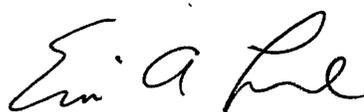
Any proposed placement of dredged or fill material into waters of the United States (including jurisdictional wetlands) requires Department of the Army authorization under Section 404 of the Clean Water Act. You can visit the Omaha District's Regulatory website for permit applications and related information. 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 & SIPPEN LLC

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(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:

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.

FLETCHER & SIPPEL LLC

Mr. William Cappuccio
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).

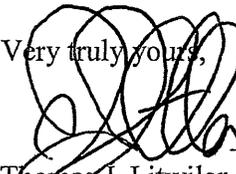
Because of the nature of the proposed abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-314 (Sub-No. 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. William Cappuccio
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

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:

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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FLETCHER & SIPPEL LLC

Dr. Shuhai Zheng
October 23, 2013
Page 2

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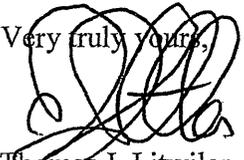
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FLETCHER & SIPPEL LLC

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

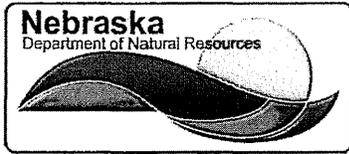
Thomas J. Litwiler

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)

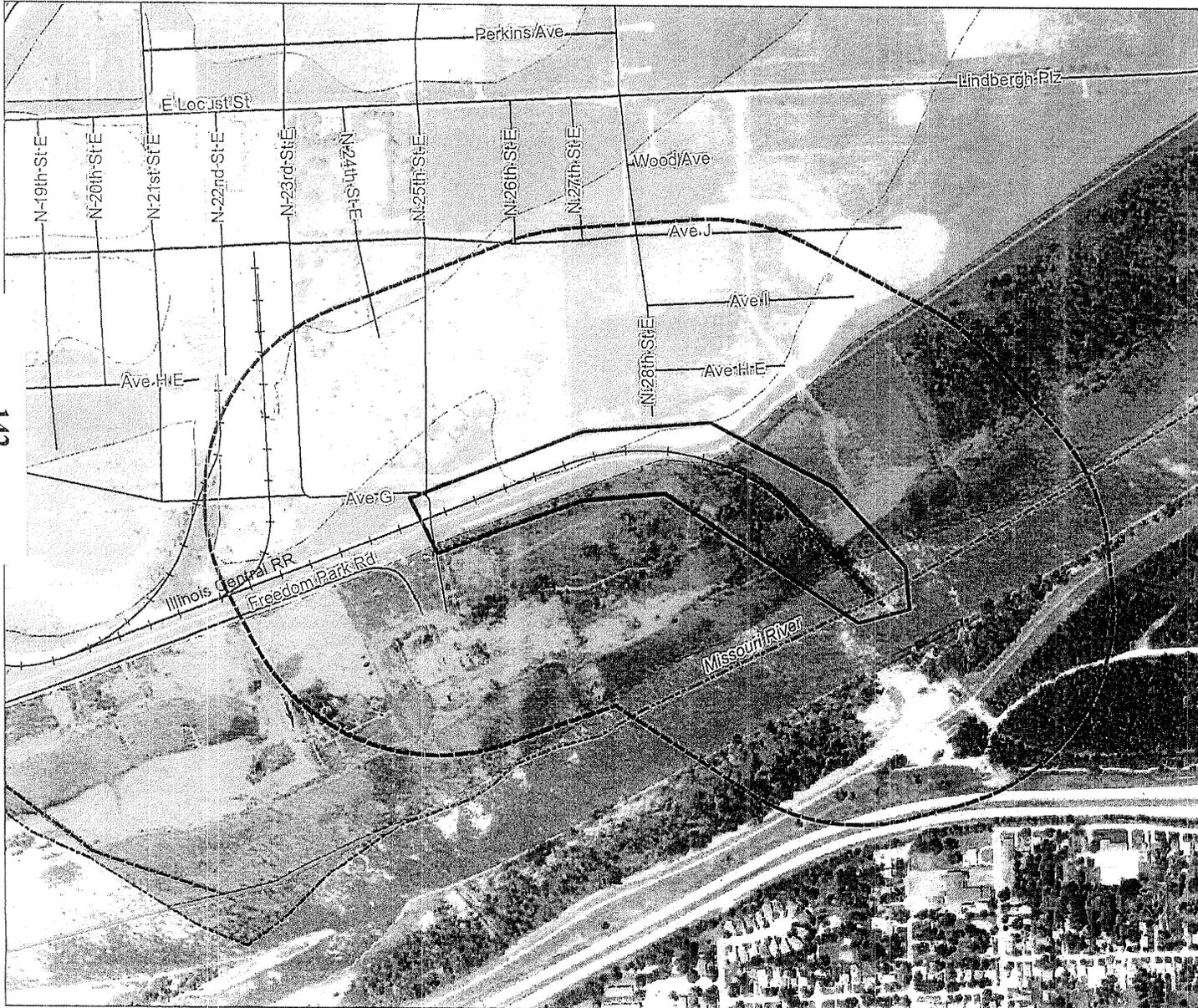
Cc: Travis Gibbons, City of Omaha

Appendix S-1

CC&P Railroad Abandonment Exemption

City of Omaha, Douglas County, Nebraska

November 1, 2013



142

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

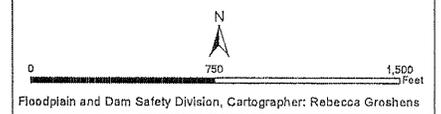
- 1% Annual Flood Chance
- Floodway
- 0.2% Annual Flood Chance
- X Protected by Levee
- 1 PCT Future Condition

Effective Flood Zone - Paper Map

- 1% Annual Flood Chance

Other

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



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

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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

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.

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Appendix T

FLETCHER & SIPPEL LLC

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

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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).

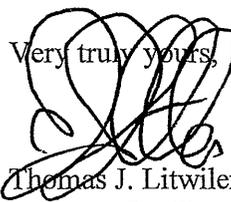
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FLETCHER & SIPPEL LLC

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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|....|MJ0770|. 2|88/ADJUSTED|N411635.....|W0955322.....|B...|G|J 139

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.

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FLETCHER & SIPPEN 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):

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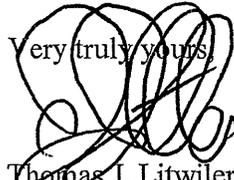
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FLETCHER & SIPPEL LLC

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.

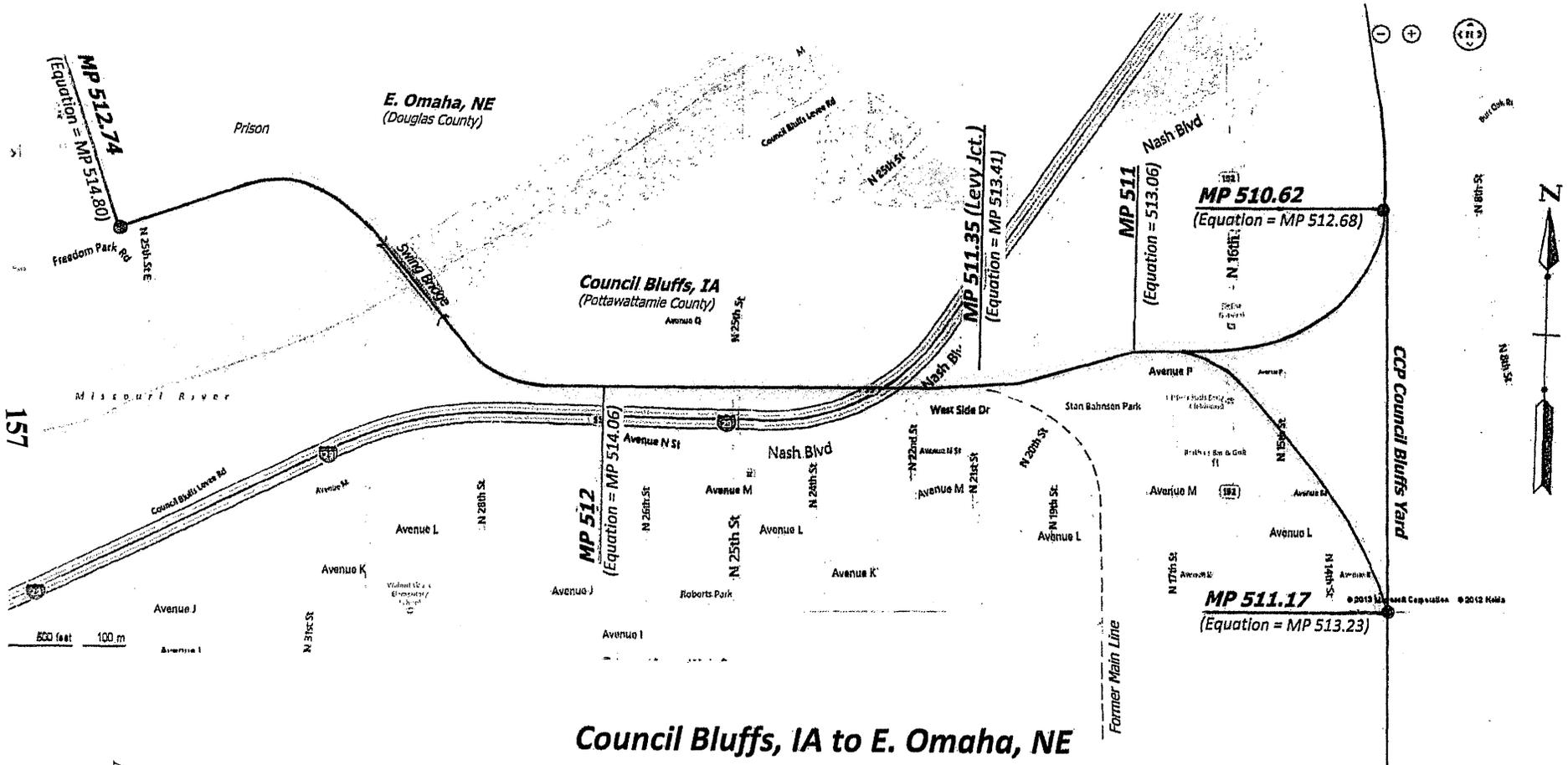
6. Engineering Documents. CC&P possesses limited engineering materials that would be useful to undertaking any historical assessment of the bridge. Nevertheless, CC&P will provide copies of any such documents in its possession.

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.



157

500 feet 100 m

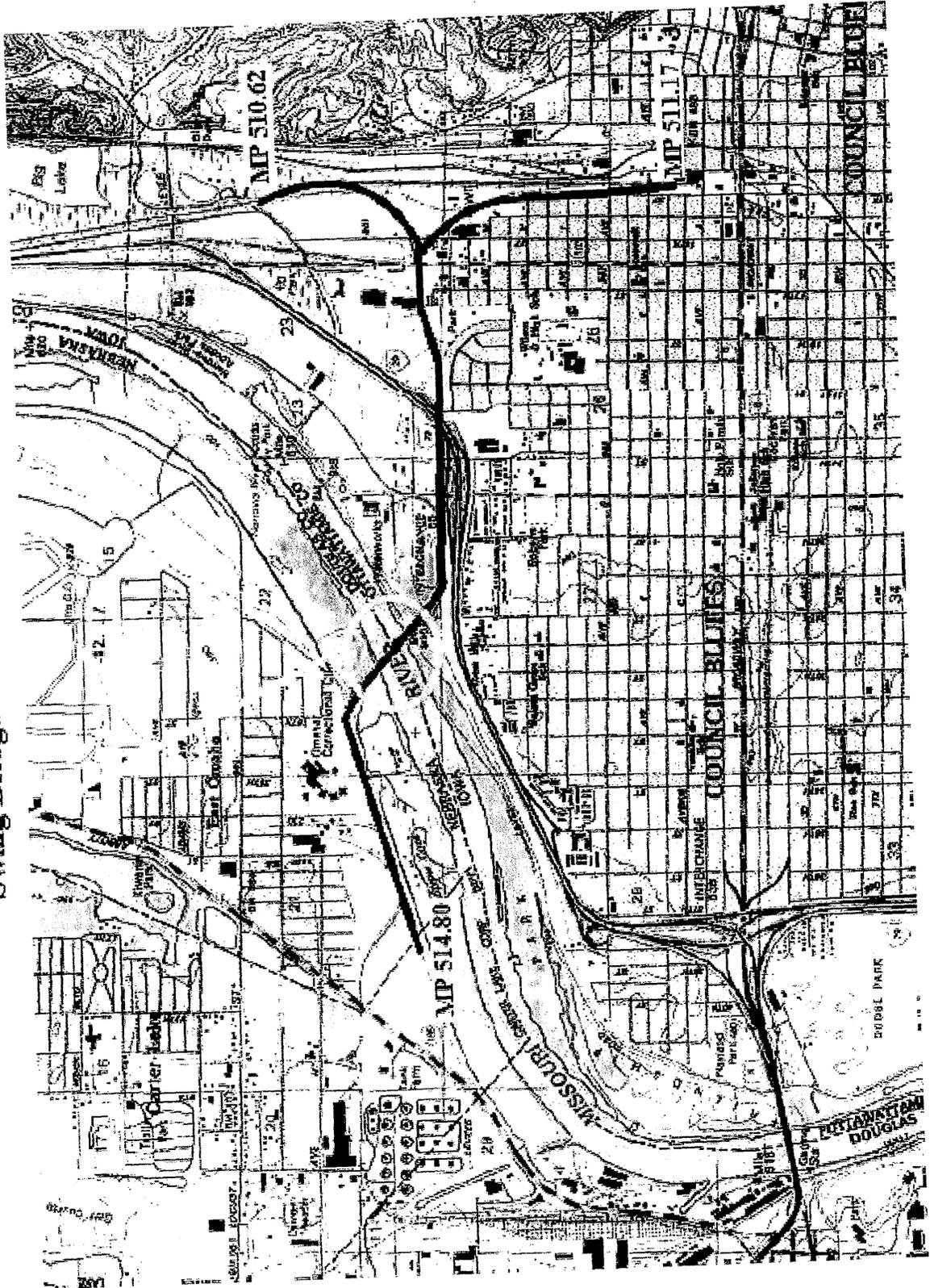


**Council Bluffs, IA to E. Omaha, NE
Docket No. AB-314 (Sub. - 7X)**

Appendix V-1

© 2013 Iowa Coal Corporation © 2012 Hecla

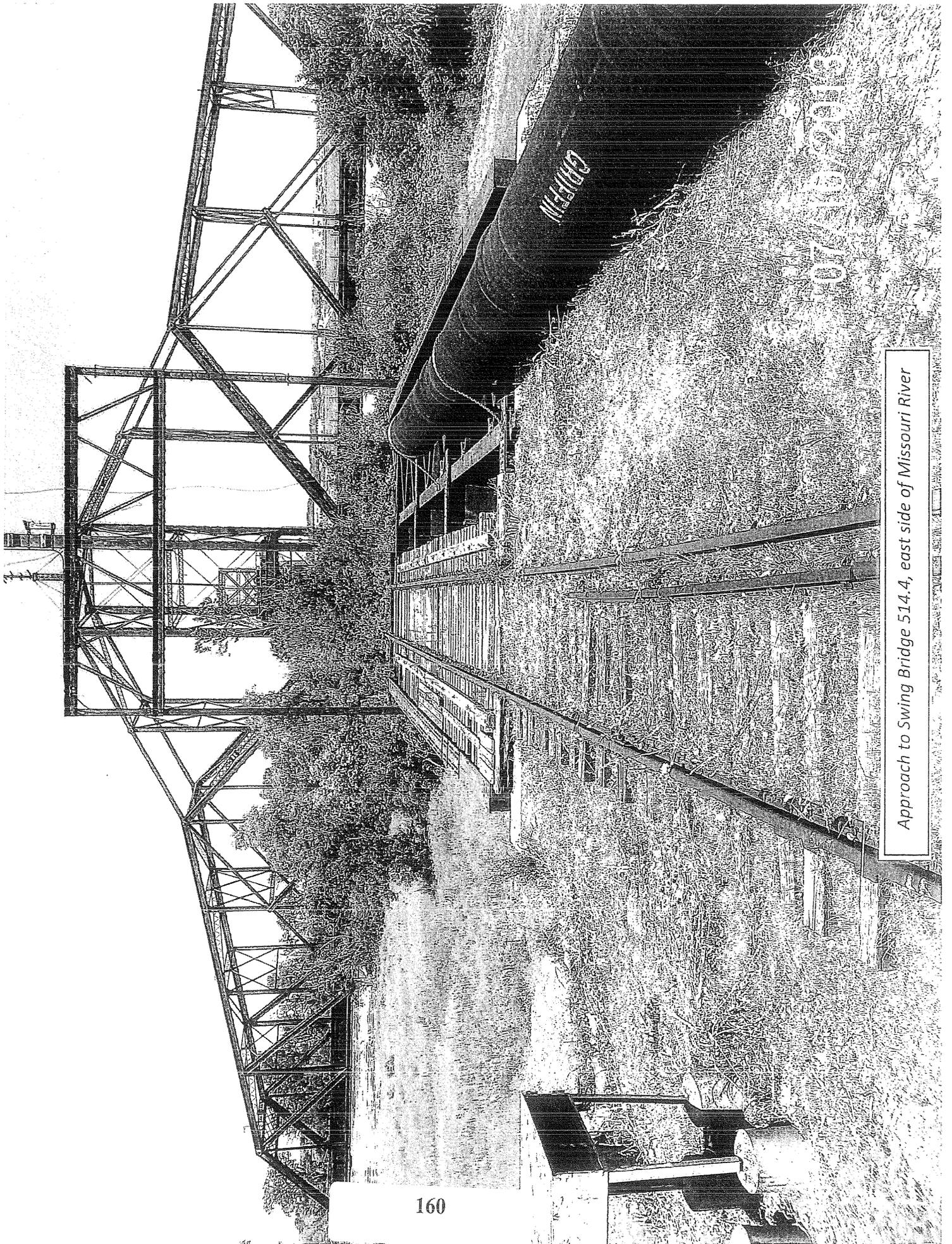
Swing Bridge



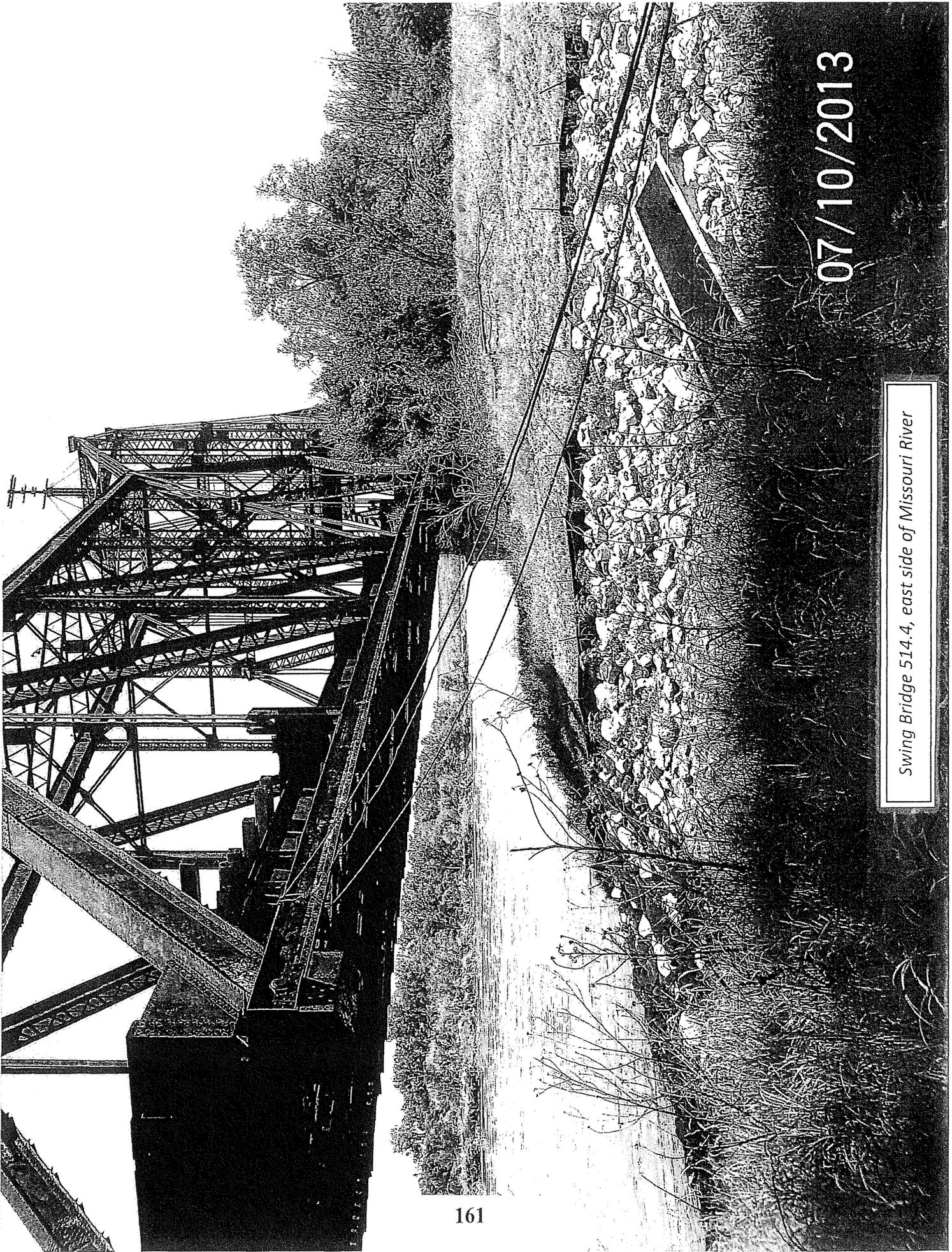


07/10/2013

Approach to Swing Bridge 514.4, east side of Missouri River

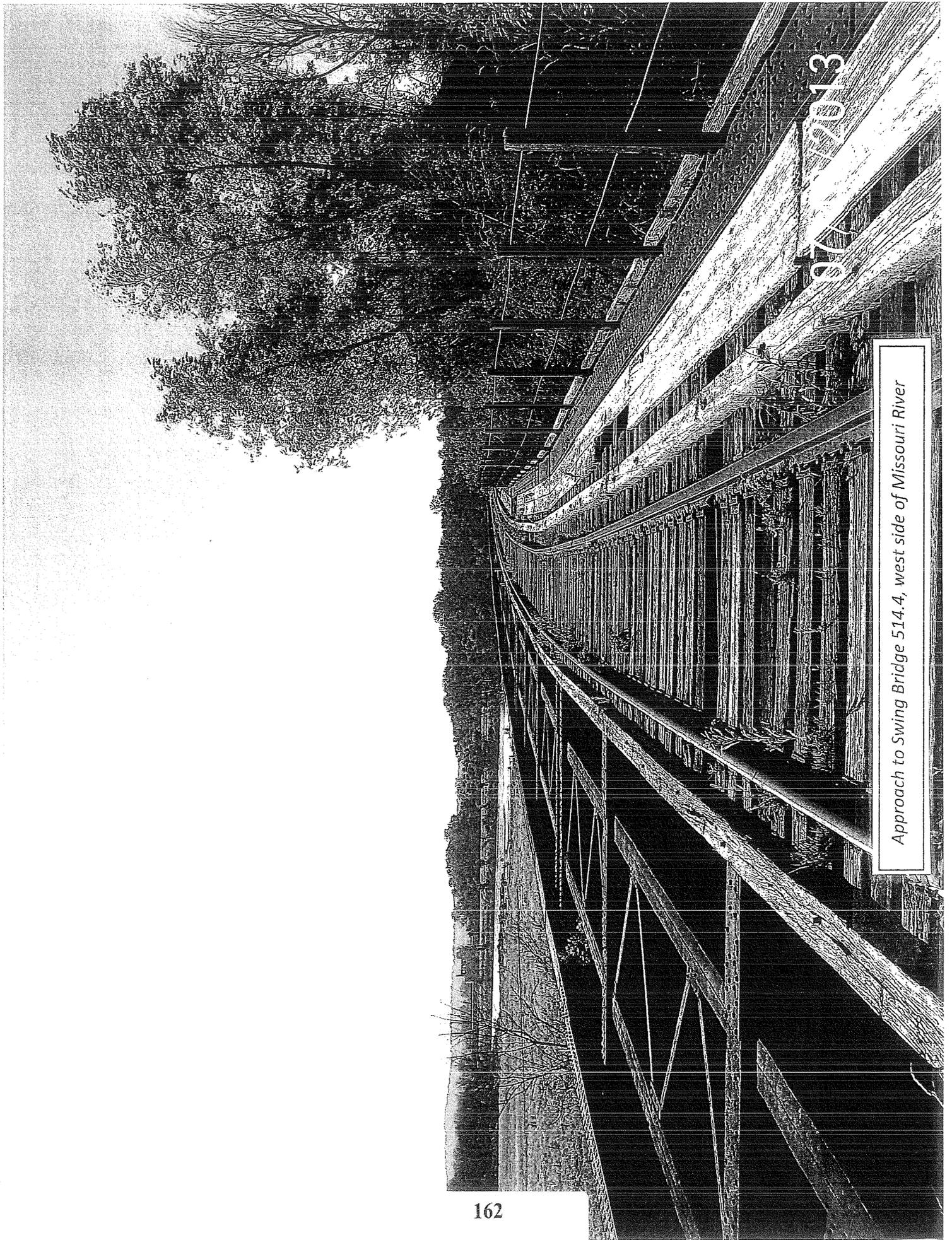


Approach to Swing Bridge 514.4, east side of Missouri River



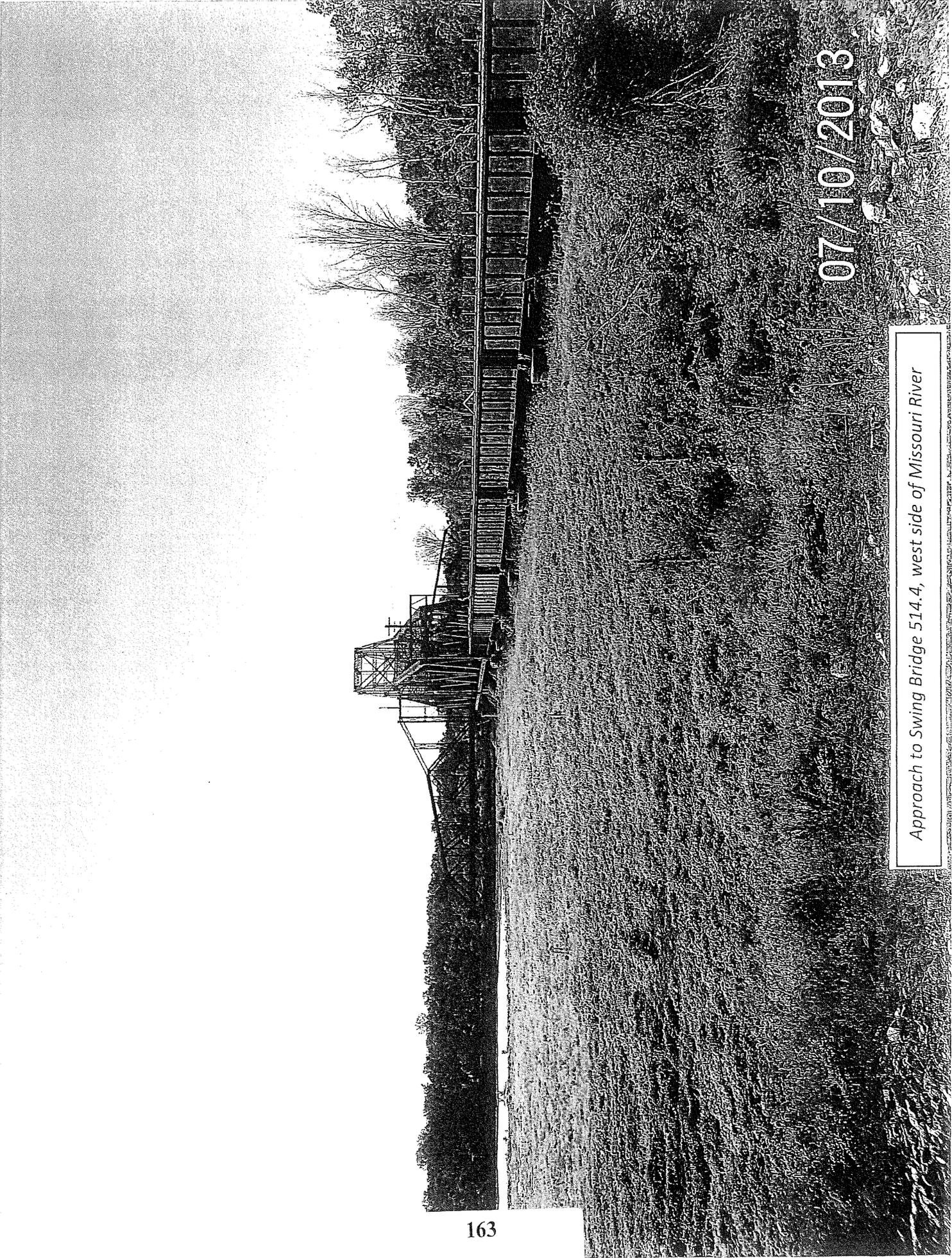
Swing Bridge 514.4, east side of Missouri River

07/10/2013



9/27/2013

Approach to Swing Bridge 514.4, west side of Missouri River



07/10/2013

Approach to Swing Bridge 514.4, west side of Missouri River



07/10/2013

Swing Bridge 514.4, west side of Missouri River

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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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.

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 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.

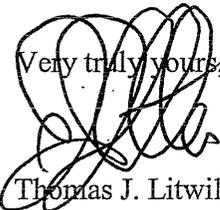
FLETCHER & SIPPEN LLC

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

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Suite 920
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THOMAS J. LITWILER
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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.

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FLETCHER & SIPPEL LLC

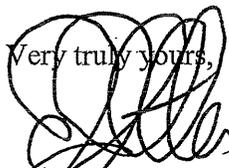
Ms. Jill E. Dolberg
October 23, 2013
Page 2

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Very truly yours,


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

TJL:tl

Attachment



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,

A handwritten signature in black ink that reads "Jill Dolberg". The signature is written in a cursive, flowing style.

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

Appendix Y-1

1500 R Street
PO Box 82554
Lincoln, NE 68501-2554

p: (800) 833-6747
(402) 471-3270
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www.nebraskahistory.org



Council Bluffs
Omaha

Chicago

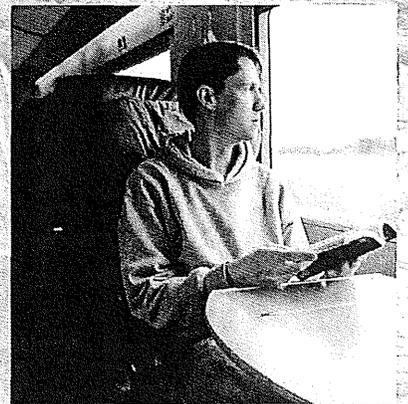
Chicago to Council Bluffs – Omaha Regional Passenger Rail System Planning Study

Tier 1 Service Level

FINAL

Environmental Impact Statement

May 2013

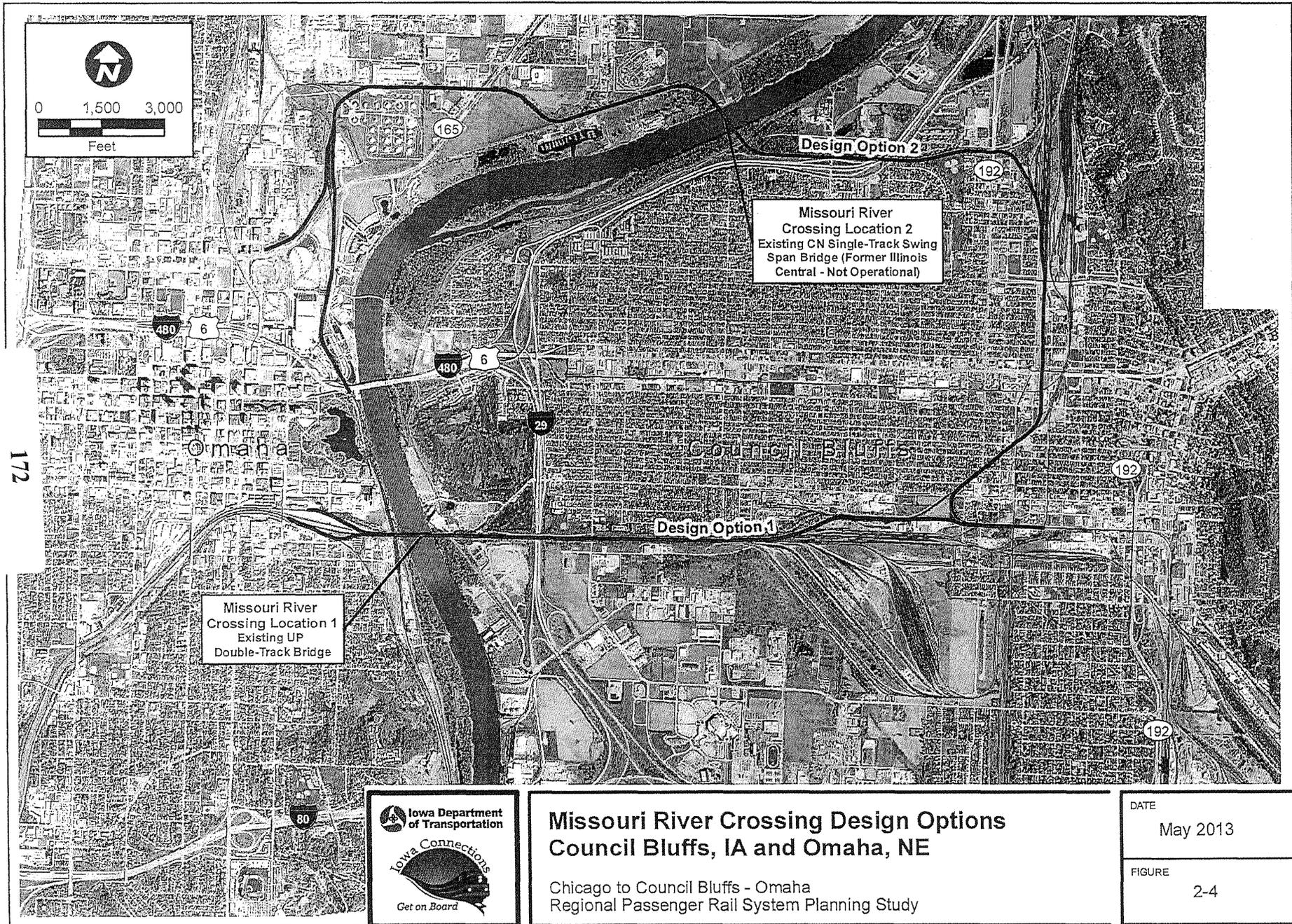


The preliminary analysis of improvement needs was conducted along the Corridor to establish a boundary of the area potentially disturbed during construction of the Project. The area potentially needed to construct the improvements constitutes the Potential Impact Area, and is further described in the introduction to Chapter 3. Based on preliminary modeling of capacity and demand completed for this Tier 1 Final EIS, expansion of the Potential Impact Area was not required. There is the potential that based on Tier 2 analysis, improvements may be required outside the Tier 1 Potential Impact Area. If the Tier 1 Potential Impact Area is expanded, areas added to the Potential Impact Area would be studied in detail in the Tier 2 NEPA documents. In addition, detailed capacity modeling will be conducted during Tier 2 analysis to identify more specific requirements for revisions of and improvements to the wayside signal system, crossovers and interlocking plants, and connection tracks in order to provide adequate capacity for the proposed passenger trains. In the event that these improvements would occur outside the Tier 1 Potential Impact Area, studies during Tier 2 would characterize these areas and document the changes relative to preliminary boundaries identified during Tier 1.

In consideration of existing infrastructure, train traffic, roadways, urban land uses, and abandoned rail corridors, a few alignment options within the Corridor were identified. There are multiple alignment options through East Des Moines, Iowa, and across the Missouri River between Council Bluffs, Iowa and Omaha, Nebraska, as well as multiple station location options in Des Moines, Council Bluffs, and Omaha. Consequently, the Potential Impact Area includes all alignments and locations currently under consideration. Figure 2-3 illustrates potential options for connecting the Corridor through Des Moines, and Figure 2-4 shows potential options for crossing of the Missouri River. The Tier 2 analysis will confirm selection of the alignment locations and station locations.

2.2.3.2 Station Stops

Station stops considered include all of the stops identified in the Final Alternatives Analysis Report (see Appendix A) as well as additional stops. The proposed passenger rail service would continue to use existing Amtrak long-distance or Illinois-state-sponsored service stations at Chicago Union Station, La Grange Road, Naperville, Plano, Mendota, and Princeton, Illinois; and potentially at Omaha, Nebraska. New stations or reuse and modification of existing or past stations are proposed at Geneseo and Moline, Illinois; Iowa City, Grinnell, Des Moines, Atlantic, and Council Bluffs, Iowa; and potentially Omaha, Nebraska. Proposed station locations for Des Moines, Council Bluffs, and Omaha are shown in Figure 2-5 along with alternative station locations. The proposed location in Des Moines is at or near the former Rock Island railroad station between 4th and 5th Streets. In Council Bluffs, the proposed location is adjacent to the Council Bluffs Energy Center (CBEC) Railway, with alternate locations off the BNSF Council Bluffs Subdivision, at or near the former Rock Island/Milwaukee Road Council Bluffs Union Station, off Valley View Drive, and in the southeast quadrant of the I-80 and U.S. Highway 6 interchange. The proposed location in Omaha is at the former Burlington Route station, with alternate locations in north downtown, by the CenturyLink Center, the former Union Station, and the current Amtrak station. Figure 2-6 shows proposed locations for stations in Grinnell (in the southeast quadrant of the intersection of IAIS and UP rail lines), at or near the former Rock Island station, and Atlantic (at or adjacent to a former Rock Island railroad station).

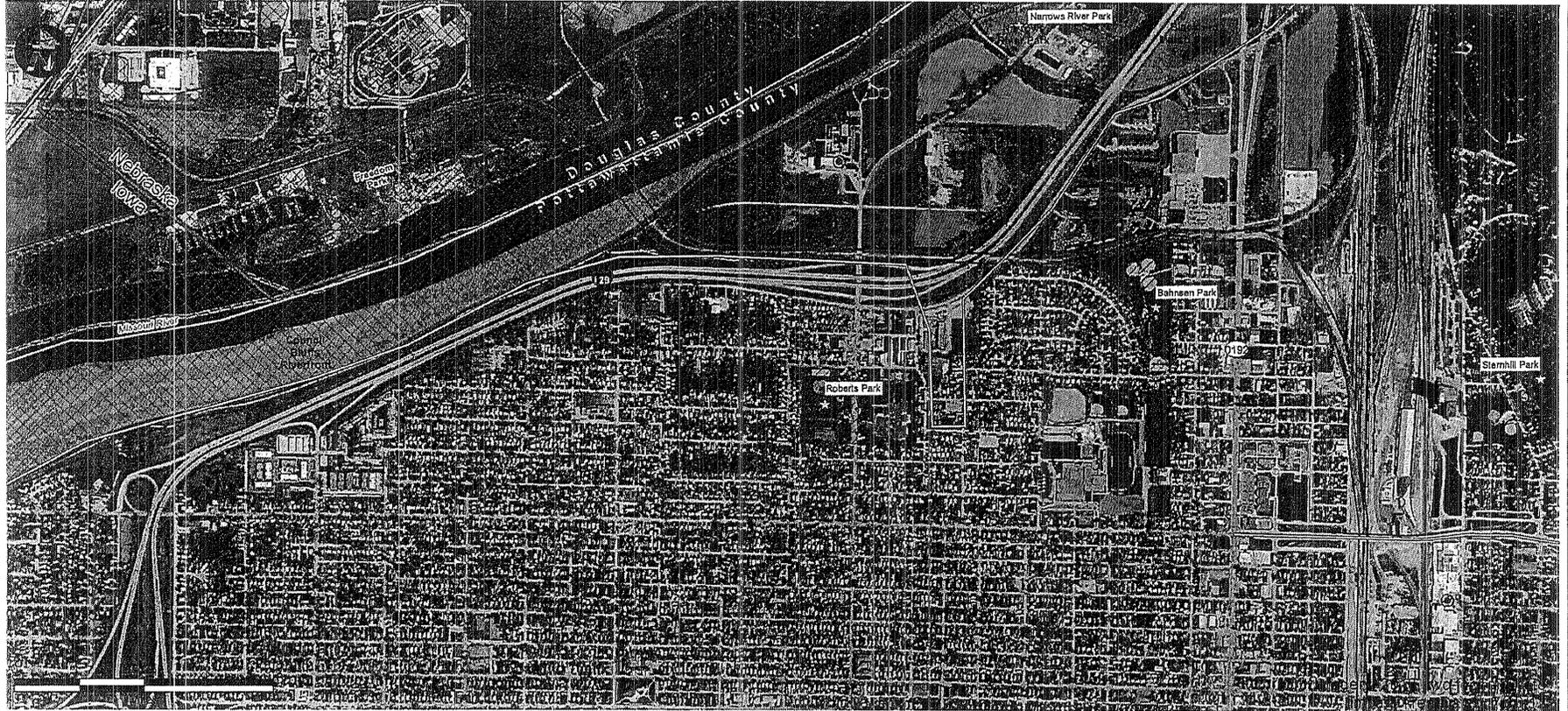


Missouri River Crossing Design Options
Council Bluffs, IA and Omaha, NE

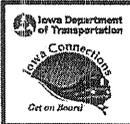
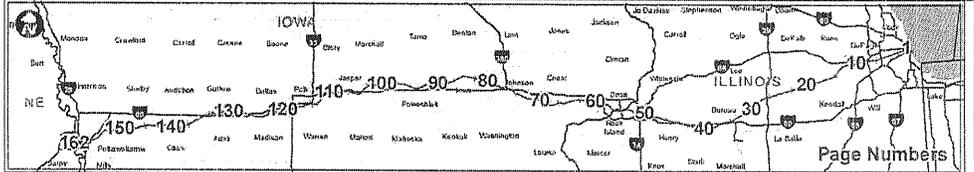
Chicago to Council Bluffs - Omaha
 Regional Passenger Rail System Planning Study

DATE
 May 2013

FIGURE
 2-4



- | | | |
|------------------------------|---|--------------------------------|
| Route Alternative | Recreation Area | USFWS Land |
| Potential Impact Area | Existing Severe Level Noise | IA Prairies |
| Streams | Future Severe Level Noise | IA Forest Stands |
| Historic Sites | Existing Moderate Level Noise | IA Wildlife Management Areas |
| National Priority List Sites | Future Moderate Level Noise | IL State Natural Area |
| Hazardous Material Sites | Existing Vibration Contours | IL County Forest Preserves |
| Omaha & IA Trails | Future Vibration Contours | Topeka Shiner Critical Habitat |
| Parks | NWI Wetland (PA3-, PEM-, PFO, and PSS-) | City Boundary |
| IA State Recreational Land | NWI Lake or Pond | County Border |
| 100-Year Floodplain | | |



Potential Impact Area

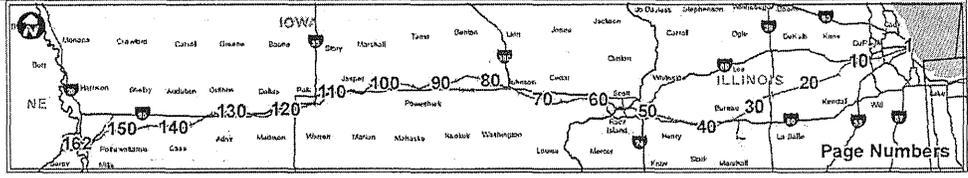
Chicago to Council Bluffs - Omaha
Regional Passenger Rail System Planning Study

DATE
October 2012

FIGURE
161



- | | | |
|------------------------------|--|--------------------------------|
| Route Alternative | Recreation Area | USFWS Land |
| Potential Impact Area | Existing Severe Level Noise | IA Prairies |
| Streams | Future Severe Level Noise | IA Forest Stands |
| Historic Sites | Existing Moderate Level Noise | IA Wildlife Management Areas |
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| Omaha & IA Trails | Future Vibration Contours | Topeka Shiner Critical Habitat |
| Parks | NW Wetland (IAB-, PEM-, PFO, and PSS-) | City Boundary |
| IA State Recreational Land | NW Lake or Pond | County Border |
| 100-Year Floodplain | | |



Potential Impact Area
Chicago to Council Bluffs - Omaha
Regional Passenger Rail System Planning Study

DATE	October 2012
FIGURE	162

