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Nebraska Trails Foundation, Inc.

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April 6, 2004

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**SURFACE
TRANSPORTATION BOARD**

Vernon Williams, Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

RE: Surface Transportation Board, Docket No. AB-6 (Sub-No 408X).
Burlington Northern and Santa Fe Railroad Company – Abandonment
Exemption and Discontinuance of Operation in Hamilton and Merrick
Counties, Nebraska.

Dear Mr. Williams:

This comment should be treated as a protest or a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of Nebraska Trails Foundation, Inc., a non-profit organization interested in promoting trail development in the state of Nebraska, which is hereinafter referred to as "Commenter." This is also being filed on behalf of the Central City Community Trails Committee of Central City, Nebraska.

Commenter takes no position on the propriety of discontinuance of current rail service, but Commenter does request issuance of a Notice of Interim Trail Use rather than outright abandonment authorization. These comments pertain to the rail line of Burlington Northern and Santa Fe Railroad Company, with respect to that portion of the right-of-way in Hamilton and Merrick Counties, Nebraska between Milepost 1.90 near Aurora to Milepost 17.50 near Central City, a distance of approximately 15.60 miles. The right-of-way is part of a line proposed for abandonment in Docket AB-6 (Sub-No 408X.)

A map of the right-of-way is attached.

- A. Public Use Condition
- Commenter requests the Surface Transportation Board find that this property is suitable for other public use, specifically trail use, and to place the following condition on the abandonment:

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1. Barring non-public disposition

Condition sought: an order prohibiting the carrier from disposing of the corridor, other than the tracks, ties, and signal equipment, except for public use on reasonable terms.

Justification: This corridor offers an excellent addition to the recreational trails system of the state of Nebraska. This property would allow us to provide hiking and bicycle routes between Aurora and Central City and including Marquette. It would offer excellent wildlife viewing and recreational opportunities especially where it crosses the Platte River.

The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time to coordinate efforts with local interest groups and to commence negotiations with the carrier.

2. Preserving trail-related structures

Condition sought: an order barring removal or destruction of trail-related structures such as bridges, culverts, ballast and rip/rap, but not removal of tracks, ties, and signal equipment.

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

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

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for rail-banking, in addition to the public use conditions sought above, Commenter also requests rail-banking and interim trail use. Commenter accordingly makes the following statement:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL
RESPONSIBILITY

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

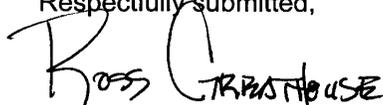
A map depicting right-of-way is attached.

Nebraska Trails Foundation, Inc. acknowledges that use of the right-of-way is subject to the users continuing to meet its responsibilities described above, and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

A copy of this statement is being served on the railroad on the same date it is being served on the commission.

By my signature below, I certify service upon Sarah Bailiff,
Senior General Attorney, Burlington Northern and Santa Fe
Railroad Company, 2650 Lou Menk Drive, 3rd Floor, Fort Worth,
Texas

Respectfully submitted,

A handwritten signature in black ink that reads "ROSS GREATHOUSE". The signature is written in a cursive style with some capital letters.

Ross Greathouse
For Nebraska Trails Foundation, Inc.
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