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ENTERED  
Office of Proceedings

Part of  
Public Record

3 January 2006  
by express

Hon. Vernon Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20036

**FILING FEE WAIVED**

Re: Nebkota Railway, Inc. --  
Abandonment Exemption --  
in Sheridan and Cherry  
Counties, NE, AB 988X

215487

filing of "statement of willingness"

FEE EXEMPT

Dear Mr. Secretary:

Enclosed for filing please find the original and ten copies of a "statement of willingness" for filing in the above-captioned proceeding on behalf of Nebraska Game and Parks Commission (NGPC).

The rail line at issue in this proceeding is part of the old Cowboy Line of the Chicago & North Western. That line between Norfolk and Merriman has already been railbanked pursuant to 16 U.S.C. § 1247(d) as the Cowboy Trail, now owned and operated by NGPC. The additional 43 mile line at issue in the above-captioned proceeding would serve as a continuation of that trail across the State.

49 C.F.R. § 1102.2(e)(1) provides that "[f]iling fees are wived for an application or other proceeding which is filed by ... a state ... government entity." NGPC is a state government entity responsible for game and parks in the State of Nebraska. NGPC accordingly qualifies for an exemption from the \$200 filing fee for "statements of willingness." To the extent a motion is required to secure this fee exemption, please treat this as such a motion.

I am tendering this "statement of willingness" well before the deadline (January 10) provided in this Board's notice served December 21, 2005, in order to ensure that you have sufficient

time to waive the fee pursuant to § 1002.2(e)(1) so the document is treated as timely filed.

NGPC expects to file further pleadings in this proceeding at or by the due date (January 10, 2006) specified in the December 21 notice governing this proceeding.

By my signature below, I certify service on this date by express service, next day delivery, on Mr. Kahn, counsel for Nebkota, at his address of record.

Thank you for your assistance in this matter.

Very truly,



Charles H. Montange  
for NGPC

Encls.

cc. Mr. Kahn  
NGPC  
RTC (all w/encl.)

BEFORE THE SURFACE TRANSPORTATION BOARD

NEBKOTA RAILWAY, INC. -- )  
ABANDONMENT EXEMPTION -- ) AB 988X  
IN SHERIDAN AND CHERRY )  
COUNTIES, NE )

STATEMENT OF WILLINGNESS  
TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29, Nebraska Game and Parks Commission ("NGPC" or "interim Trail User"), is willing to assume full responsibility for management of, for any legal liability arising out of (unless the user 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 and operated by Nebkota Railway, Inc. (Railroad). The property extends from MP 331 near Merriman to MP 374 at Rushville, a distance of 43 miles in Cherry and Sheridan Counties, Nebraska. The right of way is part of a line proposed for abandonment in Docket AB-988.

A map depicting the property is attached.

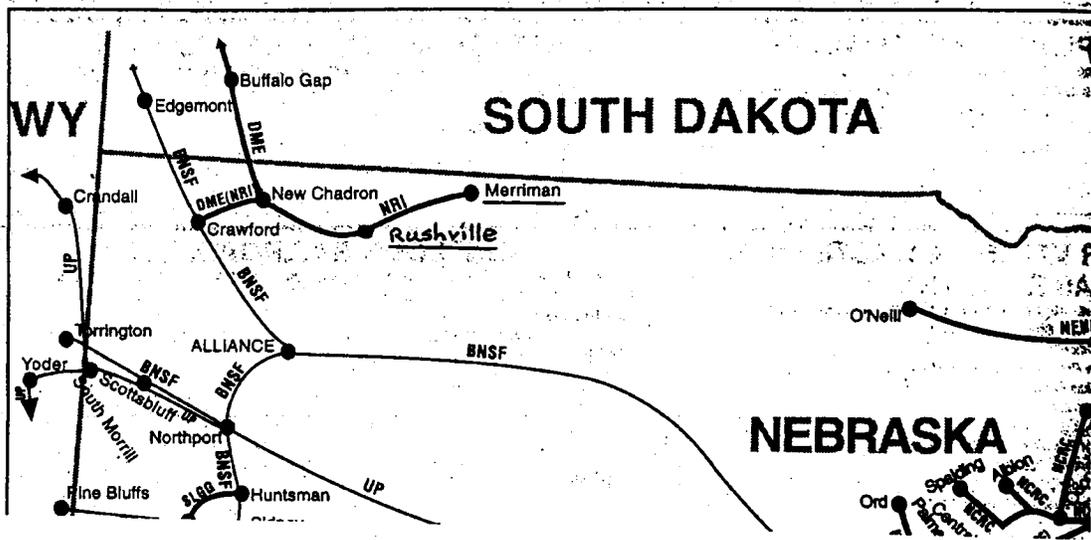
NGPC acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Board.

  
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Charles H. Montange  
Counsel for Nebraska Game and Parks  
Commission  
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Seattle, Washington 98177  
(206) 546-1936  
(206) 546-3739

cc. Rex Amack,  
Director, NGPC  
2200 N. 33d St.  
Lincoln, NE 68503-0370

Fritz R. Kahn, Esq.  
1920 N Street, N.W.  
Washington, D.C. 20036-1601

Andrea Ferster, Esq.  
for Rails to Trails Conservancy  
1100--17th St., N.W., 10th Floor  
Washington, D.C. 20036





## Nebraska Game and Parks Commission

2200 N. 33rd St. / P.O. Box 30370 / Lincoln, NE 68503-0370

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December 23, 2005

Charles Montange  
Attorney at Law  
426 NW 162nd Street  
Seattle, Washington 98177

Dear Mr. Montange:

On behalf of the Nebraska Game and Parks Commission, please file "Statements of Willingness" to the Surface Transportation Board in response to NEBKOTA's petition for an exemption abandonment on 43 miles of rail line in Sheridan and Cherry counties.

Thank you for all of your past and current assistance with the Cowboy Trail.

Sincerely,

Rex Amack  
Director

RA:lh