

FILING FEE WAIVED

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BEFORE THE SURFACE TRANSPORTATION BOARD

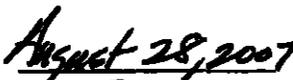
NEBKOTA RAILWAY, INC.—)
ABANDONMENT EXEMPTION—IN)
DAWES AND SHERIDAN COUNTIES,) Docket No AB-988 (Sub-No 1X)
NEBRASKA)

Motion for Leave to File
 Statement of Willingness to Assume
 Financial Responsibility

The Nebraska Game and Parks Commission ("NGPC") files this Motion for Leave to File a Statement of Willingness to Assume Financial Responsibility in the above-captioned proceeding. As good cause for the Board granting such leave, the NGPC states that since notice of the intentions of Nebkota Railway, Inc regarding the property, NGPC has been conducting environmental due diligence on the property prior to a decision on whether to accept ownership. The NGPC has the consent of Nebkota Railway, Inc in filing this Motion for Leave as stated by Nebkota's counsel Mr Kahn to the undersigned by telephone on August 27, 2007, and a letter of consent from Nebkota will be submitted to the Board as soon as possible. Nebkota has not yet abandoned the property. Granting this Motion for Leave and accepting the attached Statement of Willingness is in the public interest because the NGPC owns 247 miles of the right-of-way east of the subject property, and acquisition of the subject property will allow conservation of the property for public use in accordance with applicable law.

WHEREFORE, the Nebraska Game and Parks Commission respectfully requests that the Board grant this Motion for Leave and accept filing of the attached Statement of Willingness to Assume Financial Responsibility in the above-captioned proceeding. A copy of this Motion for Leave is being served on Nebkota Railway, Inc on the same date it is being served on the Surface Transportation Board.


 Nathan F. Donovan, Assistant Attorney General
 State of Nebraska


 Date

Nebraska Game and Parks Commission
 2200 N 33d Street
 Lincoln, NE 68503-0370

Certificate of Service: I,  certify that on the date stated above, I served this document by US Mail, postage prepaid, on the following individuals

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

Andrea Ferster, General Counsel
 Rails-to-Trails Conservancy
 1100 17th Street, N.W. 10th Fl
 Washington, D.C. 200036

BEFORE THE SURFACE TRANSPORTATION BOARD

NEBKOTA RAILWAY, INC.—)
ABANDONMENT EXEMPTION--IN)
DAWES AND SHERIDAN COUNTIES,) Docket No AB-988 (Sub-No. 1X)
NEBRASKA)

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, the Nebraska Game and Parks Commission ("NGPC") is willing, to the extent permitted by law, to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way in the above-captioned proceeding, owned and operated by Nebkota Railway, Inc

The property extends from milepost 404 3 near Chadron 69337 and the end of the line at milepost 374 at Rushville 69360, in Dawes and Sheridan Counties, NE., a distance of approximately 30 3 miles. The right of way is part of a line proposed for abandonment in Docket AB-988, Sub-No 1X ¹ A map depicting the right-of-way is attached

NGPC acknowledges that use of the right-of-way is subject to the user 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 Nebkota Railway, Inc on the same date it is being served on the Surface Transportation Board

Rex Amack
Rex Amack, Director
Nebraska Game and Parks Commission
2200 N 33d Street
Lincoln, NE 68503-0370

August 28, 2007
Date

Certificate of Service I, Daniel J. Westerkelt certify that on the date stated above, I served this document by US Mail, postage prepaid, on the following individuals:

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

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Rails-to-Trails Conservancy
1100 17th Street, N W 10th Fl
Washington, D C 200036

¹ See Nebokota Railway -- Abandonment Exemption -- in Dawes and Sheridan Counties, NE, AB-988 (Sub-No. 1X), served August 22, 2007

