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243975

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Office of Proceedings
July 19, 2017
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Public Record

Hand Delivered

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

Re: Docket No. AB-1032 (Sub-No. 1X), Nebraska, Kansas & Colorado Railway, L.L.C. –
Discontinuance of Service Exemption – in Franklin, Harlan, Furnas and Red Willow
Counties, Nebraska and Decatur, Rawlins and Cheyenne Counties, Kansas

Dear Ms. Brown:

Attached for filing are the original and ten copies of a Notice of Exemption under 49 C.F.R.
1152.50. Also attached is a check covering the \$4,000 filing fee.

If you have any questions, please call me.

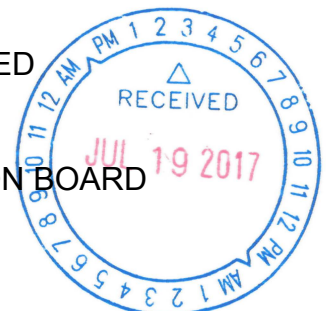
Sincerely,


Karl Morell

Enclosures

FILED
July 19, 2017
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
July 19, 2017
SURFACE
TRANSPORTATION BOARD



BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1032 (SUB-NO. 1X)

NEBRASKA, KANSAS & COLORADO RAILWAY, L.L.C.
-- DISCONTINUANCE OF SERVICE EXEMPTION --
IN FRANKLIN, HARLAN, FURNAS AND RED WILLOW COUNTIES, NEBRASKA AND
DECATUR, RAWLINS AND CHEYENNE COUNTIES, KANSAS

NOTICE OF EXEMPTION

Karl Morell
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Suite 440
Washington, D.C. 20001
(202) 595-9045

Attorney for:
NEBRASKA, KANSAS & COLORADO
RAILWAY, L.L.C.

Dated: June 19, 2017

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1032 (SUB-NO. 1X)

NEBRASKA, KANSAS & COLORADO RAILWAY, L.L.C.
-- DISCONTINUANCE OF SERVICE EXEMPTION --
IN FRANKLIN, HARLAN, FURNAS AND RED WILLOW COUNTIES, NEBRASKA AND
DECATUR, RAWLINS AND CHEYENNE COUNTIES, KANSAS

NOTICE OF EXEMPTION

Nebraska, Kansas & Colorado Railway, L.L.C. ("NKCR") files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 to discontinue its operations over the 174.2 miles of rail line located between: (1) milepost 216.9, at Franklin, Nebraska, and milepost 257.4, at Oxford Jct., Nebraska; and (2) milepost 0.2, at Orleans Jct., Nebraska, and milepost 133.9, at St. Francis, Kansas, in Franklin, Harlan, Furnas and Red Willow Counties, Nebraska and Decatur, Rawlins and Cheyenne Counties, Kansas (the "Line").

1. Proposed consummation date.

The proposed consummation date is 50 days after the filing of this Notice of Exemption.

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

The required certification is attached hereto as Exhibit A.

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

(a) General.

- (1) Exact name of applicant.

Nebraska, Kansas & Colorado Railway, L.L.C.

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

NKCR is a common carrier by railroad subject to 49 U.S.C.

Subtitle IV, Chapter 105.

- (3) Relief sought.

NKCR seeks to use the class exemption at 49 C.F.R. § 1152.50 to discontinue its operations over the 174.2 miles of rail line located between: (1) milepost 216.9, at Franklin, Nebraska, and milepost 257.4, at Oxford Jct., Nebraska; and (2) milepost 0.2, at Orleans Jct., Nebraska, and milepost 133.9, at St. Francis, Kansas, in Franklin, Harlan, Furnas and Red Willow Counties, Nebraska and Decatur, Rawlings and Cheyenne Counties, Kansas. There has been no local or overhead traffic on the Line in over two years.¹

- (4) Map.

A map depicting the trackage covered by the proposed discontinuance is attached as Exhibit B.

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

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

¹ NKCR will use the discontinued Line for rail car storage and other private uses.

The Line traverses ZIP Codes 67756, 67745, 67730, 67731, 67739, 67744, 67749, 69026, 69036, 69046, 68926, 68920, 68977, 68967, 68966, 68971, 68960, 68929, 68939, 68946, 68972, and 69020.

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

NKCR is merely discontinuing, and abandoning, the Line.

Therefore, the right-of-way will not be available for public purposes. Some of the property underlying the right-of-way may be reversionary. Based on information in NKCR's possession, the Line does not contain federally granted rights-of-way.

4. The level of labor protection.

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

5. Certification.

Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.12 are attached as Exhibit C.

6. Environmental and Historic Reporting Requirements.

This proceeding is exempt from environmental reporting requirements under 49 C.F.R. 1105.6(c) and from historic reporting requirements under 49 C.F.R. 1105.8(b).

Respectfully submitted,

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

Karl Morell
Karl Morell & Associates
440 1st Street, N.W.
Suite 440
Washington, D.C. 20001
(202) 595-9045

Attorney for:
NEBRASKA, KANSAS & COLORADO
RAILWAY, L.L.C.

Dated: June 19, 2017

EXHIBIT A

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF COLORADO)
)
) SS.
DENVER COUNTY)

I, Bryce Anderson, being duly sworn depose and state that I am General Manager of Nebraska, Kansas & Colorado Railway, L.L.C. ("NKCR"), that I am authorized to make this verification, and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information, and belief.

I hereby certify that no local traffic has been handled to or from any customer over the 174.2 miles of rail line located between: (1) milepost 216.9, at Franklin, Nebraska, and milepost 257.4, at Oxford Jct., Nebraska; and (2) milepost 0.2, at Orleans Jct., Nebraska, and milepost 133.9, at St. Francis, Kansas, in Franklin, Harlan, Furnas and Red Willow Counties, Nebraska and Decatur, Rawlins and Cheyenne Counties, Kansas (the "Line") for at least two (2) years prior to the date hereof. Also, no overhead traffic has been handled on the Line for at least two (2) years prior to the date hereof. Further, no formal complaint filed by a user of rail service on the Line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period.

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

[Signature]
March 30, 2017

SUBSCRIBED AND SWORN TO before me this 30 day of March, 2017.

My Commission Expires: 3-17-19

[Signature]
Notary Public

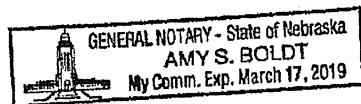


EXHIBIT B

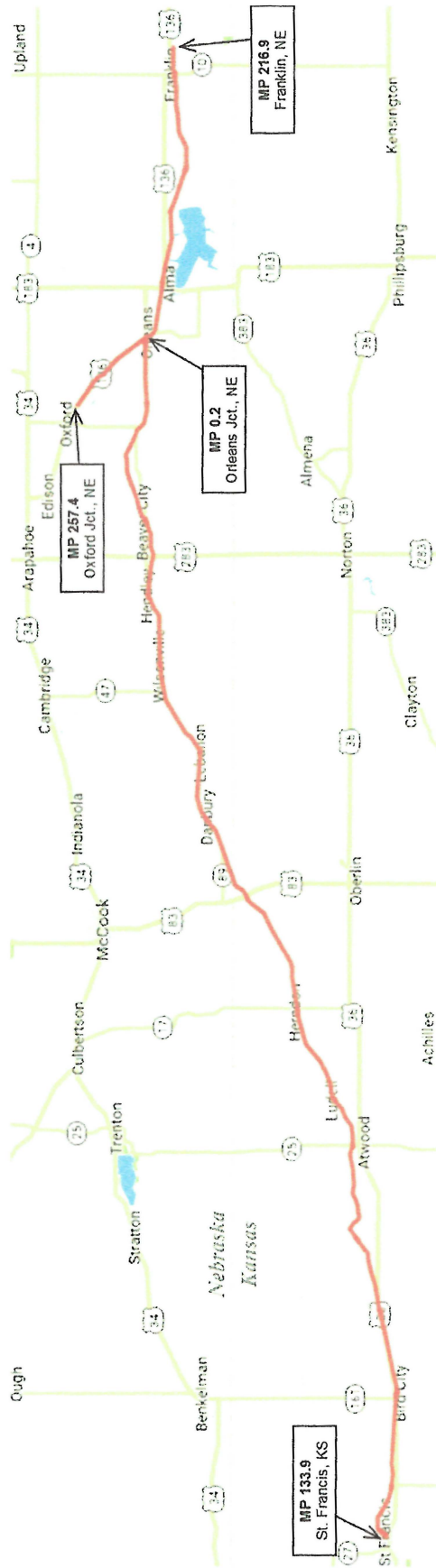


EXHIBIT C

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed discontinuance of operations in Docket No. AB-1032 (Sub-No. 1X) was mailed via first class mail on June 15, 2017 to the following parties:

State Public Service Commission

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

Kansas Department of Transportation
Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745

Military Traffic Management Command

Military Surface Deployment and Distribution Command Transportation
SDTE-SA
Railroads for National Defense
1 Soldier Way, Building 1990W
Scott AFB, IL 62225-5006

National Park Service

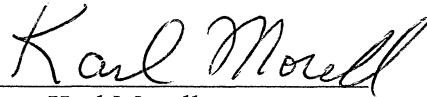
U.S. Department of Interior
National Park Service
Recreation Resources Assistance Division
1849 C Street, NW
Washington, DC 20240-0001

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

U.S. Department of Agriculture

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

Dated: June 19, 2017

A handwritten signature in black ink, reading "Karl Morell". The signature is written in a cursive style with a horizontal line underneath the name.

Karl Morell

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed discontinuance of operations in Docket No. AB-1032 (Sub-No. 1X) was published on June 21, 2017 in the Franklin County Chronicle, a newspaper of general circulation in Franklin County, Nebraska; on June 22, 2017, in the Harlin County Journal, a newspaper of general circulation in Harlan County, Nebraska; on June 21, 2017, in the Arapahoe Public Mirror, a newspaper of general circulation in Furnas County, Nebraska; on June 16, 2017, in the McCook Gazette, a newspaper of general circulation in Red Willow County, Nebraska; on June 21, 2017, in the Oberlin Herald, a newspaper of general circulation in Decatur and Rawlins Counties, Kansas; and on June 22, 2017, in the Saint Francis Herald, a newspaper of general circulation in Cheyenne County, Kansas, as required by 49 C.F.R. § 1105.12.

Dated: June 19, 2017


Karl Morell