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May 13, 2014

Cynthia T. Brown, Secretary  
Surface Transportation Board  
1925 "K" Street, NW  
Washington, D.C. 20423-0001

236042  
ENTERED  
Office of Proceedings  
May 14, 2014  
Part of  
Public Record

RE: Iowa Interstate Railroad, Ltd- Abandonment in Polk, Jasper and Marion Counties, Iowa; Docket # AB414-8X

Dear Ms. Brown:

This comment should be treated as a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of the Polk and Jasper County Conservation Boards, the Cities of Prairie City and Mitchellville (public agencies) and the Iowa Natural Heritage Foundation (non-profit corporation), which are parties interested in conservation and recreation, and are hereinafter referred to as "Proponent."

While not taking a position on the merits of this abandonment, Proponent requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between **milepost 145.75 south of Mitchellville to milepost 135.0 near Prairie City** in Polk and Jasper Counties.

#### A. Public Use Condition

Proponent requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting Iowa Interstate Railroad (IAIS) from disposing of the corridor except for public use on reasonable terms. The justification for this condition is that the corridor connects to a portion of the railroad corridor previously acquired for trail purposes by Jasper County from Iowa Interstate Railroad between Milepost 135.0

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near Prairie City and Milepost 129.4 in Monroe and noted on Page 7 of the May 2, 2014 IAIS Petition. Also, this corridor helps extend the Central Iowa Trail System- a regional network of nearly 700 miles of trails – to the Neal Smith National Wildlife Refuge. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time to complete negotiations with the railroad.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for trail purposes and future reactivation of rail service. The time period requested is 180 days from the effective date of the abandonment authorization in order to complete negotiations with the railroad.

### **B. Interim Trail Use**

The railroad right-of-way in this proceeding is suitable for railbanking and interim trail use. In addition to the public use conditions sought above, Proponent also 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, Proponent is willing 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 owned by UPRR after transfer of the corridor to the public agencies.

The Polk and Jasper County Conservation Boards (public agencies), the Cities of Mitchellville and Prairie City and the Iowa Natural Heritage Foundation acknowledge that the 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.

The property extends from milepost 145.75 south of Mitchellville to milepost 135.0 southeast of Prairie City, the current end of the track. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No AB414-8X. A map depicting the right-of-way is attached.

On behalf of the Polk, Jasper and Marion County Conservation Boards, the Cities of Mitchellville and Prairie City and the Iowa Natural Heritage Foundation, thank you for your consideration of this petition.

Sincerely,

A handwritten signature in blue ink that reads "Joe McGovern". The signature is fluid and cursive, with a long horizontal line extending to the right.

Joe McGovern  
President

cc: Polk and Jasper County Conservation Boards and the Cities of Mitchellville and Prairie City

**CERTIFICATE OF SERVICE**

I hereby certify that on May 13, 2014 a true and accurate copy of the foregoing motion has been served to the following party via first-class mail, postage pre-paid:

Onna B. Houck  
Corporate Council  
Iowa Interstate Railroad  
5900 6<sup>th</sup> St. S.W.  
Cedar Rapids, IA 52404

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Joe McGovern, President  
Iowa Natural Heritage Foundation

