



Insurance Exchange Building
Suite 444
505 Fifth Ave.
Des Moines, Iowa 50309

Phone: 515-288-1846
Fax: 515-288-0137
e-mail: info@inhf.org
www.inhf.org

June 25, 2013

234472

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

ENTERED
Office of Proceeding
June 26, 2013
Part of Public
Record

RE: North Central Railway Association, Inc. railroad abandonment in Hardin and Franklin Counties in Iowa; Docket # AB 586 (Sub-No. 3X)

---CORRECTED---

Dear Mrs. Brown:

This comment should be treated as a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of the City of Ackley and the Iowa Natural Heritage Foundation, which is a party interested in conservation and recreation, and are hereinafter referred to as "Commenter".

While not taking a position on the merits of this abandonment, Commenter 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 201.46 at or near Ackley, and milepost 191.0 at or near Geneva, in Franklin County.

A. Public Use Condition

Commenter 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 North Central Railway Association from disposing of the corridor except for public use on reasonable terms. The justification for this condition is that the corridor is transects Prairie

Bridges Park which has an extensive handicapped accessible trail network and would make an excellent connection to the town center. The time period sought is 180 days from the effective date of the abandonment authorization. Commenter 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, ballast, 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, Commenter 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, Commenter 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 North Central Railway Association, Inc after transfer of the corridor to the public agencies.

The City of Ackley 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 201.46 at or near Ackley, and milepost 191.0 at or near Geneva, in Franklin County. The right-of-way is part

of a line of railroad proposed for abandonment in STB Docket No AB 586 (Sub No 3X). A map depicting the right-of-way is attached.

By my signature below, I certify service upon North Central Railway Association c/o T. Scott Bannister 111 Fifty-Sixth Street, Des Moines, Iowa 50312.

On behalf of the City of Ackley thank you for your consideration of this petition.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anita O'Gara".

Anita O'Gara
Vice President