



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

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Office of Proceedings
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Cynthia T. Brown
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

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

In partnership with and on behalf of the City of Ackley and Franklin County Conservation Board (public agencies), the Iowa Natural Heritage Foundation (non-profit corporation) hereby moves the Surface Transportation Board (STB or Board) to extend the time period for negotiation of a mutually acceptable interim trail use/railbanking agreement in this proceeding up and including **June 30, 2014**.

The Iowa Natural Heritage Foundation (INHF) and the public agencies have been actively negotiating with North Central Railway Association, Inc., but the parties need additional time to complete the negotiations.

To successfully preserve this corridor for interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. 1247 (d), it is necessary for the negotiation period under the NITU to be extended up to and including **June 30, 2014**. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub. No. 13b) (ICC served Feb. 5, 1990) (extensions of time promote the establishment of trails and railbanking consistent with the National Trails System Act).

Since the issuance of the NITU, North Central Railway Association, Inc. at all points has maintained intent to transfer the line intact for interim trail use. The railroad has not sold, or offered for sale, any parcels of land that would interfere with interim trail use and railbanking of the portion of the corridor that is covered by the NITU (between milepost 201.46 at or near Ackley, and milepost 191.0 at or near Geneva, in Franklin and Hardin Counties, Iowa). The line remains intact and throughout the period, the railroad has been negotiating with INHF for the transfer or sale of the corridor intact. Accordingly, the Board retains jurisdiction to extend the NITU to continue bona fide and active negotiations for interim trail use of the line.

In similar instances, this Board has reopened proceedings to permit the issuance of orders implementing section 8(d) for rail lines. The STB's authority to extend a NITU was upheld in Birt v. STB, 90 F.3d 580

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(D.C. Cir. 1996). Here the parties merely seek and extension in the period for negotiation provided in a previously issued NITU. Such an extension will promote and further the purposes of the Trails Act.

For the reasons stated, INHF, City of Ackley and Franklin County Conservation Board requests that an extension of the NITU negotiation period be granted through **June 30, 2014**.

Respectfully Submitted,



Joe McGovern
President, Iowa Natural Heritage Foundation

cc: Franklin County Conservation Board, City of Ackley