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SERVICE DATE – AUGUST 21, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-1067 (Sub-No. 2X)

GENERAL RAILWAY CORPORATION d/b/a IOWA NORTHWESTERN RAILROAD—
ABANDONMENT EXEMPTION—IN OSCEOLA AND DICKINSON COUNTIES, IA

Decided: August 20, 2009

On October 24, 2008, a decision and notice of interim trail use or abandonment (NITU) was served (October 24 decision), authorizing a 180-day period for the Iowa Trails Council (Council),¹ to negotiate an interim trail use/rail banking agreement with General Railway Corporation d/b/a Iowa Northwestern Railroad (IANW), for an approximately 36.9-mile line of railroad, extending between milepost 215.4, west of Mackenzie Junction, and milepost 252.3, west of Braaksma, in Dickinson and Osceola Counties, IA (the line).² The negotiating period under the NITU was extended to October 24, 2009, by a decision served on June 22, 2009.

On July 6, 2009, the Iowa Natural Heritage Foundation (INHF) filed a letter requesting permission to become a participant in the proceeding. INHF states that it has been asked to assist with the final negotiations with IANW on behalf of the Council and the interests it represents. INHF's letter included a statement of willingness 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 as required by 49 CFR 1152.29. INHF further acknowledges that the use of the right-of-way for trail purposes is subject to future reactivation for rail service. IANW filed a letter on August 13, 2009, stating that it supports the negotiations with INHF for the purposes of completing the NITU negotiations and closing of a sale of the line.

INHF's statement meets the requirements of 49 CFR 1152.29. Accordingly, the request to modify the NITU to include INHF will be granted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ The Council represents the interests of the Dickinson County Trails Board, the Osceola County Conservation Board, and the Cities of Allendorf, IA, and Lake Park, IA.

² The October 24 decision and notice also made the exemption subject to a historic preservation condition and to a public use condition. The public use condition, which is limited by statute to 180 days, expired on April 23, 2009, and may not be extended.

It is ordered:

1. The NITU is modified to include INHF as a party to the trail use negotiations under the NITU.
2. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Anne K. Quinlan
Acting Secretary