

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-586 (Sub-No. 2X)

NORTH CENTRAL RAILWAY ASSOCIATION, INC.—ABANDONMENT EXEMPTION—
IN HARDIN COUNTY, IA

Decided: June 7, 2006

North Central Railway Association, Inc. (NCRA), filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon and discontinue service over a 10.54-mile line of railroad between milepost 201.46, near Ackley, IA, and milepost 212.00, near Steamboat Rock, IA, in Hardin County, IA.¹ Notice of the exemption was served and published in the Federal Register on April 13, 2006 (71 FR 19235-36). The exemption became effective on May 13, 2006. By decision served on May 12, 2006 (May 12 Decision), the proceeding was reopened at the request of the Board's Section of Environmental Analysis, and the exemption was made subject to several environmental conditions.

On April 26, 2006, the Iowa Trails Council (Council), on behalf of itself and Hardin County Conservation Board, filed a request for the issuance of a notice of interim trail use (NITU) for the line under the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act), and for a public use condition under 49 U.S.C. 10905. In the May 12 Decision, a 180-day public use condition was imposed, commencing from the May 13, 2006 effective date of the exemption.

By letter filed on May 18, 2006, NCRA states that it is not agreeable to the issuance of a NITU. Because the Trails Act permits only voluntary interim trail use, the Board cannot issue a NITU in this proceeding. See Rail Abandonments—Use of Rights-of-Way as Trails, 2 I.C.C.2d 591 (1986).

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

¹ NCRA's notice of exemption identified the issue line as an 11.70-mile rail line, from milepost 200.30 to milepost 212.00. Subsequently, NCRA was advised of an ongoing need for car interchange and switch moves over a portion of the line between mileposts 200.36 and 201.46. Therefore, by letter filed on March 31, 2006, NCRA amended its notice to pertain to the line segment from milepost 201.46 to milepost 212.00.

It is ordered:

1. The Council's request for issuance of a NITU is denied.
2. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary