

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 586 (Sub-No. 3X)

NORTH CENTRAL RAILWAY ASSOCIATION, INC. —ABANDONMENT EXEMPTION—
IN FRANKLIN AND HARDIN COUNTIES, IOWA

Decided: May 9, 2014

North Central Railway Association, Inc. (NCRA), filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments, to abandon 10.46 miles of rail line between milepost 201.46 at or near Ackley, and milepost 191.0 at or near Geneva, in Franklin and Hardin Counties, Iowa. Notice of the exemption was served and published in the Federal Register on June 5, 2013 (78 Fed. Reg. 33,891). The exemption was scheduled to become effective on July 5, 2013.

On June 26, 2013, the City of Ackley and the Iowa Natural Heritage Foundation (collectively, the City) filed a request for the issuance of a notice of interim trail use (NITU) to negotiate with NCRA for acquisition of the line for use as a trail under the National Trails System Act (Trails Act), 16 U.S.C. § 1247(d), and 49 C.F.R. § 1152.29. The City also requested that the Board impose a public use condition under 49 U.S.C. § 10905 for the right-of-way.

By decision and notice of interim trail use or abandonment (NITU) served July 3, 2013, the proceeding was reopened and a 180-day period (until December 30, 2013) was authorized for the City to negotiate an interim trail use/rail banking agreement with NCRA for the right-of-way involved in this proceeding. In that decision, the Board also imposed a public use condition sought by the City for 180 days (until January 1, 2014).¹

On December 6, 2013, the City filed a request to extend the trail use negotiating period until June 30, 2014. By letter filed April 24, 2014, NCRA informed the Board that it had consummated abandonment of the line on March 31, 2014. Consummation of the abandonment ended the Board's jurisdiction over the line. Therefore, the Board no longer has jurisdiction to grant the NITU extension request.

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

¹ Also, in the July 3 decision, the Board imposed two environmental consultation conditions on the abandonment. However, because both conditions are self-executing, they do not constitute barriers to consummation.

It is ordered:

1. The City's request to extend the NITU negotiating period is dismissed as moot.
2. This decision is effective on its date of service.

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