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**ENTERED**  
**Office of Proceedings**  
**September 29, 2016**  
**Part of**  
**Public Record**

September 29, 2016

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

RE: Dakota, Minnesota & Eastern Railway Corporation d/b/a Canadian Pacific Railroad-  
Abandonment in Scott County, Iowa; Docket # AB337-9X

Dear Ms. 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 Eldridge (public agencies) and the Iowa Natural Heritage Foundation (non-profit corporation), which are parties 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 7.52 +/- and milepost 9.47 also known as the Eldridge Line.

#### **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 Canadian Pacific Railroad from disposing of the corridor except for public use on reasonable terms. The justification for this condition is that the corridor will help to extend the community's trail system by providing a safe and attractive path from the elementary, junior high and high school campus south throughout many neighborhoods and beyond.

**FILING FEE WAIVED**

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. Salvage of tracks, ties and signal equipment is acceptable. 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 Canadian Pacific Railroad after transfer of the corridor to the public agencies.

The City of Eldridge 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 7.52 +/- to milepost 9.47, in Scott County, Iowa. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No AB-337 (Sub-No. 9X). A map depicting the right-of-way is attached.

On behalf of the City of Eldridge and the Iowa Natural Heritage Foundation, thank you for your consideration of this petition.

Sincerely,



Andrea Boulton  
Statewide Trails Coordinator

cc: City of Eldridge

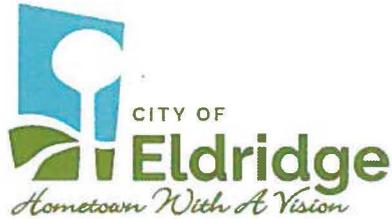
**CERTIFICATE OF SERVICE**

I hereby certify that on August 30, 2016 a true and accurate copy of the foregoing motion has been served to the following party via first-class mail, postage pre-paid:

W. Karl Hansen  
Stinson Leonard Street LLP  
150 South Fifth Street, Suite 2300  
Minneapolis, MN 55402

  
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Andrea Boulton, Statewide Trails Coordinator  
Iowa Natural Heritage Foundation





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September 20, 2016

Cynthia T. Brown  
Surface Transportation Board  
1925 K Street NW  
Washington, D.C. 20423-001

Re: STB Docket No. AB-337 (Sub-No. 9X). Proposed Rail Line Abandonment located between milepost 7.52 (+/-) and milepost 9.47 (Eldridge Line) in Scott County, Iowa (US Postal Zip Code 52748).

The City of Eldridge has requested that the Iowa Natural Heritage Foundation (INHF) represent our interests in the above referenced matter.

The city authorizes the INHF to file for the public use condition as well as the certificate of Notice of Interim Trail Use on our behalf. The City of Eldridge requests that the filing fee be waived as the INHF is acting on behalf of a public agency.

Thank you for your attention in this matter. Please contact us if you have questions.

Sincerely,

Martin P. O'Boyle  
Mayor