

UNION PACIFIC RAILROAD
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Chicago, Illinois 60606-1718

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Mack H. Shumate, Jr.
Senior General Attorney, Law Department

August 22, 2013

VIA E-FILING

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, S.W., Room #100
Washington, DC 20423-0001

234706
ENTERED
Office of Proceedings
August 22, 2013
Part of Public
Record

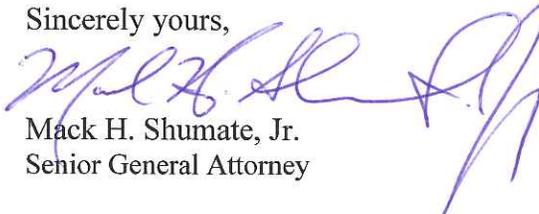
RE: Proposed Abandonment of the Bristow Subdivision from Milepost 318.07 to Milepost 318.66, a total distance of 0.59 miles, near Hampton, Franklin County, Iowa; STB Docket No. AB-33 (Sub-No. 316X)

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") has received a request from the Iowa Natural Heritage Foundation on behalf of the Franklin County Conservation Board (collectively, "Commentor") dated August 19, 2013 seeking public use and interim trail use and rail banking under the provisions of 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 regarding that portion of the Union Pacific's right-of-way known as the Bristow Subdivision, as defined above, a distance of 0.59 miles in Franklin County, Iowa.

The Union Pacific is willing to negotiate with Commentor concerning the acquisition of the subject property for trail use and supports the Commentor's request for the standard 180-day negotiation period but only with regard to that portion of the Line from Milepost 318.66 to Milepost 318.10 for a total distance of .56 miles. The Union Pacific has determined that the portion of the Line from Milepost 318.07 to Milepost 318.10 intersects with the Union Pacific's mainline known as the Mason City Subdivision. While the Bristow Subdivision overlap with the Mason City Subdivision is properly part of the proposed abandonment, the fact that the overlap portion of the Mason City Subdivision will remain active trackage (former diamond) requires that neither public use nor interim trail use can be used from Milepost 318.07 to Milepost 318.10. A copy of Commentor's request is attached hereto as **Exhibit A** and is hereby made a part hereof.

Sincerely yours,



Mack H. Shumate, Jr.
Senior General Attorney

Attachment

cc: Iowa Natural Heritage Foundation



FAX



IOWA
NATURAL HERITAGE
FOUNDATION
FOR THOSE WHO FOLLOW

505 5th Avenue, Suite 444
Des Moines, IA 50309-2321

Number of pages including cover sheet 5

To:	Company:	FAX #:
<u>Mack Shumate</u>	<u>Union Pacific Railroad</u>	<u>(877) 213-4433</u>

From:
<u>A. Chase</u>
Ph 515/288-1846
Fax 515/288-0137

Please find a copy of our request to
reclaim a corridor of UPRR rail line in
Franklin Co, Iowa as described in Docket #

AB-33-314-X

Thank you,
Andrea Chase

Notice of Confidentiality: This communication (including attachments) is for the exclusive use of addressee and may contain privileged or other confidential information. If you are not the intended recipient or believe that you may have received this communication in error, please reply to the sender indicating that fact and delete the copy you received. In addition, you should not print, copy, retransmit, disseminate, or otherwise use the information. THANK YOU.



Iowa
Natural Heritage
Foundation

505 5th Avenue, Suite 444
Des Moines, IA 50309-2321

www.inhf.org
E-mail: info@inhf.org
Phone: 515.288.1846
Toll Free: 800.475.1846
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August 19, 2013

Cynthia Brown, Secretary
Surface Transportation Board
395 "E" Street, SW Room #100
Washington, D.C. 20423-0001

RE: Union Pacific Railroad Company- Abandonment in Franklin County, Iowa;
Docket # AB-33-316-X

Dear Mrs. Brown:

This comment should be treated as a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of the Franklin County Conservation Board (public agency) 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 318.07 to milepost 318.66, a total distance of 0.59 miles near Hampton, Franklin County, Iowa.

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 Union Pacific Railroad (UPRR) from disposing of the corridor, including real estate, ballast, bridges, except for public use on reasonable terms. The justification for this condition is that the corridor closes the last remaining gap in Franklin County's existing 11.5-



mile Rolling Prairie Trail. This link will tie the developed trail into the community of Hampton and its various amenities. The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time to complete negotiations with the railroad.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. 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 UPRR after transfer of the corridor to the public agencies.

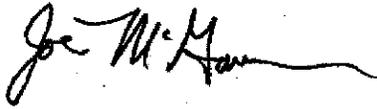
The Franklin County Conservation Board and the Iowa Natural Heritage Foundation acknowledge that the use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

The property extends from milepost 318.07 to milepost 318.66, a total distance of 0.59 miles near Hampton, Franklin County, Iowa. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No AB 33-316-X. A map depicting the right-of-way is attached.

By my signature below, I certify service upon Union Pacific Railroad c/o Mack H. Shumate, 101 North Wacker Drive, Room 1920, Chicago, Illinois 60606-1718, by U.S. Mail, postage prepaid, first class, this 19th day of August, 2013 and via FAX number 877-213-4433.

On behalf of the Franklin County Conservation Board and the Iowa Natural Heritage Foundation, thank you for your consideration of this petition.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe McGovern", with a long horizontal flourish extending to the right.

Joe McGovern
President

cc: Franklin County Conservation Board



Franklin County Conservation

1002 Central Ave West

Hampton, IA 50441

641-456-4375

Staff

Director: Jason Gooder

Park Ranger: Brody Bertram

Interpretive Ranger: Joel Vinson

Resource Manager: Logan VanDyke

8/22/13

Cynthia T. Brown

Surface Transportation Board

1925 K St. NW

Washington, DC 20423-0001

Dear Ms. Brown:

RE: Docket AB 33-316X

The Franklin County Conservation Board has authorized the Iowa Natural Heritage Foundation to file for the Public Use Condition as well as Certificate or Notice of Interim Trail Use on our behalf.

In addition the Franklin County Conservation Board requests that the filing fee be waived, since the Iowa Natural Heritage Foundation is acting on behalf of the County Conservation Board, a government agency, in this matter.

Thank you for your consideration of our request.

Sincerely,

Gary McVicker

Franklin County Conservation Board President

Board Members

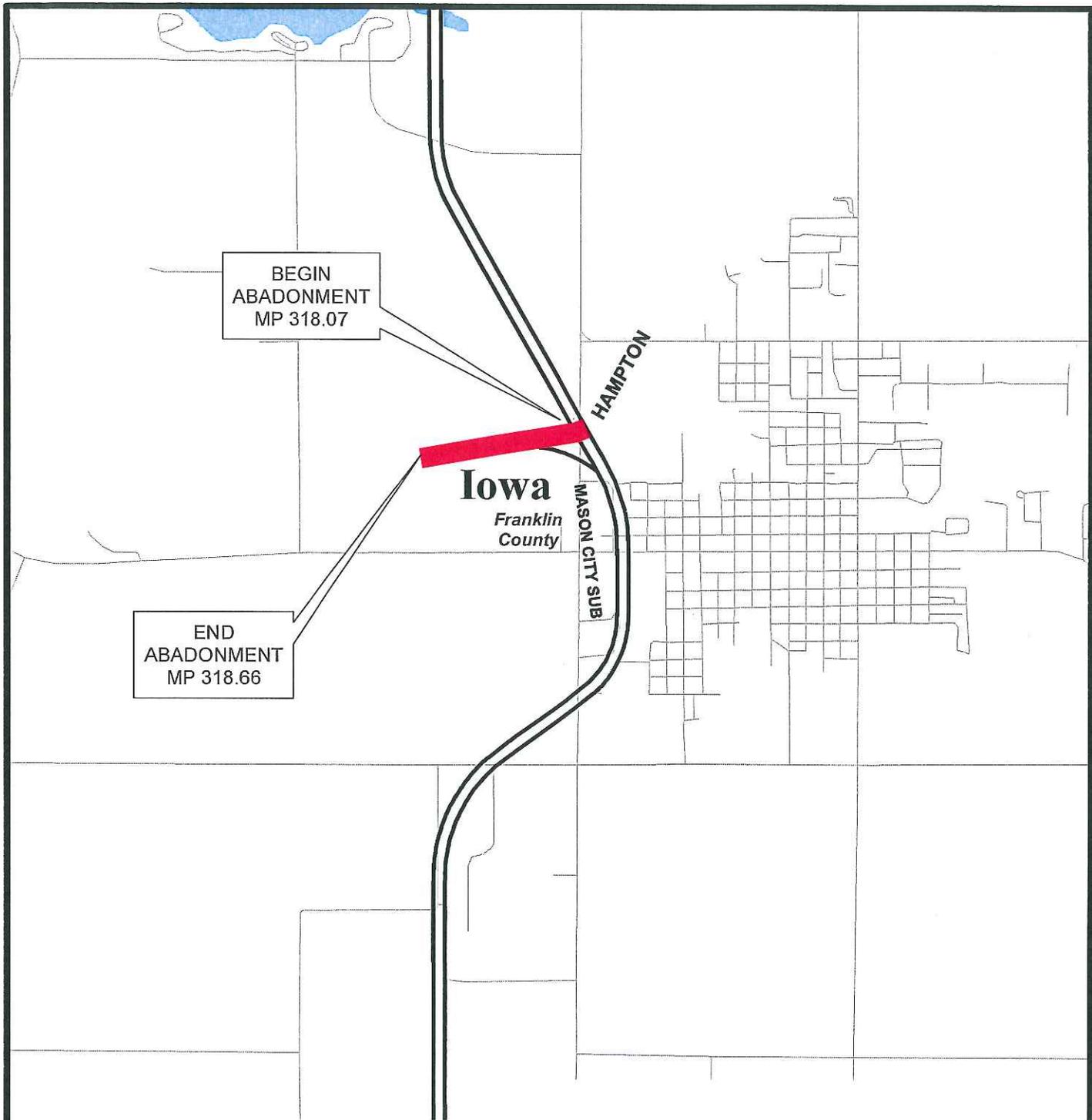
President: Gary McVicker

Bruce Harris

Brian Tegtmeyer

Sandy Eckhardt

Jon Petersen



Legend

- CONNECTION TRACK
- █ UPRR TO BE ABANDONED
- ▬ PRINCIPAL HIGHWAYS
- OTHER ROADS

BRISTOW SUBDIVISION

UNION PACIFIC RAILROAD CO.
 MP 318.07 TO MP 318.66
 TOTAL OF 0.59 MILES IN FRANKLIN COUNTY
 IN IOWA

**UNION PACIFIC RAILROAD CO.
 BRISTOW SUBDIVISION
 IOWA**

NOTE : THERE ARE NO 50+ YEAR OLD STRUCTURES

