

P 312.777.2055
F 877.213.4433
mackshumate@up.com

234372

June 5, 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

ENTERED
Office of Proceedings
June 5, 2013
Part of
Public Record

RE: Proposed Abandonment of the Thornton Industrial Lead from Milepost 29.52 to Milepost 30.02 also near Belmond, IA, a total distance of 0.5 miles in Wright County, Iowa; STB Docket No. AB-33 (Sub-No. 292X)

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") has received a request from the Iowa National Heritage Foundation (the "Commenter") dated June 4, 2013, seeking a Public Use Condition under the provisions of 49 U.S.C. §0905 and 49 C.F.R. §1152.28 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 Belmond Industrial Lead, as defined above, a distance of .50 miles in Wright County, Iowa.

The Union Pacific is willing to negotiate with Commenter concerning the acquisition of the subject property for trail use and supports the Commenter's request for the standard 180-day negotiation period with regard to the Line from Milepost 29.52 to Milepost 30.2 for a total distance of 0.50 miles. A copy of Commenter'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 National Heritage Foundation

2013_06_05 180-Day Ext Trail Use Request.doc



Insurance Exchange Building
Suite 444
505 Fifth Ave.
Des Moines, Iowa 50309

Phone: 515-288-1846
Fax: 515-288-0137
e-mail: info@inhf.org
www.inhf.org

June 4, 2013

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

RE: Union Pacific Railroad Abandonment, Wright County, Iowa;
Docket # AB-33 Sub 292X

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 Belmont, Wright County (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 29.52 and milepost 30.02.

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 from disposing of the corridor except for public use on reasonable terms. The justification for this condition is that the corridor will connect two existing trails, the Franklin Grove Trail in Belmont and the Prairieland Trail which extends from this proposed abandonment to the town of Thornton. This corridor will allow the City of Belmont and Wright County Conservation Board to partner in the development of an interconnected trail system.
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 Union Pacific Railroad after transfer of the corridor to the public agencies.

The Wright County Conservation Board, the City of Belmond 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 29.52 to milepost 30.02 in Wright County. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No AB 33 Sub No. 292x. A map depicting the right-of-way is attached.

By my signature below, I certify service upon Union Pacific Railroad c/o Mack H. Schumate, Jr. Senior General Attorney, 101 North Wacker Drive, #1920, Chicago, Illinois 60606 by U.S. Mail, postage prepaid, first class, this 4th day of June, 2013 and via FAX: 312-777-2065.

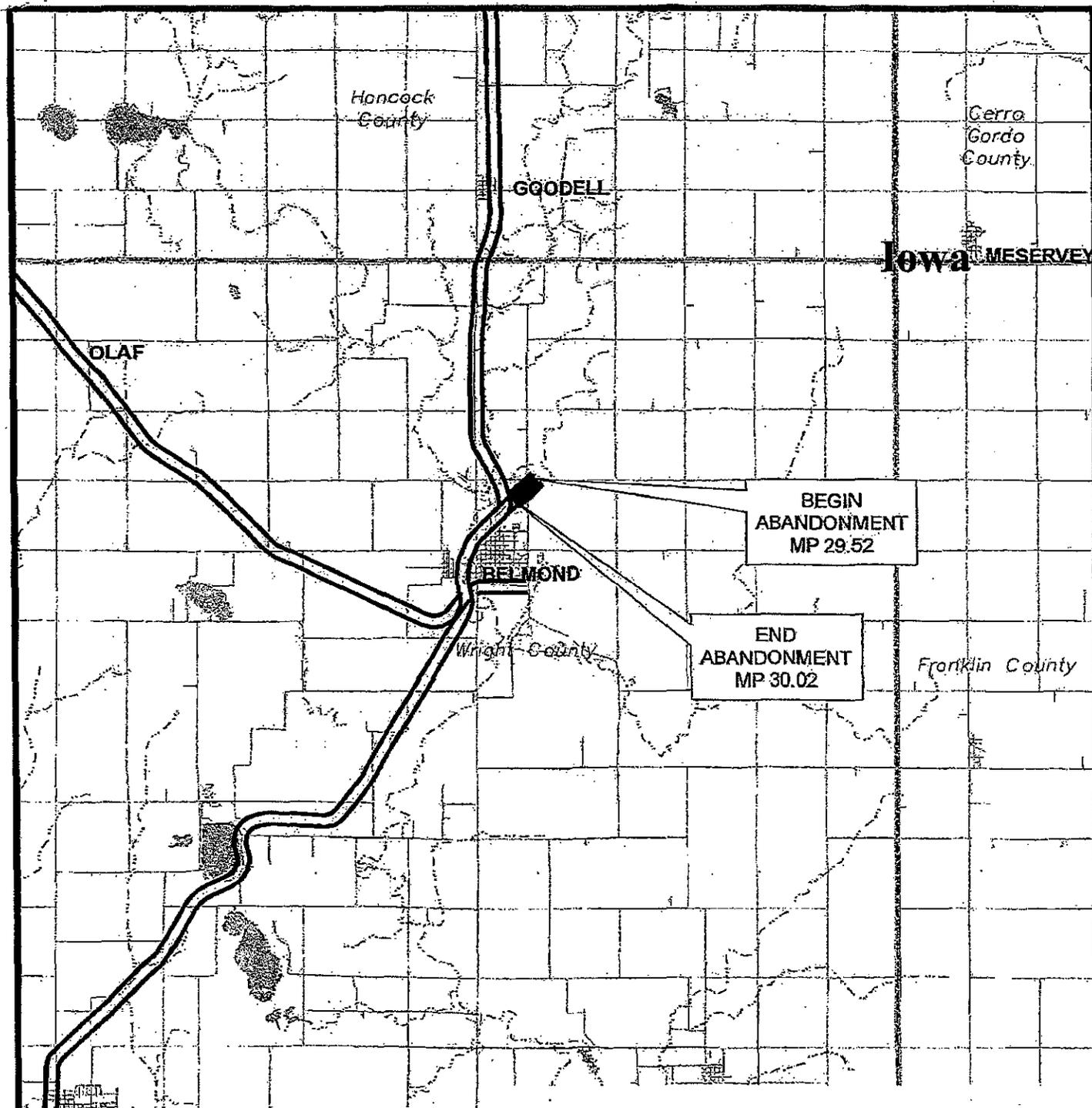
On behalf of City of Belmond, Wright County and the Iowa Natural Heritage Foundation, thank you for your consideration of this petition.

Sincerely,

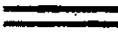


Joe McGovern, President

cc: Wright County Conservation Board, City of Belmond



Legend

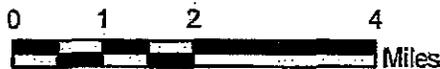
-  UPRR TO BE ABANDONED
-  OTHER UPRR LINES
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

THORNTON INDUSTRIAL LEAD

MP 29.52 TO MP 30.02
TOTAL OF 0.5 MILES IN WRIGHT COUNTY
IN IOWA

**UNION PACIFIC RAILROAD CO.
THORNTON INDUSTRIAL LEAD
IOWA**

NOTE : THERE ARE NO 50+ YEAR OLD STRUCTURES



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Belmond and Wright County Trails Iowa



North 
Not to Scale