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May 16, 2012

Anna K. Quinlan, Secretary
Surface Transportation Board
1925 "K" Street, NW
Washington, D.C. 20423-0001

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ENTERED
Office of Proceedings
May 16, 2012
Part of
Public Record

RE: Iowa River Railroad, Inc. Abandonment, Marshall and Hardin Counties in Iowa; Docket # AB-1072X

Dear Mrs. Quinlan:

This comment should be treated as a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of the Marshall and Hardin County Conservation Boards, the Cities of Marshalltown, Union, Steamboat Rock, Liscomb, Eldora, Albion (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 209.00 and milepost 243.35 at or near Marshalltown.

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 Iowa River Railroad, Inc. (IRR) from disposing of the corridor, including tracks, ties and signal equipment, except for public use on reasonable terms. The justification for this condition is that the corridor will create a spine for a regional trail system through the Iowa River Greenbelt connecting six communities. The Iowa River Greenbelt is a focused area working to protect and conserve natural

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resources while providing recreational opportunities. A rail-to-trail on the IRR corridor is consistent with the Greenbelt's Master Plan. Furthermore, the trail would connect to the Heart of Iowa Nature Trail and the Central Iowa Trail System- a network of over 650 miles of trails. 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 IRR after transfer of the corridor to the public agencies.

The Marshall and Hardin County Conservation Boards, the Cities of Marshalltown, Union, Steamboat Rock, Liscomb, Eldora, Albion 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 209.00 in Hardin County to milepost 243.35 at or near Marshalltown, in Marshall County, Iowa. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No AB 1072X. A map depicting the right-of-way is attached.

By my signature below, I certify service upon Iowa River Railroad, Inc. c/o James Broghammer, 33371 170th Street, Steamboat Rock, IA 50672, by U.S. Mail, postage prepaid, first class, this 16th day of May, 2012 and via FAX number 641-868-2677.

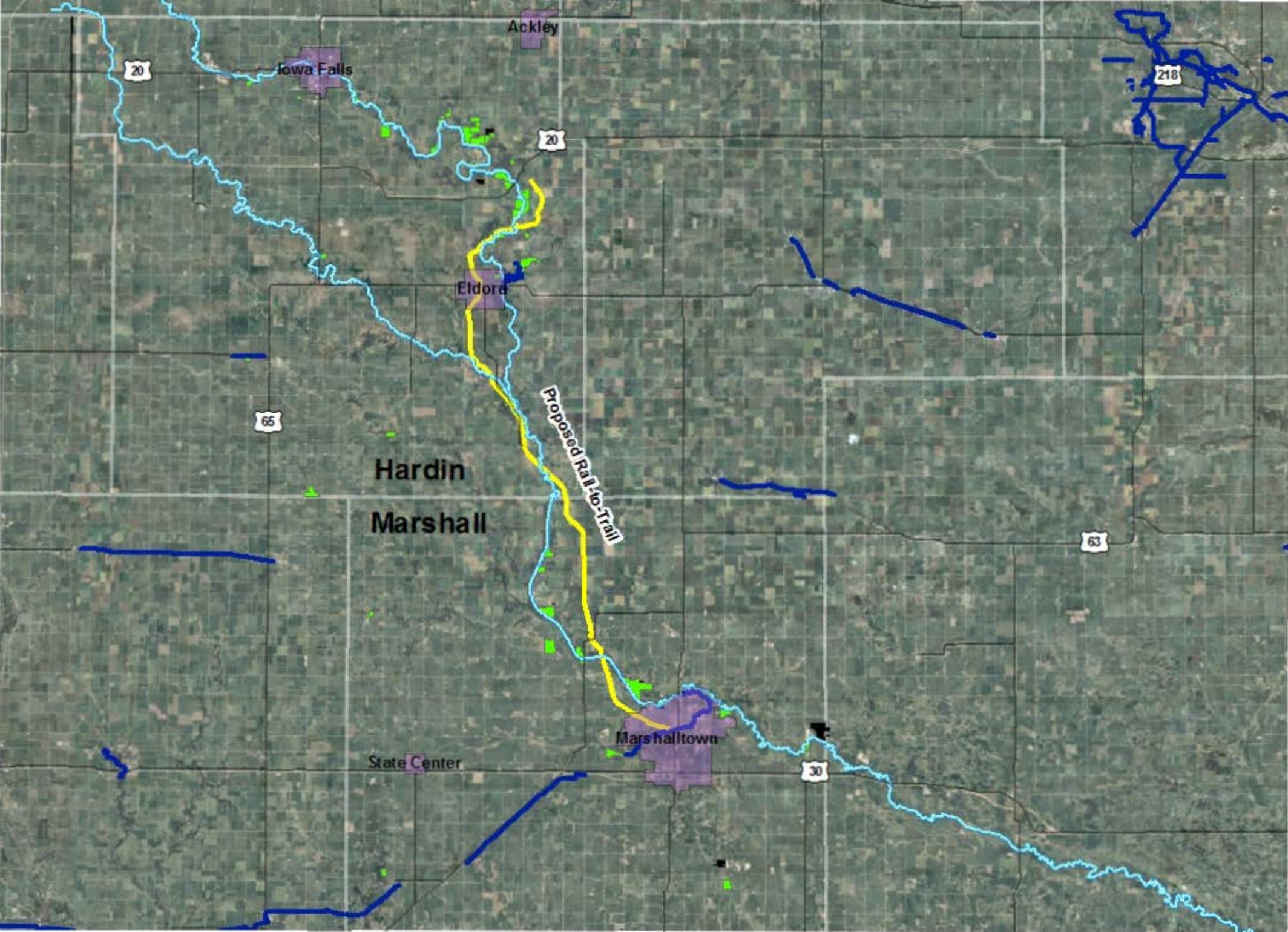
On behalf of the Marshall and Hardin County Conservation Boards, the Cities of Marshalltown, Union, Steamboat Rock, Liscomb, Eldora, Albion and the Iowa Natural Heritage Foundation, thank you for your consideration of this petition.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark C. Ackelson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark C. Ackelson
President

cc: Marshall and Hardin County Conservation Boards, the Cities of Marshalltown, Union, Steamboat Rock, Liscomb, Eldora, Albion



Ackley

Iowa Falls

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Eldora

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Hardin

Marshall

Proposed Rail-to-Trail

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Marshalltown

State Center

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