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August 20, 2012

232802

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

ENTERED
Office of Proceedings
August 20, 2012
Part of
Public Record

RE: Union Pacific Railroad Company- Abandonment in Pocahontas County,
Iowa; Docket # AB-33-304-X

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 Pocahontas County Conservation Board, the City of Laurens (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 475.15 to milepost 477.0 near Laurens in Pocahontas 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 tracks, ties and signal equipment, except for public use on reasonable terms. The justification for this condition is that the corridor is located on the northwest corner of Laurens and heads out



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in the county towards Swan Lake WRP, a protected natural area with hiking, hunting and more. Conversion of this property would make an excellent recreational trail and connect residents to additional outdoor amenities. Furthermore, preservation of the corridor as a greenway will protect high quality native prairie remnants and provide habitat for many species. Both trail conversion and nature resource protection of this corridor is in accordance with Pocahontas County plans. 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 Pocahontas County Conservation Board, the City of Laurens 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 475.15 to milepost 477.0 near Laurens. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No AB 33-304-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 20th day of August, 2012 and via FAX number 877-213-4433.

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

Sincerely,



Mark C. Ackelson
President

cc: Pocahontas County Conservation Board and the City of Laurens

