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Office of Proceedings  
August 22, 2013  
Part of Public  
Record

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 19<sup>th</sup> 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,



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