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City of Eldora



1442 Washington Street
Eldora, Iowa 50627 (641) 939-2393

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January 6, 2003

Vernon A. Williams, Secretary
Surface Transportation Board
1925 "K" Street, NW
Washington, D.C. 20423-0001



RE: United Pacific Railroad Company Railroad Abandonment, City of Eldora, Iowa, and County of Hardin;
Docket # AB-33 (Sub-No. 168X)

Dear Mr. Williams:

This comment should be treated as a protest or petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of the City of Eldora, Iowa and the Iowa Natural Heritage Foundation, which are agencies interested in conservation and recreation, and are hereinafter referred to as "Commenter".

While not taking a position on the merits of this abandonment, Commenter request issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than outright abandonment authorization between mile post 6.22 to mile post 5.10 of the Eldora Junction Line in Hardin 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 the carrier 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 within the Eldora City Limits and would make an excellent transportation and recreation trail and conversion of the property to trail use is in accordance with local and state region plans. In addition, the corridor provides important green space and its preservation, as a trail is consistent with that end. The time period sought is 180 days from the effective date of the abandonment

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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 trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for rail banking. In addition to the public use conditions above, Commenter also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINACIAL 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 C.F.R. 1152.29, the City of Eldora, Iowa and the Iowa Natural Heritage Foundation are willing to assume full responsibility for management of, for any legal liability arising our of the transfer or sue of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), 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 Company.

The Property extends over the Eldora Junction Line from milepost 6.22 to milepost 5.10 in Eldora, Iowa. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-33 (Sub-No.168X). A map depicting the right-of-way is attached.

The City of Eldora, Iowa 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. By my signature below, I certify service upon Union Pacific Railroad Company c/o Mack H. Shumate, Jr., Senior General Attorney, 101 North Wacker Drive, Room 1920, Chicago, Illinois 60606, by U.S. Mail, postage paid, first class, this 7th day of January, 2003.

On behalf of the City of Eldora, Iowa and the Iowa Natural Heritage Foundation,

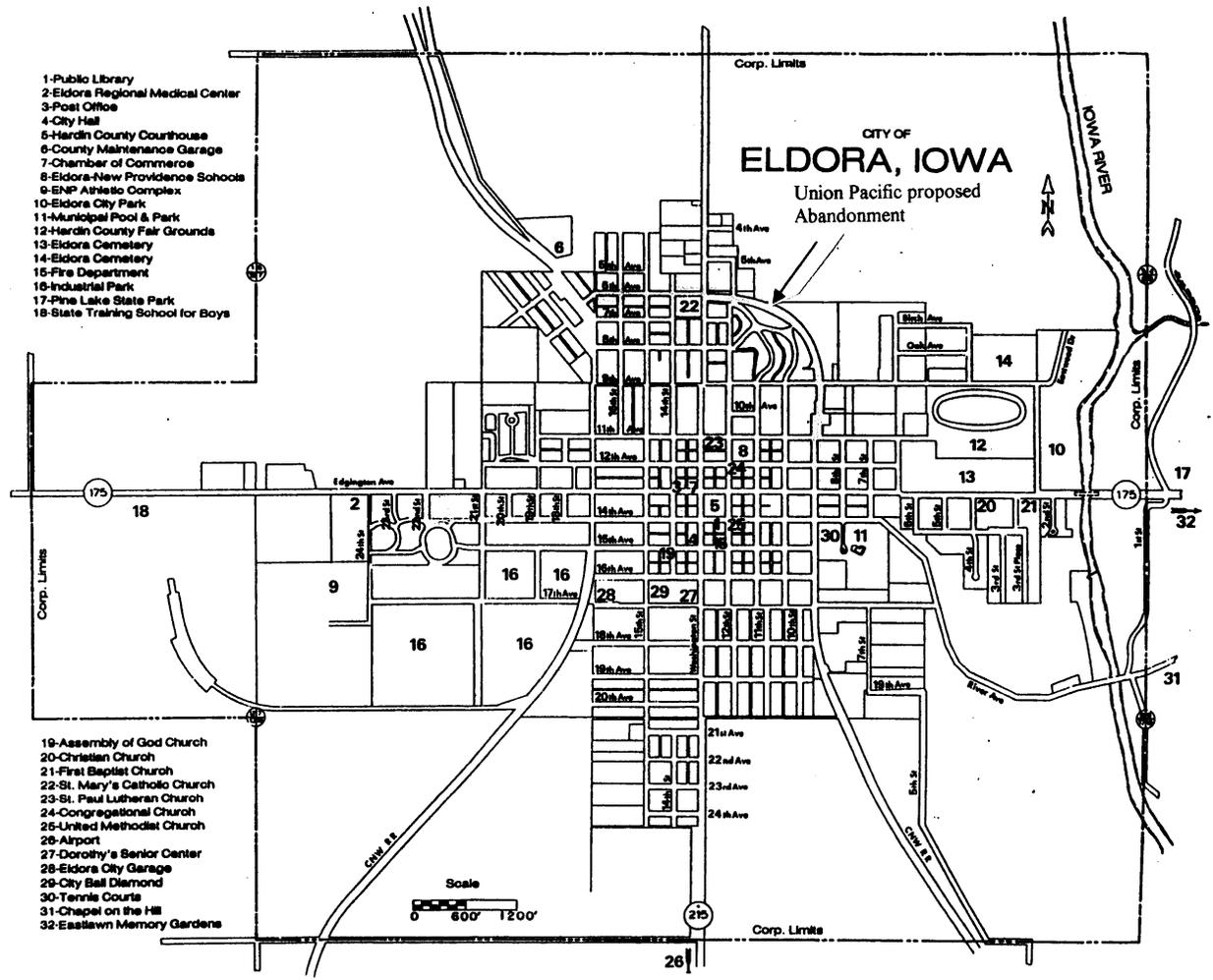


Eric Weinkoetz
City Administrator, City of Eldora

- 1-Public Library
- 2-Eldora Regional Medical Center
- 3-Post Office
- 4-City Hall
- 5-Hardin County Courthouse
- 6-County Maintenance Garage
- 7-Chamber of Commerce
- 8-Eldora-New Providence Schools
- 9-ENP Athletic Complex
- 10-Eldora City Park
- 11-Municipal Pool & Park
- 12-Hardin County Fair Grounds
- 13-Eldora Cemetery
- 14-Eldora Cemetery
- 15-Fire Department
- 16-Industrial Park
- 17-Pine Lake State Park
- 18-State Training School for Boys

- 19-Assembly of God Church
- 20-Christian Church
- 21-First Baptist Church
- 22-St. Mary's Catholic Church
- 23-St. Paul Lutheran Church
- 24-Congregational Church
- 25-United Methodist Church
- 26-Airport
- 27-Dorothy's Senior Center
- 28-Eldora City Garage
- 29-City Ball Diamond
- 30-Tennis Courts
- 31-Chapel on the Hill
- 32-Eastlawn Memory Gardens

CITY OF
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Union Pacific proposed
Abandonment



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