

215205

# Monroe County Board of Supervisors



10 BENTON AVENUE EAST  
ALBIA, IOWA 52531-1943

PHONE: (641) 932-7706  
FAX: (641) 932-5905

November 8, 2005



CERTIFIED MAIL  
RETURN RECEIPT  
REQUESTED

✓ Mr. Vernon Williams  
Surface Transportation Board  
1925 "K" Street, NW  
Washington, DC 20423-0001

RE: Docket No. AB-33 (SUB-NO. 153X) – Union  
Pacific Railroad Company – Abandonment Exemption – Monroe County  
Iowa (Oskaloosa Subdivision between Eddyville, Iowa and Maxon, Iowa)

Dear Mr. Williams:

Monroe County has been closely following the proceedings of the abandonment of the above mentioned segment of the Union Pacific since it was filed in May of 2000. Since that time the extensions granted (starting in February, 2001) have become a concern.

The concerns involve numerous issues:

- The "abandoned" line includes 7 grade crossings and one trestle over a County road. The County Engineer has written the Union Pacific Railroad twice concerning safety issues, with no response or action from the Union Pacific RR, and the Monroe County Attorney also contacted them regarding the safety issues, again no response or action. (Copies of letters attached).
- The line has become an attractive nuisance for four-wheelers and other trespassers, including meth makers and the associated residue from their labs. Several incidents have been reported to the County.
- The proposed bike trail, on which the extensions have been granted, has little or no support locally. The Iowa Trails Council was contacted to see what they would expect from Monroe County to develop and maintain the trail. (Copy of letter attached). In fact, the only contact between the Monroe County Board of Supervisors and the Iowa Trails Council was when a member of our Board contacted Mr. Neenan stating that Monroe County has no interest or fiscal ability in purchasing, building, and maintaining a bike trail on the abandoned route.

We understand the purpose of the "Rails to Trails Act" and "Rail Banking" a connection with the BNSF RR and the Industrial Area in the Northeast corner of Monroe County. However, Cargill, Inc. evaluated the existing route and built their own connection to the BNSF RR. There is no need for another connection.

Monroe County is dedicated to providing the best quality of life for its citizens, but first, we must take care of our existing obligations and duties. The safety issues which the railroad has not addressed are added insults.

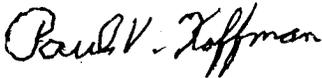
Consider the proposed "trail": It starts at Maxon on a rock road a mile from the town of Albia and proceeds northeast 7.9 miles to another county rock road. In order to continue to Eddyville a bicyclist must precede on the rock road to Highway 137, which is narrow with little or no shoulders.

The trail also must be purchased, developed and maintained. Mr. Neenan expects the County's cost of purchasing at \$20,000.00. Development costs of the trail are estimated to be at least \$340,000.00. The annual cost of operation and maintenance is estimated to be \$100,000.00 to \$150,000.00. The Monroe County Conservation Board has existing commitments of the Lake Miami Park and the Monroe County Sports Complex. Their total budget is only \$100,000.00 annually and they have already said no to any additional commitments.

Monroe County is not opposed to logical improvements, but Monroe County is in no position to take on additional responsibilities. Our budget is stretched to the limit now. If a responsible group came forward to purchase, build and maintain the trail and fences along the trail, great. But it appears any improvement is in our hands and Monroe County says NO!

Continuing this extension process (10 extensions to date) is an insult to the adjacent land owners and Monroe County. We must ask that you not consider additional extensions.

Sincerely,



Paul V. Koffman, Chairman  
Monroe County Board of Supervisors



Dennis J. Ryan,  
Monroe County Board of Supervisors



Michael R. Beary,  
Monroe County Board of Supervisors

Enclosures

Cc: Steve Goodlow, Monroe County Attorney  
Tom F. Neenan, ITC  
Mike Payette, UPRR

OFFICE OF THE  
**MONROE COUNTY ATTORNEY**  
STEVEN E. GOODLOW  
108 WASHINGTON AVENUE EAST  
ALBIA, IOWA 52531-2027



TELEPHONE: (641) 932-2948  
FAX: (641) 932-3334

**RECEIVED**  
MAY 13 2003  
MONROE CO. ENGINEER

May 13, 2003

Mr. Michael Payette  
Assistant VP Governmental Affairs  
101 North Wacker Drive  
Suite 1910  
Chicago, Illinois 60606

RE: Abandoned ROW

Dear Mr. Payette:

Since the first of the year two separate letters have crossed my desk from our County Engineer, John Goode, to you. The letters were dated February 13th and March 17th respectively. The letters outline to you and provide you with notice of a dangerous situation that exists here in Monroe County concerning the abandoned ROW and the removal of the rails and cross ties. To date, Mr. Goode has received no response from you or your company regarding this troubling situation.

From a liability standpoint, I am unclear as to why you have not responded to the letters since the installation and maintenance of appropriate barricades and/or signs would assist the railroad in defending against any potential liability that could occur.

I concur with the county engineer and county sheriff that Union Pacific should install and maintain appropriate barriers to keep the public from entering onto your right-of-way.

Please contact me as soon as possible to confirm that appropriate steps are in fact being taken.

Yours Truly,

A handwritten signature in black ink, appearing to read "Steven Goodlow".

Steven Goodlow  
Monroe County Attorney

cc:

John Goode, Monroe County Engineer

TELEPHONE (641) 932-7123  
FAX (641) 932-2863

OFFICE OF THE  
MONROE COUNTY ENGINEER  
10 BENTON AVE EAST  
MONROE COUNTY COURTHOUSE  
ALBIA, IA 52531

March 17, 2003

Mr. Mike Payette  
Assistant VP, Government Affairs; Central Region  
101 North Wacker Drive  
Suite 1910  
Chicago, IL 60606

RE: Abandoned ROW

Dear Mr. Payette:

Since my letter to you dated February 13, 2003, concerning the lack of barriers or signs on your grade crossings, I haven't noticed any action on the part of the railroad.

This letter is to again inform you of what I consider a dangerous situation. Since you have removed the rails and cross ties, the abandoned ROW has become an attractive nuisance for 4-wheelers, pick up trucks and possibly a driver who could get disoriented or lost and end up on a trestle or bridge.

I have enclosed photographs of some of the grade crossings and one of the trestles. Most of the grade crossings could easily be mistaken for a road and have various bridges, trestles, and other obstacles which could create a liability suite for you.

I have discussed this with the Monroe County Sheriff and he concurs. He also requests that the Union Pacific Railroad install and maintain appropriate barricades and/or signs.

Sincerely,



John S. Goode, P.E.  
Monroe County Engineer

JSG/jm

Enclosures:

Cc: Paul V. Koffman, Chairman, Monroe County Board of Supervisors  
Larry Merrill, Sheriff, Monroe County

TELEPHONE (641) 932-7123  
FAX (641) 932-2863

OFFICE OF THE  
MONROE COUNTY ENGINEER  
10 BENTON AVE EAST  
MONROE COUNTY COURTHOUSE  
ALBIA, IA 52531

February 13, 2003

Mike Payette  
Assistant VP, Government Affairs;  
Central Region  
101 North Wacker Drive  
Suite 1910  
Chicago, IL 60606

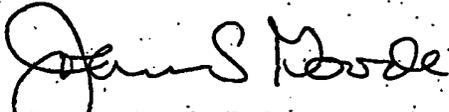
RE: Maxon to Eddyville,  
AB 33 153 X

Dear Mr. Payette:

As per our conversation yesterday, I want to express my concern about the safety of the traveling public entering your right-of-way. Particularly disturbing are reports of "4 wheelers" crossing your bridges and trestle on the ties - with no other surface or railing. There is easy access as there are no signs or barricades keeping the public out. I am requesting the UP RR install and maintain appropriate barriers to keep the public from entering onto your right-of-way.

I also want to suggest that the abandonment proceeding be finalized. I understand that the Iowa Trails Council will be asking for another (5<sup>th</sup>) extension. In my conversation with them they indicated that financing would come from this area. To my knowledge, there is no interest in the trail, and no evident source of funding.

Sincerely,



John S. Goode, P.E.  
Monroe County Engineer

JSG/jm

Cc: Paul V. Koffman, Chairman  
Monroe County Board of Supervisors

The Trails State



Post Office Box 131 Center Point, Iowa 52213-0131 319-849-1844  
Tom F. Neenan, Executive Director

RECEIVED

AUG 07 2003

August 4, 2003

Mr. John S. Goode  
Monroe County Engineer  
10 Benton Avenue East  
Albia, Iowa, 52531

MONROE CO. ENGINEER

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Hank Zahata, Nevada  
Frank Zippang, Humboldt

Executive Director  
Tom Neenan, Center Point

Dear Mr. Goode:

We are in receipt of your letter dated July 31 this day and wish to make a prompt reply to your inquiry.

The Union Pacific Railroad has recently given us a price for the 7.9 miles of right-of-way available in Monroe County. This amounts to an estimated 99.62 acres. They are asking an even \$100,000 for this land, which then translates into roughly \$1,000 per acre.

Grant money is available for such acquisitions through the Iowa Department of Transportation as well as the Iowa Department of Natural Resources, for as much as 80 percent of the cost. Applications for this should be prepared as soon as possible. Competition for the money can be brisk. I am hoping that there remains sufficient support for the project locally that funds can be raised there for development of the trail.

We do believe this is more than the railroad should be asking and are in hopes of getting this price reduced. We are convinced that a very large proportion of the right-of-way will be automatically reattached to the adjacent property if we do not obtain it for public use.

This would gain no revenue whatsoever for the railroad and the railroad would then have to separately negotiate sale of each remaining portion of the right-of-way, possibly ending up retaining title to some of the right-of-way they could not sell. On the other hand, we do know that the UP has been very stubborn in their negotiations in the past and may be again in this instance.

We are applying to the Surface Transportation Board for another extension of time in which to hopefully finalize these negotiations. We do not expect the railroad to object to the granting of an additional period of time and know that the STB will grant this as long as the railroad is cooperating.

Sincerely,

Tom F. Neenan