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October 16, 2017
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NATURAL HERITAGE
FOUNDATION

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October 16, 2017

Cynthia T. Brown
Surface Transportation Board
1925 "K" Street, NW
Washington, D.C. 20423-0001

RE: Union Pacific Railroad Abandonment, Cerro Gordo County, Iowa;
Docket Number: AB33 (Sub No. 327X)

Dear Ms. Brown:

This comment should be treated as a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of the City of Mason City, Cerro Gordo County (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 155.5 and milepost 157.5.

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 from disposing of the corridor except for public use on reasonable terms. The justification for this condition is that the corridor will connect southern Mason City neighborhoods to Lime Creek Nature Area, a county park north of town. This potential trail has been a key component to the Mason City bike and pedestrian plan and continues to build out the regions overall trail system.
2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. Salvage of tracks, ties and signal equipment is acceptable. The justification for this condition is that these structures have considerable

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acceptable. 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 Union Pacific Railroad after transfer of the corridor to the public agencies.

The Cerro Gordo County Conservation Board, the City of Mason City 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 155.5 to milepost 157.5 in Cerro Gordo County. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No AB 33 Sub No. 327x. A map depicting the right-of-way is attached.

By my signature below, I certify service upon Union Pacific Railroad c/o Mack H. Schumate, Jr. Senior General Attorney, 101 North Wacker Drive, #1920, Chicago, Illinois 60606 by U.S. Mail, postage prepaid, first class, this 16th day of October, 2017 and email.

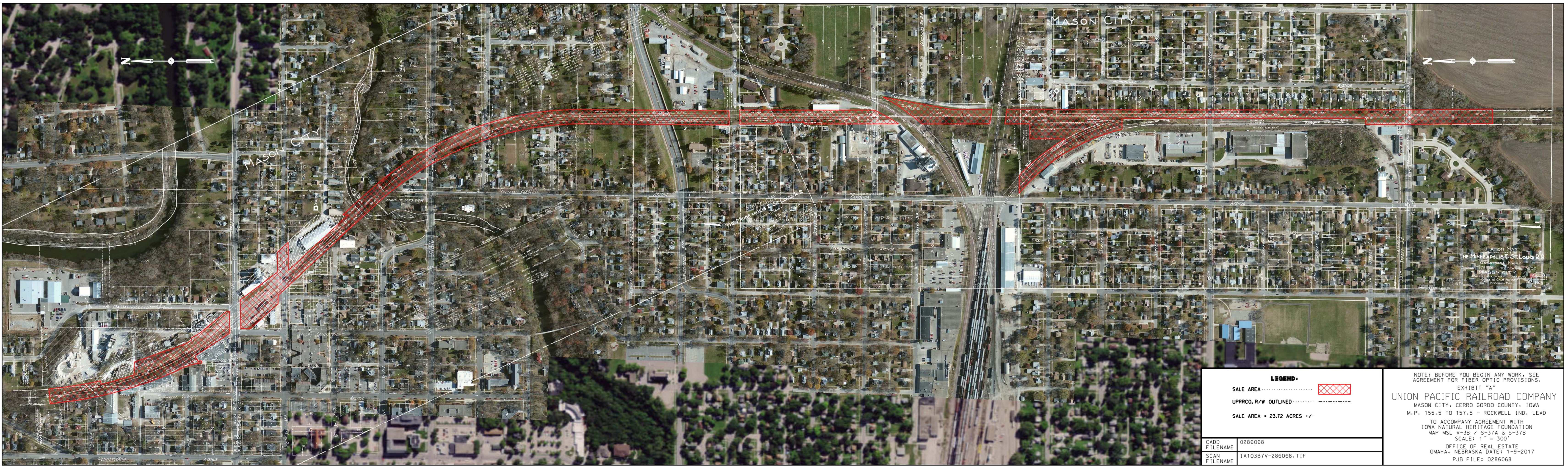
On behalf of City of Mason City, Cerro Gordo County and the Iowa Natural Heritage Foundation, thank you for your consideration of this petition.

Sincerely,



Andrea Boulton, Trails and Greenways Director

cc: Cerro Gordo County Conservation Board, City of Mason City



LEGEND:

SALE AREA 

UPPRCO. R/W OUTLINED 

SALE AREA = 23.72 ACRES +/-

CADD FILENAME	0286068
SCAN FILENAME	1A103B7V-286068.TIF

NOTE: BEFORE YOU BEGIN ANY WORK, SEE AGREEMENT FOR FIBER OPTIC PROVISIONS.

EXHIBIT "A"

UNION PACIFIC RAILROAD COMPANY

MASON CITY, CERRO GORDO COUNTY, IOWA

M.P. 155.5 TO 157.5 - ROCKWELL IND. LEAD

TO ACCOMPANY AGREEMENT WITH
IOWA NATURAL HERITAGE FOUNDATION
MAP MSL V-3B / S-37A & S-37B
SCALE: 1" = 300'

OFFICE OF REAL ESTATE
OMAHA, NEBRASKA DATE: 1-9-2017
PJB FILE: 0286068