



City of Marion

1100 Eighth Ave. • Marion, IA 52302 • 319.377.1581 • Fax 319.377.7892

August 2, 2002

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street NW – Room 711
Washington, DC 20423

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Office of Proceedings

AUG 14 2002

Part of
Public Record



RE: STB Docket No. AB-314 (Sub-No 2X)
Chicago Central & Pacific Railroad – Abandonment – Linn County, Iowa

Dear Mr. Williams:

This is to confirm that my letter to you dated August 2, 2002, should be characterized as a request for a Public Use Condition and NITU condition and should not be considered a protest to the proposed abandonment proceeding.

I have received a copy of the letter of August 8, 2002, from Michael J. Barron, Jr., Counsel for Chicago Central and Pacific Railroad company and I concur in his representations in that letter.

If there are any questions concerning this matter, please contact City Manager Jeff Schott or me at 319-377-1581.

Sincerely,


Victor L. Kropfenstein, Mayor

VLK:st

attachments

cc: Michael J. Barron, Jr., Counsel, Chicago Central & Pacific Railroad



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Mr. Vernon A. Williams, Secretary
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RE: Chicago Central & Pacific Railroad – Abandonment – Linn County, Iowa
Docket AB-314 Sub-No. 2X)

Dear Mr. Williams:

This comment should be treated as a protest or a petition for reconsideration of the above-captioned proceeding. This comment is filed on behalf of the City of Marion, Iowa which is a political subdivision (municipal government) interested in transportation within our corporate limits and is 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 within the corporate limits of the City of Marion.

- 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, other than the tracks, ties and signal equipment, except of public use on reasonable terms. The justification for this condition is that the corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time because we have not had an opportunity to put together a trail plan, commence negotiations with the carrier and to assemble and review title information.
 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 recreational trail purposes. The time period request 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 sought above, Commenter also makes the following request:

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, City of Marion, Iowa is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use 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 Chicago, Central & Pacific Railroad Company.

The City of Marion also herewith requests waiver of the \$150 filing fee for rail banking request.

The property in question is located in the City of Marion's corporate limits and extends approximately from east of railroad milepost ZA2298.10 (near west corporate limits) to railroad milepost ZA225.7 at 35th Street, Marion, Iowa for a distance of 3.8 miles in Linn County, Iowa. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-314 (Sub-No. 2X).

A map depicting the right-of-way is attached.

City of Marion acknowledges 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 reactivation of the right-of-way for rail service.

By my signature below, I certify service upon Chicago Central & Pacific Railroad Company, by U.S. Mail, postage prepaid, first class, is second day of August, 2002.

Sincerely,


Victor L. Klopferstein, Mayor
On behalf of the City of Marion, Iowa

VLK:st

attachments

cc: Michael J. Barron, Jr., Counsel, Chicago Central & Pacific Railroad
Nancy J. Burns, Iowa Department of Transportation
Tony Toigo, Iowa Department of Natural Resources