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November 6, 2019

By e-filing

Ms. Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

Re: Docket No. AB-1269 (Sub-No. 1X), *Iowa Traction Railway Company --
Discontinuance of Service Exemption -- in Cerro Gordo County, IA*

Dear Ms. Brown:

This is Iowa Traction Railway Company's (IATR) Reply in opposition to a request by the National Association of Reversionary Property Owners (NARPO) that the Board reject a Notice of Exemption for Discontinuance of IATR's rail service over a 3-mile rail line in Mason City, Iowa. NARPO's request is dated October 30, 2019, which is prior to the November 6, 2019 filing date of IATR's Notice of Exemption. It appears that NARPO's request was triggered by a statement on page 3 of the Draft Environmental and Historic Report (DEHR), dated October 28, 2019, that an exemption for discontinuance would enable IATR to sell the land in the rail line right-of-way for railbanking and interim recreational trail use under the National Trails System Act (NTSA), 16 U.S.C. § 1247(d). IATR suggests that NARPO's request for rejection be treated as directed at IATR's Notice of Exemption.

Reference is made to page 4 of IATR's Notice of Exemption where it is explained that although it is a general rule that railbanking-trail use is not available where only discontinuance authority is sought, railbanking-trail use is available where discontinuance is sought over a rail line which has already been abandoned when the discontinuance is sought. Supporting case law is set out on that page.

Here, abandonment of the subject 3-mile rail line was consummated before IATR sought authority to discontinue its service over that line. *Chicago & North Western Transp. Co. -- Aband. Exempt. - in Mason City, IA*, 1987 WL 98885 (Docket No. AB-1 [Sub-No. 205X], decision served July 10, 1987).

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It follows that railbanking and trail use are available when IATR obtains authority to discontinue service over the abandoned rail line. Accordingly, NARPO's request for rejection of the Notice of Exemption should be denied.

Respectfully submitted,

A handwritten signature in cursive script that reads "Tom McFarland".

Thomas F. McFarland
*Attorney for Iowa Traction
Railway Company*

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