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ENTERED
Office of Proceedings
October 28, 2019
Part of
Public Record

THOMAS F. MCFARLAND

October 28, 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:

Hereby forwarded is a copy of a Draft Environmental and Historic Report which on October 18, 2019 was sent to the agencies designated to receive a copy of the Report. Also forwarded are copies of an environmental comment dated October 22, 2019 from the Cerro Gordo County, Iowa Planning and Zoning Administrator, and a historic comment dated October 25, 2019 from the Iowa Historic Preservation Officer.

Very truly yours,



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

TMcF:mg:1871 \efSTB1

BEFORE THE
SURFACE TRANSPORTATION BOARD

IOWA TRACTION RAILWAY	)	
COMPANY -- DISCONTINUANCE OF	)	DOCKET NO. AB-1269
SERVICE EXEMPTION -- IN CERRO	)	(SUB-NO. 1X)
GORDO COUNTY, IA	)	

DRAFT ENVIRONMENTAL AND HISTORIC REPORT

IOWA TRACTION RAILWAY COMPANY
12045 West State Street
Mason City, IA 50401

Applicant

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1666
Chicago, IL 60604-1228
(312) 236-0204
mcfarland@aol.com

Attorney for Applicant

Date Submitted: October 18, 2019

BEFORE THE
SURFACE TRANSPORTATION BOARD

IOWA TRACTION RAILWAY	)	
COMPANY -- DISCONTINUANCE OF	)	DOCKET NO. AB-1269
SERVICE EXEMPTION -- IN CERRO	)	(SUB-NO. 1X)
GORDO COUNTY, IA	)	

DRAFT ENVIRONMENTAL AND HISTORIC REPORT

BACKGROUND

Iowa Traction Railway Company (IT Railway) is authorized by the Surface Transportation Board (STB) to operate as a rail common carrier over a 3-mile line of railroad between Milepost No. 155.5, approximately 100 yards south of Elm Drive and Milepost No. 152.5, approximately 600 yards north of County Highway B-20, both located at Mason City, Cerro Gordo County, Iowa (the Rail Line). The Rail Line is illustrated on a map that is attached to this Draft Report as Appendix 1.

No shipments have been transported over the Rail Line during the six-plus years that IT Railway has been authorized to operate over the Line. In the absence of rail activity, IT Railway intends to discontinue its rail service over the Line. A rail carrier desiring to discontinue its rail service over a Rail Line must obtain authority to do so from the STB under 49 U.S.C. § 10903(d). However, there is a class exemption from formal STB application requirements for such a discontinuance where, as here, there has been no traffic of any kind over the Rail Line for at least two years. 49 C.F.R. § 1152.50 *et seq.*; 49 U.S.C. § 10502(a).

No sooner than November 5, 2019, IT Railway intends to file a Verified Notice of a class exemption that would permit discontinuance of service over the Rail Line. Such an exemption

would permit IT Railway to salvage the track materials in the Rail Line and sell the land in the right-of-way for railbanking and recreational trail use under the National Trails System Act, 16 U.S.C. § 1247(d).

When a Notice of class exemption for discontinuance of service is to be filed, the STB first requires the rail carrier who will seek such a discontinuance to prepare a Draft Report containing the rail carrier's views of the effect that such a discontinuance would have on elements of the human environment and on any historic properties associated with the Rail Line. *See* 49 C.F.R. § 1105.1 *et seq.* The STB's regulations require that the Draft Report be sent to specific environmental agencies and to the agency having jurisdiction over historic considerations in order to solicit their comments on the allegations in the Draft Report. All of such comments would be considered by the STB's Environmental and Historic Staff in drafting an Environmental Assessment, and by the STB in its decision on the merits of the requested exemption for discontinuance.

This is the Draft Environmental and Historic Report (DEHR) that has been prepared by IT Railway. It is hereby provided to you with an invitation to file any comments and/or requests that you care to make.

**I. IT RAILWAY'S VIEWS ON THE EFFECT OF THE PROPOSED
DISCONTINUANCE ON ELEMENTS OF THE HUMAN ENVIRONMENT**

Compliance with 49 C.F.R. § 1105.7(e)

(1) Proposed action and alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

The proposed action is a class exemption for discontinuance of service by IT Railway. If the exemption were to be granted, the track materials in the Rail Line would be removed and reused on other rail lines and land in the right-of-way would be sold for railbanking and use on an interim basis as a recreational trail.

IT Railway would abide by recognized custom and practice in the railroad industry for removal of the track materials in the Line and by recognized safe practices for disposal of crossties in the Line.

Inasmuch as the Rail Line has not been used for rail shipments during IT Railway's six-plus years of authority to operate, there are no commodities transported over the Line. For the same reason, there would be no change in current operations and maintenance practices.

Inasmuch as IT Railway would incur opportunity costs as a result of continuation of the status quo, there is no reasonable alternative to the proposed discontinuance.

(2) Transportation system. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There would be no change in the regional or local transportation system and patterns inasmuch as the Rail Line has not been operated for many years. For the same reason, there would be no diversion of rail shipments to truck.

(3) Land use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

The proposed discontinuance and railbanking and interim recreational trail use are consistent with the desire of the City of Mason City, Iowa to railbank the Line and to use it on an interim basis as a recreational trail to reach Lime Creek Nature Center that would be accessed by the Rail Line right-of-way.

(3)(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

In IT Railway's view, the proposed discontinuance would have no effect on any prime agricultural land. IT Railway is consulting by letter to the United States Soil Conservation Service, inviting its views on the subject matter. See the letter attached as Appendix 2.

(3)(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.

The proposed discontinuance does not affect land or water uses in a designated coastal zone.

(3) (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10905 and explain why.

The right-of-way appears to be suitable for railbanking and interim trail use because it would be consistent with current trail use of land in the territory.

(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources.

The proposed discontinuance would have no effect on transportation of energy resources.

(4)(ii) Describe the effect of the proposed action on recyclable commodities.

The proposed discontinuance would have no effect on recyclable commodities.

(4)(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

The proposed discontinuance would have no effect on energy efficiency.

(4)(iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in Sec. 1105.7(e)(4)(iii) need not be supplied if the more detailed information in Sec. 1105.7(e)(4)(iv) is required.

The proposed discontinuance would not cause diversions from rail to truck of any amount.

(5)Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10502) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.

The proposed discontinuance would not result in any of the increases referred to.

(5)(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of the rail line, (B) An increase in rail yard activity of at least 20 percent (measured by carload activity). or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. 10901 (or 49 U.S.C. 10502), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed discontinuance would not affect a Class I or nonattainment area under the Clean Air Act.

(5)(iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Transportation of ozone depleting materials is not contemplated.

(6) Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) An incremental increase in noise levels of three decibels Ldn or more;

None of the thresholds identified in Item 5(i) would be surpassed.

(6)(ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Not applicable

(7) Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

The proposed discontinuance would not have any effect on public health and safety.

(7)(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accident release of hazardous materials.

The proposed discontinuance would not result in the transportation of hazardous materials.

(7)(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and types of hazardous materials involved.

There are no known hazardous waste sites or sites of known spills of hazardous materials on the Rail Line.

(8) Biological resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

The proposed discontinuance would not be likely to adversely affect endangered or threatened species or areas designated as critical habitat. The U.S. Fish and Wildlife Service is being consulted by letter for its views on this subject matter. (See Appendix 2, attached).

(8)(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

The proposed discontinuance would not affect any wildlife sanctuaries or refuges, nor National or state parks or forests.

(9) Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

The proposed discontinuance would be consistent with applicable Federal, State and local water quality standards. The Iowa Environmental Protection Agency is being consulted by letter on this subject matter (Appendix 2 attached).

(9)(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether designated wetlands or 100-year flood plains will be affected. Describe the effects.

IT Railway believes that no water permits under Section 404 of the Clean Water Act are required for the proposed discontinuance. No designated wetlands or 100-year flood plains would be affected by the proposed discontinuance. The U.S. Army Corps of Engineers is being consulted by letter on this subject matter (Appendix 2 attached).

(9)(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

IT Railway believes that no permits under Section 402 of the Clean Water Act are required for the proposed discontinuance. The U.S. Environmental Protection Agency is being consulted by letter on this subject matter (Appendix 2 attached).

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Not applicable.

II. IT RAILWAY'S VIEW OF THE EFFECT OF THE PROPOSED DISCONTINUANCE ON HISTORIC PROPERTIES

Compliance with 49 C.F.R. § 1105.8(d)

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older are part of the proposed action;

The required topographic map is shaded in yellow as Appendix 3 attached to this Report.

(2) A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

The Right-of-Way (ROW) of the Rail Line is generally 100 feet wide. With a length of 3 miles (15,840 ft.), there are approximately 36 acres of land in the ROW ($15,840 \times 100 = 1,584,000 \div 43,560 = 36.35$ acres). The topography of the Rail Line is generally flat. While the Line is located in the City of Mason City, Iowa, the Rail Line is not located adjacent to a residential area.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

After many years of nonuse, the Rail Line is thickly overgrown with vegetation, as reflected in the photographs attached to this Report as Appendix 4. Also shown in the photographs is the bridge over Calmus Creek. There is no depot or other rail-related building in the area of the Rail Line. Neither the tracks nor the bridges in the Rail Line has distinctive characteristics of historical significance. In the likely event that the ROW of the Rail Line will be railbanked and be used as a recreational trail on an interim basis, the bridge on the Line would remain intact after removal of the track materials.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;

The dates of construction of the bridge on the Line is not known. However, it is likely that it is more than 50 years old.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

The Rail Line is a 3-mile segment of a former Minneapolis & St. Louis Railway rail line (M&StL) located within Mason City, Iowa. The M&StL rail line through Mason City was constructed in the late Nineteenth Century. The M&StL was acquired by Chicago & North Western Railway Company (C&NW) in 1960. C&NW abandoned much of the M&StL soon after that acquisition. M&StL was later merged into C&NW. C&NW abandoned the Rail Line in 1987. *Chicago & North Western Transp. Co. -- Aban. Exempt. -- in Mason City, IA*, 1987 WL 98885 (Docket No. AB-1 [Sub-No. 205X], decision served July 10, 1987).

The subject Rail Line was acquired by Hermitage Homes, Inc. (HHI), a noncarrier, after C&NW had consummated the authorized abandonment. HHI contracted with Iowa Traction Railroad Company (IT Railroad) to operate the Rail Line as a common carrier. *See Iowa Traction Railroad Company -- Operation Exemption -- Hermitage Homes, Inc.*, 1988 WL 225011 (ICC Finance Docket No. 31353, decision served November 23, 1988).

In 2012, IT Railroad assigned its authority to operate the Rail Line to IT Railway, with the consent of Backtrack, Inc., the successor of HHI. *See Iowa Traction Railway Company --*

Change in Operators Exemption -- Rail Line of Backtrack, Inc., 2012 WL 4794142 (STB Finance Docket No. 35677, decision served October 5, 2012).¹²

While the 10.4-mile line over which IT Railway operates may have historical significance as an electrified interurban railroad, the subject 3-mile Rail Line never has been an electrified interurban, but rather is a conventional rail line without particular historical significance.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.

There are no engineering drawings or other documents relating to the bridges on the Line in IT Railway's possession.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

In the opinion of IT Railway based on information in its possession, (1) the site and bridges on the Rail Line do not meet the criteria for listing on the National Register of Historic Places; and (2) there is no likelihood of archeological reserves or any other previously unknown historic properties in the project area.

¹² IT Railway was authorized to acquire from IT Railroad and to operate a 10.4 mile rail line between Mason City and Clear Lake, IA. See 2012 WL 4044266 (STB Finance Docket No. 35670, decision served September 14, 2012). At the same time, Progressive Rail, Incorporated was authorized to continue in control of IT Railway when IT Railway became a rail carrier. See 2012 WL 4044267 (STB Finance Docket No. 35671, decision served September 14, 2012)

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

Based on materials in its possession, IT Railway is not aware of prior sub-surface ground disturbances or fill, environmental conditions naturally occurring or manmade that might affect the archeological recovery of resources, such as swampy conditions or the presence of toxic wastes, and the surrounding terrain.

Respectfully submitted,

IOWA TRACTION RAILWAY COMPANY
12045 West State Street
Mason City, IA 50401

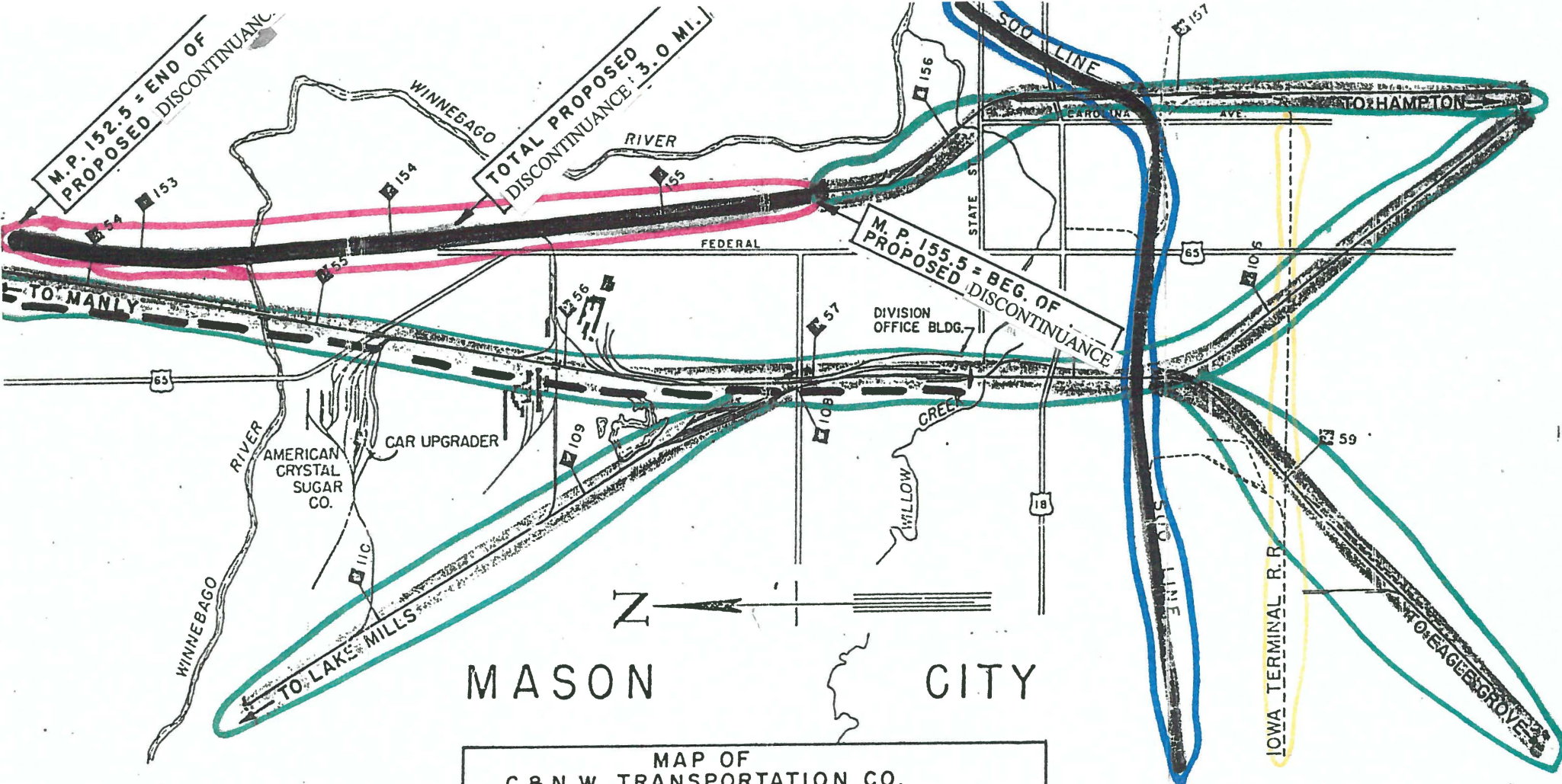
Applicant

Thomas F. McFarland

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1666
Chicago, IL 60604-1228
(312) 236-0204
mcfarland@aol.com

Attorney for Applicant

Date Submitted: October 18, 2019



MAP OF
C.&N.W. TRANSPORTATION CO.
SHOWING
PROPOSED DISCONTINUANCE OF LINE
AT
MASON CITY, IOWA
M.P. 155.5 TO M.P. 152.5 = 3.0 MILES

 C.&N.W. TRANSPORTATION CO.
 LINE TO BE DISCONTINUANCE
 SOO LINE
 IOWA TERMINAL R.R.
 D.M.&E. (TRACKAGE RIGHTS OVER C.&N.W.)

VICE PRESIDENT-ENGINEERING CHICAGO, IL.

0 1000 2000 3000 6000

SCALE IN FEET MAY 8, 1987

LAW OFFICE
THOMAS F. MCFARLAND, P.C.
208 SOUTH LASALLE STREET - SUITE 1666
CHICAGO, ILLINOIS 60604-1228
TELEPHONE (312) 236-0204
mcfarland@aol.com

DEHR - Appendix 2

THOMAS F. MCFARLAND

October 16, 2019

Natural Resources Conservation Service:

Natural Resources Conservation Service
693 Federal Building
210 Walnut Street
Des Moines, IA 50309

**Environmental Protection Agency
(regional office):**

U.S. Environmental Protection Agency
Region 7
11201 Renner Blvd.
Lenexa, KS 66219

U.S. Fish & Wildlife Service:

U.S. Fish & Wildlife Service - Midwest Region
5600 American Blvd. West
Suite 990
Bloomington, MN 55437-1458

Iowa Department of Natural Resources:

Mason City Field Office #2 - NC Iowa
2300 15th Street SW
Mason City, IA 50401

National Park Service:

National Park Service
Mr. Dan Smith, Deputy Director
1849 C Street, N.W.
Washington, DC 20240

County Commissioners:

Cerro Gordo County Board of Supervisors
220 N. Washington Avenue
Mason City, IA 50401

U.S. Army Corps of Engineers

U.S. Army Corps of Engineers, Rock Island
Clock Tower Building
P.O. Box 2004
Rock Island, IL 61204-2004

Iowa Environmental Protection Agency:

Iowa Department of Natural Resources
and Recreation Division
Wallace State Office Building
502 East 9th Street
Des Moines, IA 50319-0034

Iowa State Clearinghouse:

Iowa Department of Economic Development
200 East Grand Avenue
Des Moines, IA 50309

Iowa Department of Transportation:

Iowa Department of Transportation
Office of Rail Transportation
800 Lincoln Way
Ames, IA 50010

National Park Service (Midwest region):

Cam Sholly, Regional Director
National Park Service
601 Riverfront Drive
Omaha, NE 68102-4226

National Geodetic Survey:

National Geodetic Survey
Geodetic System Division
SSMC-3 #9209
NOAA/NGS 2
1315 E-W Highway
Silver Spring, MD 20910-3282

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

Dear Agency or Governmental Representative:

Agency/Govt. Representative
October 16, 2019
Page 2

Iowa Traction Railway Company (IT Railway) is a common carrier by railroad whose address is 12045 West State Street, Mason City, IA 50401. No sooner than November 5, 2019, IT Railway intends to file with the Surface Transportation Board (STB) a Notice of Exemption from 49 U.S.C. § 10903 for discontinuance of service over a rail line between Milepost No. 155.5, approximately 100 yards south of Elm Drive and Milepost No. 152.5, approximately 600 yards north of County Highway B-20, a distance of 3 miles in Mason City, Cerro Gordo County, Iowa (the Rail Line). The Rail Line is shaded in yellow on a map that is attached to this letter as Appendix 1.

Before filing the Notice of Exemption for discontinuance, IT Railway is required to prepare and circulate to appropriate local government agencies a Draft Environmental and Historic Report that will be reviewed by the STB in conjunction with its determination of whether or not the proposed discontinuance would have a significant adverse effect on the human environment. This letter is intended to consult with your agency in regard to the environmental effects of the proposed discontinuance.

Pursuant to STB regulations at 49 C.F.R. § 1105.7, this letter is to request your assistance in identifying potential environmental effects of the proposed discontinuance. IT Railway does not anticipate any adverse environmental impacts; however, if you identify any such adverse impacts, please describe any action that could be taken to mitigate such adverse impacts. Please provide a written response to this letter as soon as possible so that your response can be included in a Draft Environmental and Historic Report that IT Railway will prepare, file with the STB, and serve on interested agencies.

COUNTY AND CITY PLANNING AGENCIES. Please state whether the proposed discontinuance would be consistent with existing land-use plans. Describe any inconsistencies.

US SOIL CONSERVATION SERVICE. Please state the effect of the proposed discontinuance on any prime agricultural land.

US FISH AND WILDLIFE SERVICE. Please state (1) whether the proposed discontinuance is likely to adversely affect endangered or threatened species or areas designated as a critical habitat and, if so, please describe such effects; and (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected and, if so, please describe such effects.

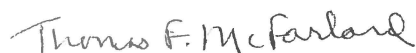
Agency/Govt. Representative
October 16, 2019
Page 3

STATE WATER QUALITY OFFICIALS. Please state whether the proposed discontinuance would be consistent with applicable Federal, State or Local water quality standards. Please describe any inconsistencies.

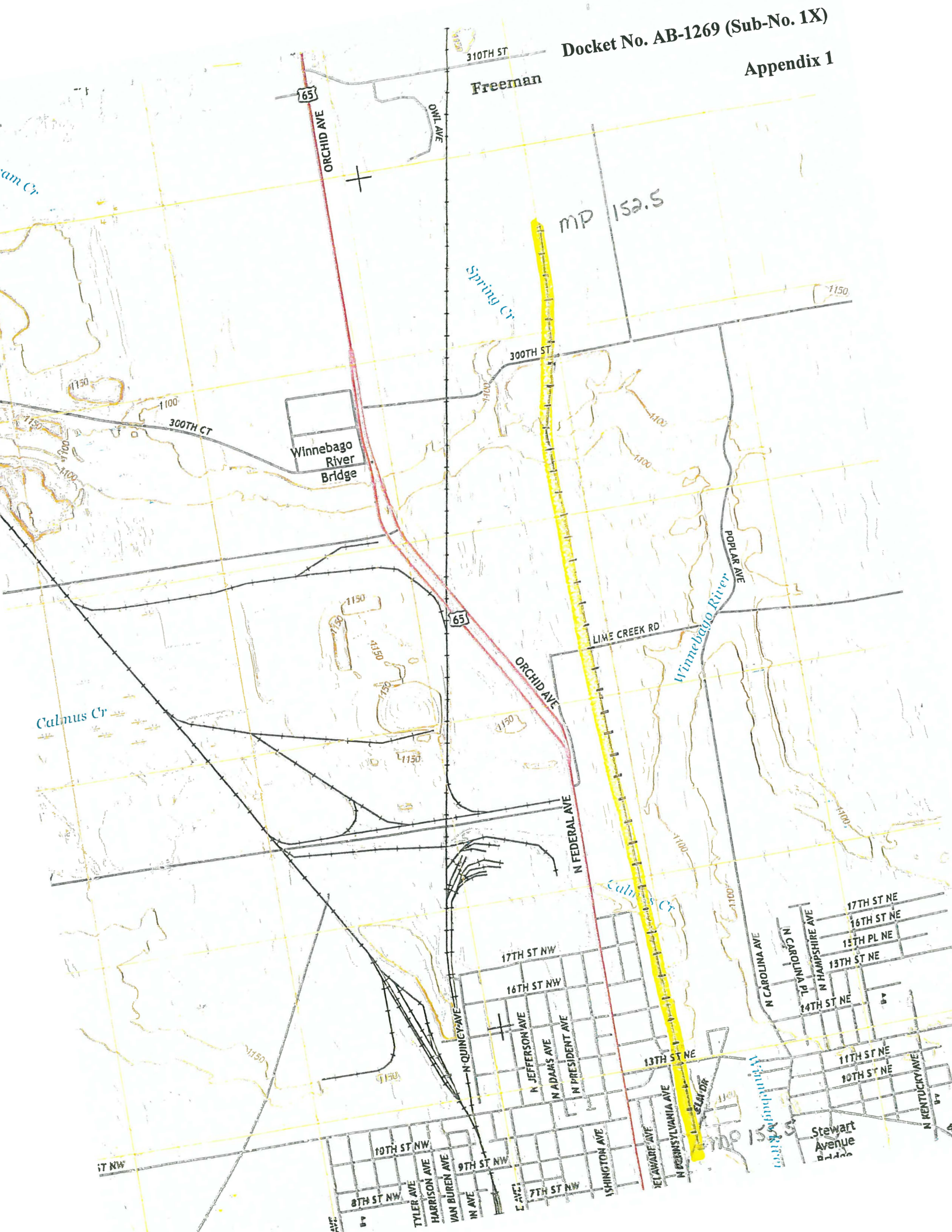
US AND STATE ENVIRONMENTAL PROTECTION AGENCIES (OR EQUIVALENT AGENCY). Please (1) identify any potential adverse environmental effects of the proposed discontinuance on the surrounding area, and (2) identify the location of any known hazardous materials spills on the right-of-way of the Rail Line, and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed discontinuance.

Please send your reply to me as IT Railway's attorney to: Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1666, Chicago, IL 60604-1228. You may reach me by telephone at (312) 236-0204 if you have any questions or need further information. IT Railway appreciates your assistance in furnishing a reply to this letter.

Very truly yours,



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



LAW OFFICE
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mcfarland@aol.com

THOMAS F. MCFARLAND

October 18, 2019

By first-class, U.S. mail

Ms. Susan Kloewer
Administrator, State Historical Society of Iowa
Iowa Department of Cultural Affairs
State Historical Building - 3rd Floor East
600 E. Locust Street
Des Moines, IA 50319

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

Dear Ms. Kloewer:

Hereby forwarded for your review and comment is a draft of an Environmental and Historic Report (Report) which I have prepared in conjunction with the proposed discontinuance of Iowa Traction Railway Company's (IT Railway) 3-mile line of railroad in Mason City, Iowa between Milepost Nos. 155.5 located approximately 100 yards south of Elm Drive, and Milepost 152.5 located approximately 600 yards north of County Highway B-20. The rail line has not been used for the provision of rail service for many years. As is evident from the photographs of the rail line that are a part of the Report, the rail line is overgrown with vegetation.

If the Surface Transportation Board (STB) authorizes the proposed discontinuance, the right-of-way of the rail line would be sold to the city of Mason City, Iowa (the City), who intends to railbank the right-of-way and to use it as a recreational trail on an interim basis in accordance with the National Trails System Act, 16 U.S.C. § 1247(d).

Railbanking and interim recreational trail use would be consistent with the historic significance of the rail line. The bridges and culverts on the line would remain in place during recreational trail use. Railbanking and recreational trail use of the rail line right-of-way would enable the trail system in and around Mason City, Iowa to reach Lime Creek Nature Center, which is a natural historic highlight in the local area.

THOMAS F. MCFARLAND

Ms. Susan Kloewer
October 18, 2019
Page 2

The content of the Report is designed to enable the Historical Society to complete its Section 106 review process, and to report to the STB that based on that review, no properties in the subject rail line are eligible for inclusion in the National Register of Historic Places. If the Historic Report is lacking in content to enable such a determination, please identify the information and/or documentation needed to enable such a determination, which would be sent to you promptly.

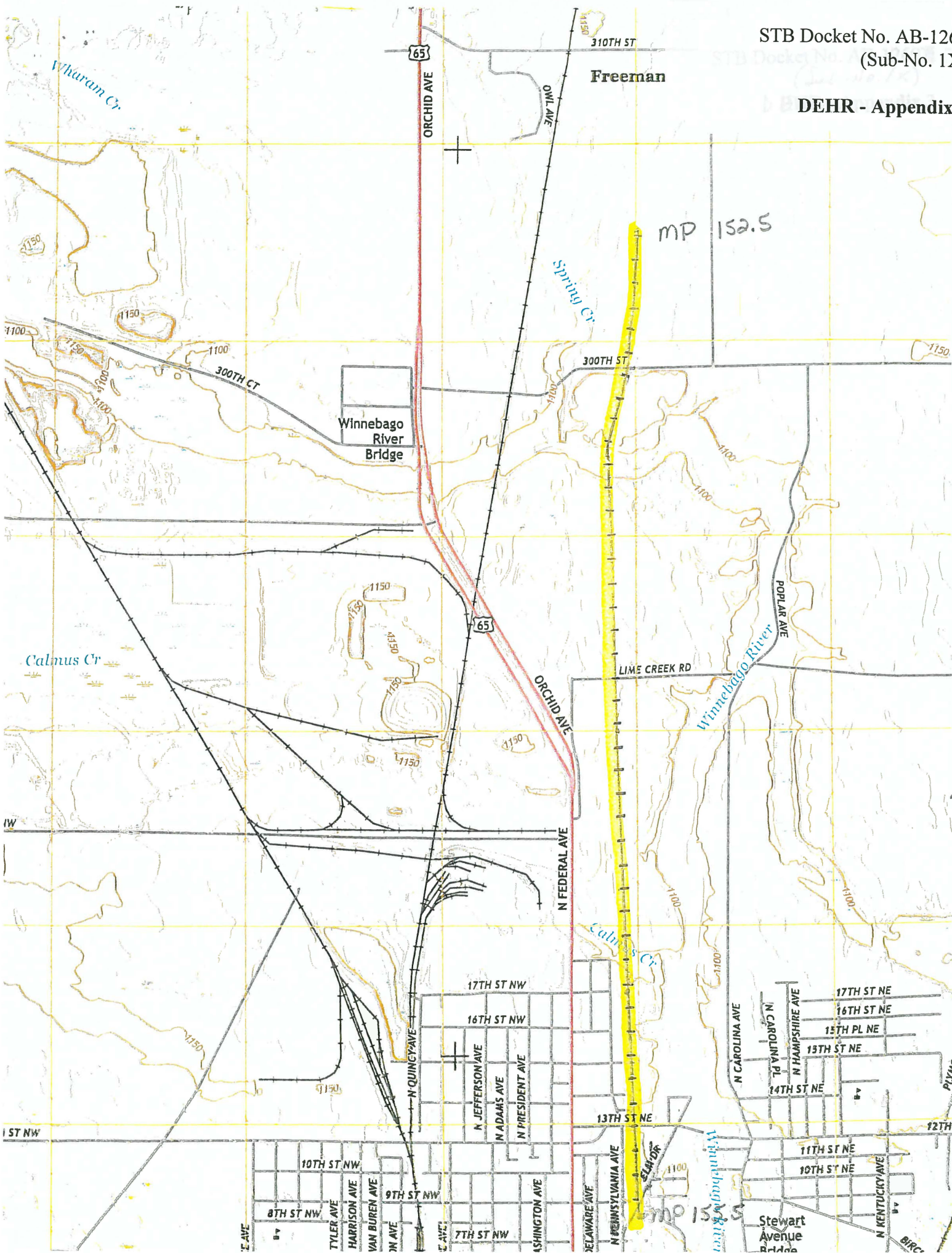
Respectfully submitted,

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

Thomas F. McFarland
Thomas F. McFarland, P.C.
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Chicago, IL 60604-1228
(312) 236-0204
mcfarland@aol.com

*Attorney for Iowa Traction
Railway Company*

TMcF:kl:enc:1871\ltrSKI



STB Docket No. AB-1269
(Sub-No. 1X)

DEHR - Appendix 4









PLANNING AND ZONING
Cerro Gordo County Courthouse

220 N Washington Ave Mason City, IA 50401-3254
John Robbins, Planning and Zoning Administrator
Michelle Rush, Executive Assistant

(641) 421-3075
plz@cgcounty.org
cgcounty.org/planning

October 22, 2019

Thomas F. McFarland, P.C.
ATTN: Thomas F. McFarland
208 South LaSalle Street, Suite 1666
Chicago, IL 60604-1228

RE: STB Docket No. AB-1269X, *Iowa Traction Railway Company – Discontinuance of Service Exemption – in Cerro Gordo County, IA*

Dear Mr. McFarland:

This office is in receipt of an inquiry letter in regard to potential environmental impacts resulting from the intended discontinuance of service for a 3-mile line of railroad operated by the Iowa Traction Railway Company.

The potential discontinuance of service is not addressed within the Cerro Gordo County Comprehensive Plan and other applicable land use plans and, therefore, not impacted by county land use plans.

It is noted that a significant portion of the 3-mile line is located within the incorporated city limits of Mason City, IA and out of the jurisdiction of Cerro Gordo County. The packet received has also been forwarded to the Development Services Department of the City of Mason City as a result.

Please feel free to contact this office with any questions pertaining to this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Robbins".

John Robbins
Planning and Zoning Administrator

CC: Steve VanSteenhuyse, Director of Development Services, City of Mason City
Tricia Sandahl, Planning and Zoning Manager, City of Mason City

From: Higginbottom, Daniel <daniel.higginbottom@iowa.gov>
To: mcfarland <mcfarland@aol.com>; danielle.gosselin <danielle.gosselin@stb.gov>
Cc: Heather Gibb <heather.gibb@iowa.gov>; Unknown Unknown <shpo106@iowa.gov>; Sara Andre <sara.andre@iowa.gov>
Subject: 190117026-STB-Cerro Gordo-Iowa Traction Railway Company-STB Docket#. AB-1269X-Proposed Rail Line Abandonment Project-Abandonment Exemption-Draft Environmental and Historic Report
Date: Fri, Oct 25, 2019 10:45 am

October 25, 2019

190117026-STB-Cerro Gordo-Iowa Traction Railway Company-STB Docket#. AB-1269X-Proposed Rail Line Abandonment Project-Abandonment Exemption-Draft Environmental and Historic Report

Mr. McFarland,

We have received your October 21, 2019 supplemental submission regarding the above-referenced federal undertaking and provide the following response in accordance with section 106 of the National Historic Preservation Act of 1966 and its implementing regulations 36CFR800.

Upon completing our review of the documentation provided, we find that there is nothing substantially different in content from what was submitted to our office in March of this year. You may recall that in our April 1 email response we indicated the following: 1. That there is no basis for the conclusion that there is not likely to be archaeological sites located within the abandonment corridor; and 2. That there is no clearly defined area of potential effects. The present Draft Environment and Historic Report (DEHR) fails to address either of these outstanding concerns.

Moreover, on page 10 of the DEHR the applicant concludes that "Neither the tracks nor the bridges in the Rail Line has distinctive characteristics of historical significance" yet the narrative fails to qualify this statement. The document provides no physical or technical description of the subject bridges and the photographs provided are of such poor quality that it is impossible to ascertain the presence/absence of historic, character defining features. Assessment of the bridges' historic qualities is further complicated in that, as stated on page 12, 'there are no engineering drawings or other documents.'

In addition, the narrative fails to evaluate these structures, and the rail line in general, within recognized and cohesive historic contexts. The brief narrative history called for in item (5) of the DEHR does not constitute a historic context from which determinations of National Register eligibility can be made. So again we ask, what is the factual basis for a conclusion that no historic properties exist along the line?

Item 7 of the DEHR form requests: "An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities)." The response in the draft DEHR only lists the applicant's opinions but does not detail the views and opinions expressed during mandated consultations. Additionally, the absence of records from the applicant's archives does not mean that relevant and useful information cannot be obtained from other sources nor does it preclude the presence of historic properties within the area of interest. Among other things, the Advisory Council on Historic Preservation's guidance document *Meeting the "Reasonable and*

Good Faith" Identification Standard in Section 106 Review identifies several valid avenues for identifying historic Properties.

Finally, item 8 requests information pertaining to past ground disturbances that have might compromise archaeological integrity within the abandonment area and the surrounding terrain. The applicant's response is that, based upon materials in the applicant's possession, "IT Railway is not aware of prior sub-surface ground disturbances or fill, environmental conditions naturally occurring or manmade that might affect the archeological recovery of resources, such as swampy conditions or the presence of toxic wastes, and the surrounding terrain." This response suggests conditions under which significant archaeological resources, if present, may survive intact and may yet retain an ability to yield significant information (criterion D).

Based upon the information currently within our case file, it is our consulting opinion that the documentation contained within the DEHR does not meet the basic project documentation standards outlined at 36 CFR 800.11 to support an agency's determination of effect pursuant to section 106. We suggest that the applicant consider engaging the services of a cultural resources specialist that meets the Secretary of the Interior's Professional Qualification Standards and who has experience in evaluating the significance and National Register eligibility of transportation infrastructure in Iowa, to assist in this undertaking.

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Daniel K. Higginbottom, Archaeologist
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State Historical Society of Iowa
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Des Moines, Iowa 50319-0290