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THOMAS F. MCFARLAND

February 22, 2019

By UPS overnight mail
(Monday delivery)

247204

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

ENTERED
Office of Proceedings
February 25, 2019
Part of
Public Record



Re: STB Docket No. AB-1269X, *Iowa Traction Railway Company -- Abandonment Exemption -- in Cerro Gordo County, IA*

Dear Ms. Brown:

Hereby transmitted is the original and 10 copies of a Verified Notice Of Exemption Under 49 C.F.R. § 1152.50 for filing with the Board in the above referenced matter.

Also enclosed is a check in the amount of \$4,200 for the filing fee.

FEE RECEIVED
February 25, 2019
SURFACE
TRANSPORTATION BOARD

Very truly yours,

Tom McFarland

Thomas F. McFarland
Attorney for Applicant

FILED

TMcf:mg.enc.1811\ltrSTB1

cc: By e-mail and first-class, U.S. mail
Andrea Boulton
Iowa Natural Heritage Foundation
505 Fifth Avenue Insurance Exchange Building, Suite 444
Des Moines, IA 50309

February 25, 2019
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

IOWA TRACTION RAILWAY
COMPANY -- ABANDONMENT
EXEMPTION -- IN CERRO GORDO
COUNTY, IA

)
)
)
)

DOCKET NO. AB-1269X



VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1152.50

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 FILED: February 25, 2019

BEFORE THE
SURFACE TRANSPORTATION BOARD

IOWA TRACTION RAILWAY)
COMPANY -- ABANDONMENT) DOCKET NO. AB-1269X
EXEMPTION -- IN CERRO GORDO)
COUNTY, IA)



**VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1152.50**

NOTICE OF CLASS EXEMPTION

Pursuant to 49 U.S.C. § 10502(a) and 49 C.F.R. § 1152.50, *et seq.*, IOWA TRACTION RAILWAY COMPANY (Iowa Railway) hereby provides notice of its class exemption from the prior approval requirements of 49 U.S.C. § 10903 for abandonment of a 3-mile rail line in Mason City, Cerro Gordo County, Iowa, i.e., between Milepost No. 155.5 located approximately 100 yards south of Elm Drive and Milepost No. 152.5 located approximately 600 yards north of County Highway B-20 (the Rail Line).

A map depicting the Rail Line is attached to this Notice as Appendix 1. A verification of the facts asserted in this Notice is attached as Appendix 2.

BACKGROUND

The Rail Line qualifies for a class exemption for its abandonment because no traffic of any kind has been transported over the line for at least 30 years.

In 1988, Iowa Traction Railroad Company (Iowa Railroad) was authorized to operate over the Rail Line, which was then owned by Hermitage Homes, Inc., a noncarrier. *Iowa Traction Railroad Company -- Operation Exemption -- Hermitage Homes, Inc., 1988 WL*

225011 (ICC Finance Docket No. 31353, decision served November 23, 1988). Hermitage Homes, Inc. had acquired the Rail Line from Iowa Railroad Finance Authority, which had acquired it from Chicago & North Western Railway Company (C&NW) following its abandonment. The Rail Line was a part of the Minneapolis & St. Louis Railroad Company (M&St.L) before it was acquired by C&NW.

Although authorized to operate over the Rail Line, Iowa Railroad did not actually perform any operations over the Rail Line at any time. In 2012, Iowa Railway was authorized to operate over the Rail Line by means of an assignment from Iowa Railroad. *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).^{1/} At that time, Backtrack, Inc. had succeeded Hermitage Homes as the noncarrier owner of the Rail Line. Although authorized to do so, Iowa Railway did not actually perform any operations over the Rail Line at any time.

Backtrack, Inc. sold the Rail Line to Iowa Railway, which is now both owner and operator of the Rail Line, and now proposes to abandon it.

When the proposed abandonment becomes effective, Iowa Railway will reuse the track materials in the Rail Line elsewhere in its rail system, and will sell the land in the railroad right-of-way to the City of Mason City, Iowa for railbanking and interim recreational trail use.

^{1/} In a related transaction, Iowa Railway was authorized to acquire from Iowa Railroad and to operate a 10.4-mile rail line in Cerro Gordo County, Iowa. *Iowa Traction Railway Company -- Acquisition and Operation Exemption -- Iowa Traction Railroad Company*, 2012 WL 4044266 (STB Finance Docket No. 35670, decision served September 14, 2012).

COMPLIANCE WITH BOARD REGULATIONS

In compliance with Board regulations for exempt abandonment at 49 C.F.R. § 1152.50, Iowa Railway states the following:

1. Certification of compliance with 49 C.F.R. § 1150.52(b):

Attached to this Notice as Appendix 3 is a certification by an authorized representative of Iowa Railway that no local or overhead traffic has moved over the Rail Line for at least two years and that no formal complaint filed by a user of rail service on the Line (or by a state or local government acting on behalf of such a user) regarding cessation of service over the Line either is pending with the Board or any U.S. District Court or has been decided in favor of the complainant within the 2-year period covered by this Notice.

2. Pre-filing of notice to specified governmental agencies (49 C.F.R. § 1152.50(d)(1)(i))

Iowa Railway hereby certifies that at least 10 days before filing of this Notice, letters of Notification were sent to the following governmental agencies of Iowa Railway's intent to file a Notice of Exemption under 49 C.F.R. § 1152.50 for abandonment of the Rail Line (see Appendix 3 attached):

- (1) Iowa Department of Transportation;
- (2) United States Department of Defense, Military Traffic Management Command,
Transportation Engineering Agency, Railroads for National Defense Program;
- (3) National Park Service, Recreation Resources Assistance Division;
- (4) U.S. Department of Agriculture, Chief of the Forest Service.

The Notice to those entities identifies Iowa Railway as the applicant; identifies the affected Rail Line; identifies the affected zip code [50401]; and states the earliest that the

proposed discontinuance can be implemented (i.e., no sooner than 50 days after the filing of this Notice).

3. **The Name of the Applicant (49 C.F.R. § 1152.22(a)(1))**

The name of Applicant is Iowa Traction Railway Company.

4. **Common Carrier Status (49 C.F.R. § 1152.22(a)(2))**

Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

5. **Relief Sought (49 C.F.R. § 1152.22(a)(3))**

Applicant seeks an exemption from the prior approval requirements of 49 U.S.C. § 10903 for abandonment of the Rail Line.

6. **Detailed Map (49 C.F.R. § 1152.22(a)(4))**

The required detailed map of the Rail Line is attached as Appendix 1.

7. **Applicant's Representative (49 C.F.R. § 1152.22(a)(7))**

Applicant's representative to whom correspondence should be sent is Thomas F.

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

8. **Zip Codes Traversed by Rail Line (49 C.F.R. § 1152.22(a)(8))**

The Rail Line traverses Zip Code 50401 in Mason City, Iowa.

9. **Alternative Use of Rail Line (49 C.F.R. § 1152.22(e)(4))**

In Iowa Railway's opinion, after abandonment and discontinuance, the Rail Line would be best suited as a continuation of an existing trail to Lime Creek Nature Center in Mason City, Iowa. Iowa Railway does not believe that the Rail Line is suitable for highway use inasmuch as

there already is an adequate system of highways and roads in the area of Mason City near the Rail Line.

10. Labor Protection (49 C.F.R. § 1152.50(d)(2))

Iowa Railway agrees to accept the standard labor protective conditions set forth in *Oregon Short Line R. Co.*, 360 I.C.C. 91 (1979). However, inasmuch as the Rail Line has been out-of-service for many years, no employees would be adversely affected by abandonment and discontinuance of service on the rail line.

11. Pre-filing and Environmental-Historic Notice (49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.11)

Iowa Railway hereby certifies that it has complied with the pre-filing notice requirements of 49 C.F.R. § 1152.20(d)(1) (at least 10 days prior to filing this Notice) and 49 C.F.R. § 1105.7(b) (at least 20 days prior to filing this Notice). The Draft Environmental Report is attached to this Notice as Appendix 4. The Draft Historic Report is attached to this Notice as Appendix 5.

12. No Federally-Granted Right-of-Way (49 C.F.R. § 1152.50(d)(1))

There is nothing in Iowa Railway's files that indicates that any of the right-of-way of the Line was federally granted. Therefore, based on information in Iowa Railway's possession, the Line does not contain federally-granted rights-of-way. Any documentation in Iowa Railway's possession will be made available promptly to those requesting it.

13. Newspaper Publication

Iowa Railway hereby certifies that a notice of the proposed abandonment was published in a newspaper of general circulation in Cerro Gordo County, Iowa. A copy of that notice is attached as Appendix 6.

Comments on the Environmental Report received by Iowa Railway are attached as Appendix 7.

CONCLUSION AND REQUESTED RELIEF

WHEREFORE, for the reasons stated, the Board should accept this Verified Notice for filing, and should publish a notice of its filing in the *Federal Register* no later than 20 days after the filing of the Verified Notice at the Board.

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

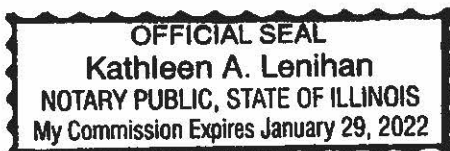
DATE FILED: February 25, 2019

Appendix 2

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

VERIFICATION

THOMAS McFARLAND, being duly sworn, states that he is an authorized representative of Iowa Traction Railway Company; that he has knowledge of the factual assertions set forth in this Notice of Exemption; and that all of those assertions are true and correct:



Thomas McFarland
THOMAS McFARLAND

SUBSCRIBED and SWORN to before me
this 20th day of February, 2019.

Kathleen A. Lenihan
Notary Public

My Commission expires: 1/29/2022

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

STB Docket No. AB-1269X
Verified Notice of Exemption

Appendix 3

VERIFICATION

Thomas McFarland, being duly sworn, states that the following:

(1) he is an authorized representative of Iowa Traction Railway Company (Iowa Railway);

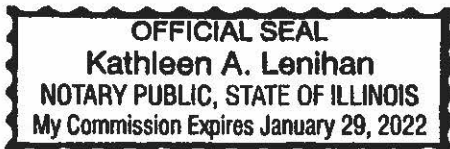
(2) no local or overhead traffic has moved over the Rail Line identified in STB Docket No. AB-1269X for at least the two-year period prior to the filing of this Notice and no formal complaint filed by a user of rail service on that Line (or by a State or local government acting on behalf of such a user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or a United States District Court, or has been decided in favor of the complainant within the 2-year period prior to the filing of this Notice.

(3) at least 10 days prior to the filing of this Notice, Iowa Railway sent notice to the governmental agencies listed below that Iowa Railway intends to file a Notice of Exemption under 49 C.F.R. § 1152.50 for abandonment of the Rail Line identified in this Docket:

- (i) Iowa Department of Transportation;
- (ii) United States Department of Defense, Military Traffic Management Command, Transportation Engineering Agency, Railroads for Natural Expense Program;
- (iii) National Park Service, Recreation Resources Assistance Division;
- (iv) United States Department of Agriculture, Chief of the Forest Service.

(4) at least 20 days before filing this Notice of Abandonment, Iowa Railway sent a Draft Environmental and Historic Report to all agencies entitled to receive a copy of the Report by virtue of Board regulations.

(5) prior to filing this Notice, a notice of intent to file the Notice was published in a newspaper of general circulation in Cerro Gordo County, Iowa.



Thomas F. McFarland
THOMAS McFARLAND
Authorized Representative of Iowa
Traction Railway Company

SUBSCRIBED AND SWORN to
before me this 20th day
of February, 2019.

Kathleen A. Lenihan
Notary Public

My Commission Expires: 1/29/2022

BEFORE THE
SURFACE TRANSPORTATION BOARD

IOWA TRACTION RAILWAY	)	
COMPANY -- ABANDONMENT	)	DOCKET NO. AB-1269X
EXEMPTION -- IN CERRO GORDO	)	
COUNTY, IA	)	

DRAFT ENVIRONMENTAL 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: January 14, 2019

BEFORE THE
SURFACE TRANSPORTATION BOARD

IOWA TRACTION RAILWAY	)	
COMPANY -- ABANDONMENT	)	DOCKET NO. AB-1269X
EXEMPTION -- IN CERRO GORDO	)	
COUNTY, IA	)	

DRAFT ENVIRONMENTAL REPORT

BACKGROUND

Iowa Traction Railway Company (Iowa 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 five-plus years that Iowa Railway has been authorized to operate over the Line. In the absence of rail activity, Iowa Railway intends to abandon the Line. A rail carrier desiring to abandon 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 an abandonment 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 February 4, 2019, Iowa Railway intends to file a Verified Notice of a class exemption that would permit abandonment of the Rail Line. Such an exemption, when

consummated, would permit Iowa 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 abandonment is to be filed, the STB first requires the rail carrier who will seek such an abandonment to prepare a Draft Report containing the rail carrier's views of the effect that such an abandonment 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 abandonment.

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

**I. IOWA RAILWAY'S VIEWS ON THE EFFECT OF THE PROPOSED
ABANDONMENT 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 abandonment of Iowa Railway's Rail Line.

If the exemption were to take effect, 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 railbanked and used on an interim basis as a recreational trail.

Iowa 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 on the Line.

Inasmuch as the Rail Line has not been used for rail shipments during Iowa Railway's five-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 Iowa Railway would incur opportunity costs as a result of continuation of the status quo, there is no reasonable alternative to the proposed abandonment.

A map of the Rail Line is attached as Appendix 1.

(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 abandonment 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 is located adjacent to the Rail Line.

(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 Iowa Railway's view, the proposed abandonment would have no effect on any prime agricultural land. Iowa 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 abandonment 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 abandonment would have no effect on transportation of energy resources.

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

The proposed abandonment 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 abandonment 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 abandonment 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 abandonment 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 abandonment 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 abandonment 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 abandonment 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 abandonment 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 abandonment 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 abandonment 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.

Iowa Railway believes that no water permits under Section 404 of the Clean Water Act are required for the proposed abandonment. No designated wetlands or 100-year flood plains would be affected by the proposed abandonment. 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.)

Iowa Railway believes that no permits under Section 402 of the Clean Water Act are required for the proposed abandonment. 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

Respectfully submitted,

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

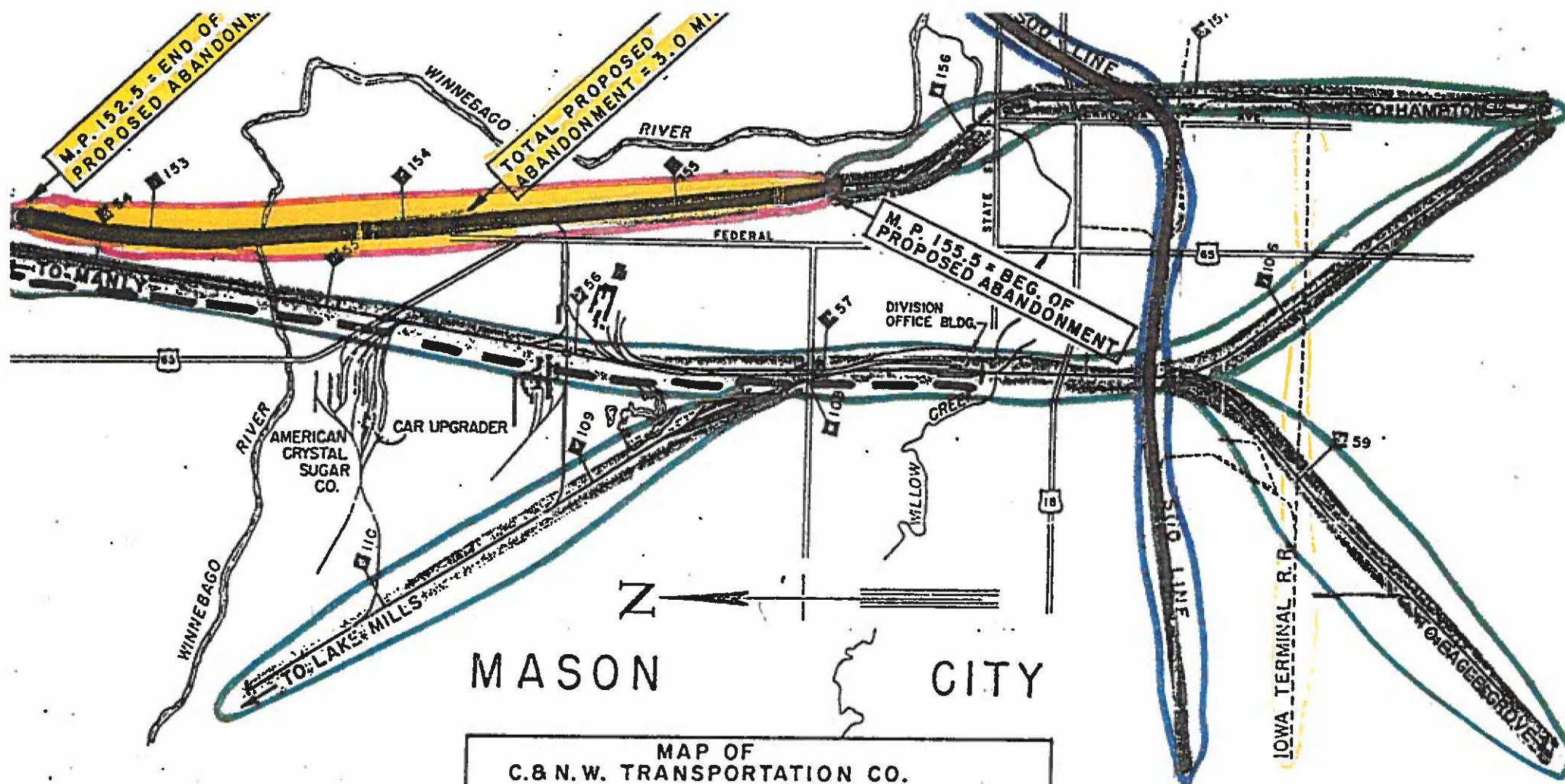
Applicant

Thomas F. McFarland

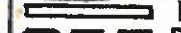
THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1666
Chicago, IL 60604-1228
(312) 236-0204
mcfarland@aol.com

Attorney for Applicant

Date Submitted: January 14, 2019



MAP OF
C.&N.W. TRANSPORTATION CO.
SHOWING
PROPOSED ABANDONMENT 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 ABANDONED
 SOO LINE
 IOWA TERMINAL R. R.
 D.M.B.E. (TRACK 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

DER - Appendix 2

THOMAS F. MCFARLAND

January 14, 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-1269X, *Iowa Traction Railway Company -- Abandonment
Exemption -- in Cerro Gordo County, IA*

Dear Agency or Governmental Representative:

Agency/Govt. Representative
January 14, 2019
Page 2

Iowa Traction Railway Company (Iowa Railway) is a common carrier by railroad whose address is 12045 West State Street, Mason City, IA 50401. No sooner than February 4, 2019, Iowa Railway intends to file with the Surface Transportation Board (STB) a Notice of Exemption from 49 U.S.C. § 10903 for abandonment of its 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 a Notice of Exemption for abandonment of the Rail Line, Iowa Railway is required to prepare and circulate to appropriate local government agencies a Draft Environmental Report that will be reviewed by the STB in conjunction with its determination of whether or not the proposed abandonment 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 abandonment.

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 abandonment. Iowa 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 Report that Iowa Railway will prepare, file with the STB, and serve on interested agencies.

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

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

US FISH AND WILDLIFE SERVICE. Please state (1) whether the proposed abandonment 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.

STATE WATER QUALITY OFFICIALS. Please state whether the proposed

THOMAS F. MCFARLAND

Agency/Govt. Representative

January 14, 2019

Page 3

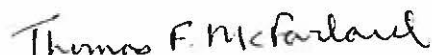
abandonment would be consistent with applicable Federal, State or Local water quality standards.

Please describe any inconsistencies.

US AND STATE ENVIRONMENTAL PROTECTION AGENCIES (OR EQUIVALENT AGENCY). Please (1) identify any potential adverse environmental effects of the proposed abandonment 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 abandonment.

Please send your reply to me as Iowa 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. Iowa Railway appreciates your assistance in furnishing a reply to this letter.

Very truly yours,



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

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BEFORE THE
SURFACE TRANSPORTATION BOARD

IOWA TRACTION RAILWAY	)	
COMPANY -- ABANDONMENT	)	
EXEMPTION -- IN CERRO GORDO	)	DOCKET NO. AB-1269X
COUNTY, IA	)	

DRAFT 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: January 14, 2019

BEFORE THE
SURFACE TRANSPORTATION BOARD

IOWA TRACTION RAILWAY	)	
COMPANY -- ABANDONMENT	)	DOCKET NO. AB-1269X
EXEMPTION -- IN CERRO GORDO	)	
COUNTY, IA	)	

DRAFT HISTORIC REPORT

BACKGROUND

Iowa Traction Railway Company (Iowa 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 five-plus years that Iowa Railway has been authorized to operate over the Line. In the absence of rail activity, Iowa Railway intends to abandon the Line. A rail carrier desiring to abandon 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 abandonment where, as here, there has been no rail shipments 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 February 4, 2019, Iowa Railway intends to file a Verified Notice of a class exemption that would permit abandonment of the Rail Line.

When a Notice of class exemption for abandonment is to be filed, the STB first requires that the rail carrier who will seek such an abandonment prepare a Draft Report containing the rail carrier's views of the effect that such an abandonment 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 abandonment.

This is the Draft Historic Report that has been prepared by Iowa Railway. Attached to this Draft Report as Appendix 2 is a copy of a letter from a representative of Iowa Railway to a representative of the Historical Society of Iowa in the Iowa Department of Cultural Affairs, inviting comments on the Draft Report.

I. IOWA RAILWAY'S VIEW OF THE EFFECT OF THE PROPOSED ABANDONMENT 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 near 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 Historic Report as Appendix 4. Also shown in the photographs are the bridges in the Rail Line over the Winnebago River and over Calmus Creek. There is no depot or other rail-related buildings 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 bridges 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 bridges on the Line is not known. However, it is likely that all of them are 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.

The subject Rail Line was acquired by the Iowa Railroad Finance Authority (IRFA) in 1988 after C&NW had been authorized to abandon it. In the same year, Hermitage Homes, Inc. (HHI) acquired the Rail Line. HHI contracted with Iowa Traction Railroad Company (Iowa 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, Iowa Railroad assigned its authority to operate the Rail Line to Iowa 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 Thereafter, Backtrack conveyed the Rail Line to Iowa Railway.

While the 10.4-mile line over which Iowa 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 Iowa 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 Iowa Railway based on information in its possession, that (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 Iowa Railway was authorized to acquire from Iowa 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 Iowa Railway when Iowa 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.

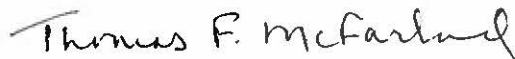
Based on materials in its possession, Iowa Railway is not aware of prior sub-surface ground disturbances or fill, environmental conditions naturally occurring or manmade that might affect the archeological recovery of resources, such as swampy conditions or the presence of toxic wastes, and the surrounding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

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (i.e., prehistoric or native American).

Respectfully submitted,

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

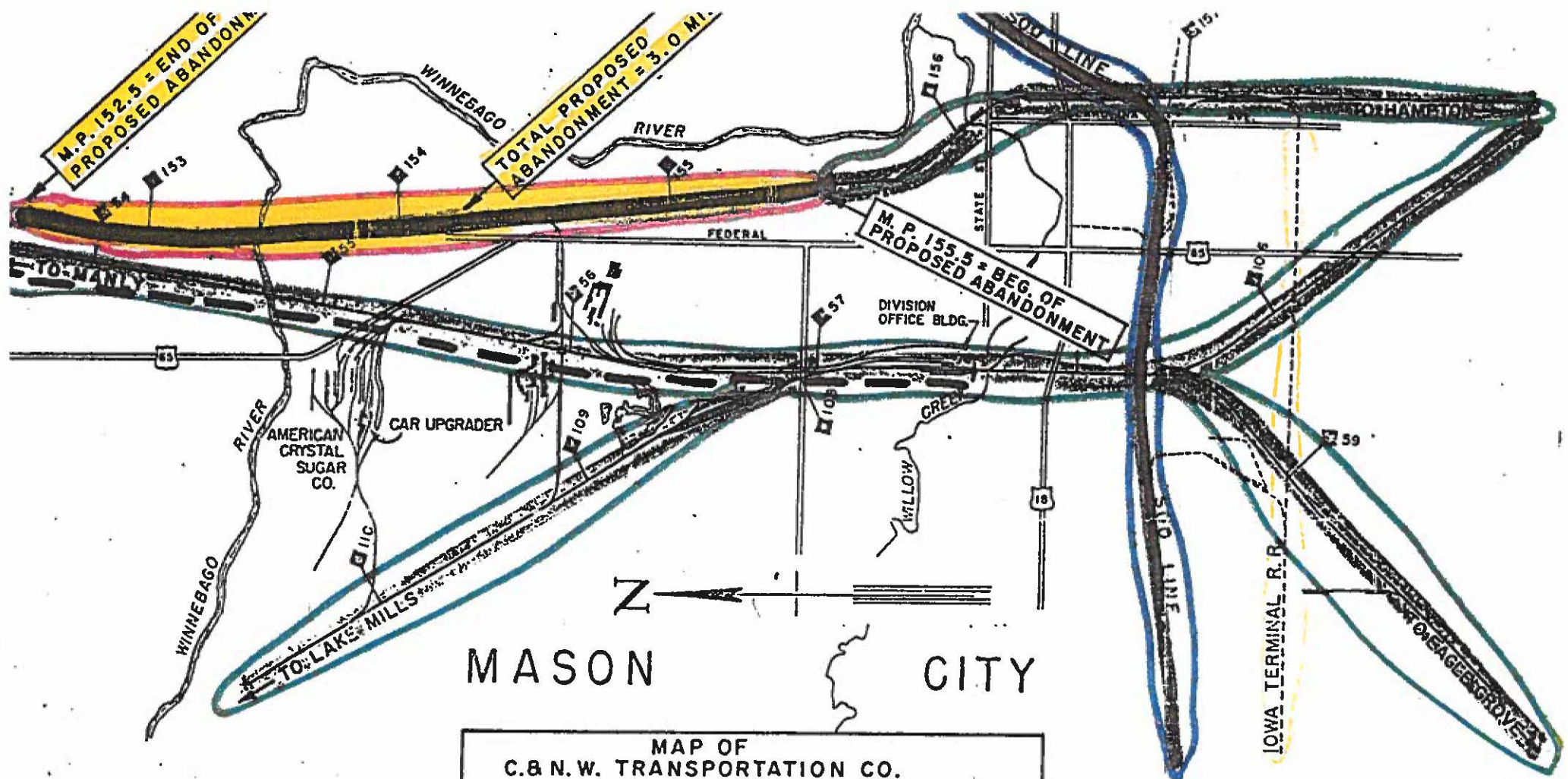
Applicant



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: January 14, 2019



MAP OF
C.&N.W. TRANSPORTATION CO.
SHOWING
PROPOSED ABANDONMENT 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 ABANDONED
 SOO LINE
 IOWA TERMINAL R.R.
 D.M.B.E. (TRACKAGE RIGHTS OVER C.&N.W.)

VICE PRESIDENT-ENGINEERING CHICAGO, IL.

0 1000 2000 3000 4000 5000 6000

SCALE IN FEET

MAY 8, 1987

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

THOMAS F. MCFARLAND

January 14, 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-1269X, *Iowa Traction Railway Company -- Abandonment
Exemption -- in Cerro Gordo County, IA*

Dear Ms. Kloewer:

Hereby forwarded for your review and comment is a draft of an Historic Report which I have prepared in conjunction with the proposed abandonment of Iowa Traction Railway Company's (Iowa Railway) a 3-mile line of railroad in Mason City, Iowa between Milepost Nos. 155.5 and 152.5. 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 Historic Report, the rail line is overgrown with vegetation.

If the Surface Transportation Board (STB) authorizes the proposed abandonment, the right-of-way of the rail line would be sold to the Iowa Natural Heritage Foundation (INHR), 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).

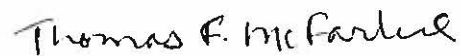
Railbanking and interim recreational trail use would be consistent with the historic significance of the rail line. The bridges and culverts on the line would remain in place during recreational trail use. Railbanking and recreational trail use of the rail line right-of-way would enable the right-of-way to be joined with an existing right-of-way to 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
January 14, 2019
Page 2

The content of the Historic 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,



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 Iowa Traction
Railway Company*

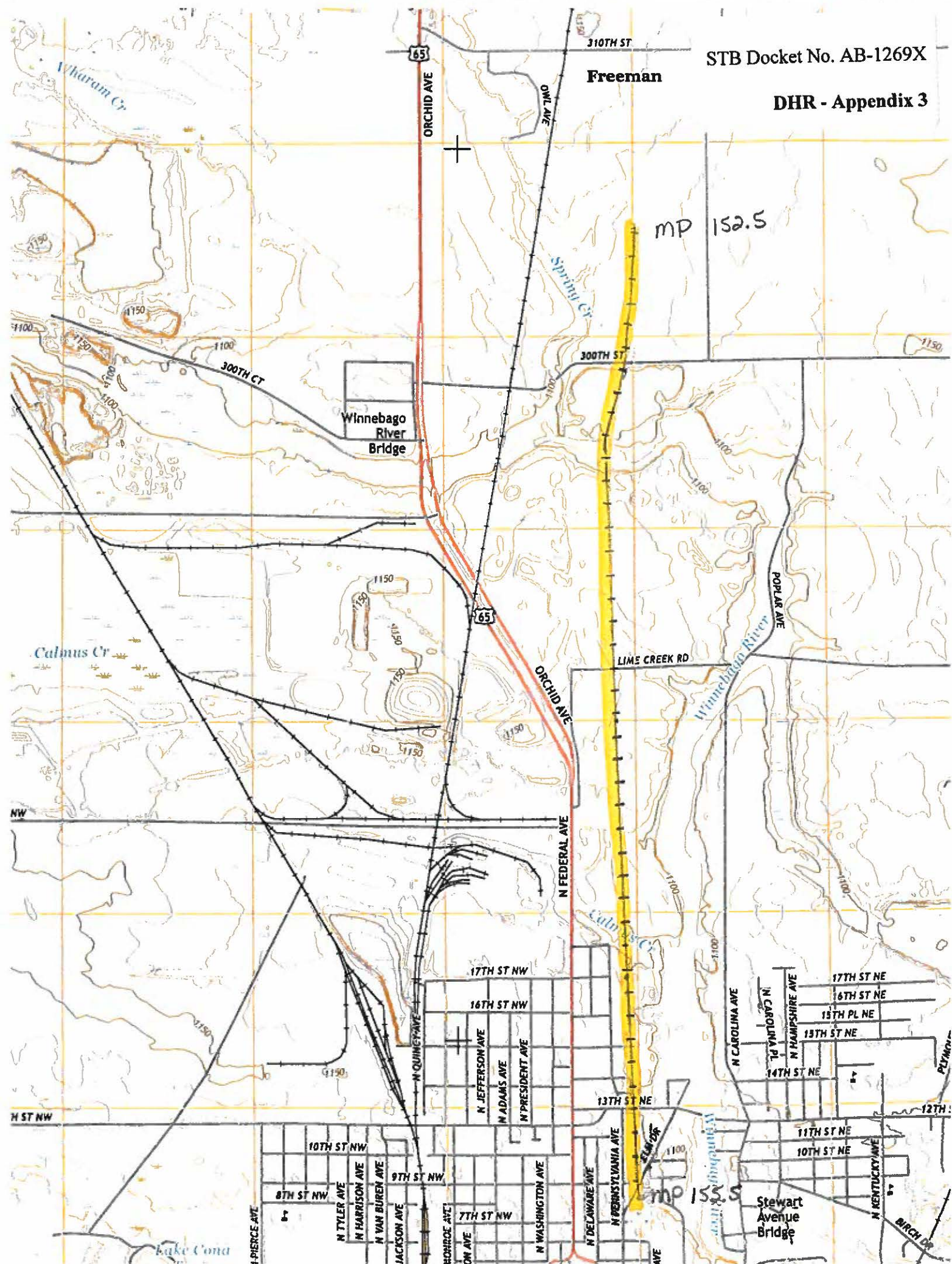
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STB Docket No. AB-1269X

DHR - Appendix 3

mp 152.5

1555



STB Docket No. AB-1269X

DHR - Appendix 4









*** Proof of Publication ***

State of Iowa
County of Cerro Gordo

THOMAS F MCFARLAND PC

208 S LASALLE ST STE 1666
CHICAGO IL 60604

ORDER NUMBER 332049

I, Michelle Casey, being duly sworn, on oath, do depose and say that I am Customer Services Representative of The Globe-Gazette and I am authorized to make this affidavit, that The Globe-Gazette is a daily newspaper regularly published and printed in the English language in the City of Mason City, Cerro Gordo County, Iowa, and has a general circulation in the said city and county; and that I personally know that the notice, a true copy of which is hereto affixed, was published in the Globe-Gazette on the following days, to-wit:

BEFORE THE SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C. 20423
STB Docket No. AB-1269X
IOWA TRACTION RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN CERRO GORDO COUNTY, IA
NOTICE OF INTENT TO ABANDON A RAIL LINE

Iowa Traction Railway Company gives notice that no sooner than February 15, 2019, it intends to file with the Surface Transportation Board, Washington, DC, a notice of exemption under 49 C.F.R. § 1152 Subpart F -- Exempt Abandonments and Discontinuances of Service permitting abandonment of 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, in Mason City, Cerro Gordo County, Iowa. The Line traverses through United States Postal ZIP Code 50401. The proceeding will be docketed as No. AB-1269X.

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001, or by calling that office at (202) 245-0291.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of Proceedings, 395 E Street, S.W. Washington, DC 20423-0001 [See 49 C.F.R. § 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 C.F.R. § 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1666, Chicago, IL 60604-1228, 312-236-0204.

Section: Announcements

Category: 190 Legals

PUBLISHED ON: 02/15/2019

TOTAL AD COST: 39.00

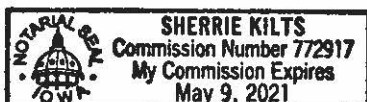
FILED ON: 2/15/2019

That the issues of said paper containing said notice were duly circulated in the regular manner.

Michelle Casey

Sherrie Kilts

Notary Public in and for Said County





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

Appendix 7
(6pp)

January 17, 2019



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

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

Dear Mr. McFarland:

This office is in receipt of a draft report in regard to a notice of class exemption for abandonment for a 3-mile line of railroad operated by the Iowa Traction Railway Company. It is noted that the intent of transferring the rail line to a recreational trail. The packet received has been forwarded to the Cerro Gordo County Conservation Department as a result.

The abandonment of the rail line is consistent with the Cerro Gordo County Comprehensive Plan and other applicable land use plans.

It is noted that the majority 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.

It is also noted that the Winnebago River Bridge, which is listed on the *National Register of Historic Places*, is located approximately ½-mile west of the rail line. An impact to the bridge cannot be foreseen as a result of the abandonment of the line.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John Robbins".

John Robbins
Planning and Zoning Administrator

CC: Mike Webb, Conservation Director, Cerro Gordo County Conservation Department
Steve VanSteenhuyse, Director of Development Services, City of Mason City
Tricia Sandahl, Planning and Zoning Manager, City of Mason City



February 12, 2019



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

Subject: Iowa Traction Railway Abandonment in Cerro Gordo County, Iowa

Dear Mr. McFarland:

This letter is in response to your request for assistance in identifying potential environmental impacts related to the abandonment of three miles of rail line north of Mason City, Iowa. Staff from the Iowa Department of Natural Resources Field Office 2, located in Mason City, reviewed the proposed area (Milepost 155.5 to 152.5 or 100 yards south of Elm Drive to 600 yards north of Co. Hwy B20). This review consisted of a search of the Field Office Compliance Database, Emergency Response Database, Contaminated Sites Database, and Underground Storage Tanks Database.

The search revealed no known hazardous materials spills or other known source of environmental contamination within the rail line right-of-way. No regulated underground storage tanks were found within the right-of-way. The Northwestern States Portland Cement (East Quarry) cement kiln-dust burial site borders the southern stretch of the rail line right-of-way in the southwest quarter of Section 34, Lime Creek Township.

In summary, no records were found in DNR Field Office 2 that suggest there is a known contamination issue within the identified portion of the rail line to be abandoned. However any such conditions cannot be conclusively ruled out without on-site investigation and testing. This cursory file review should not be considered an Environmental Assessment under ASTM-E1527. If this office can be of further assistance, do not hesitate to contact us at 641-424-4073.

Sincerely,

FIELD SERVICES & COMPLIANCE BUREAU

Trent Lambert
Field Office Supervisor

TL/dw



**NATURAL HERITAGE
FOUNDATION**

Insurance Exchange Building
Suite 444
505 Fifth Ave.
Des Moines, Iowa 50309

Phone: 515-288-1846
Fax: 515-288-0137
e-mail: info@inhf.org
www.inhf.org



February 15, 2019

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

RE: Iowa Traction Railway Abandonment, Cerro Gordo County, Iowa;
Docket Number: AB-1269X

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 152.5.

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 Iowa Traction Railway 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

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 Iowa Traction Railway 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 152.5 in Cerro Gordo County. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No AB-1269X. A map depicting the right-of-way is attached.

By my signature below, I certify service upon Iowa Traction Railway c/o Thomas F. McFarland, PC., 208 South LaSalle Street, Suite 1666, Chicago, IL 60604 by U.S. Mail, postage prepaid, first class, this 15th day of February, 2018 and email.

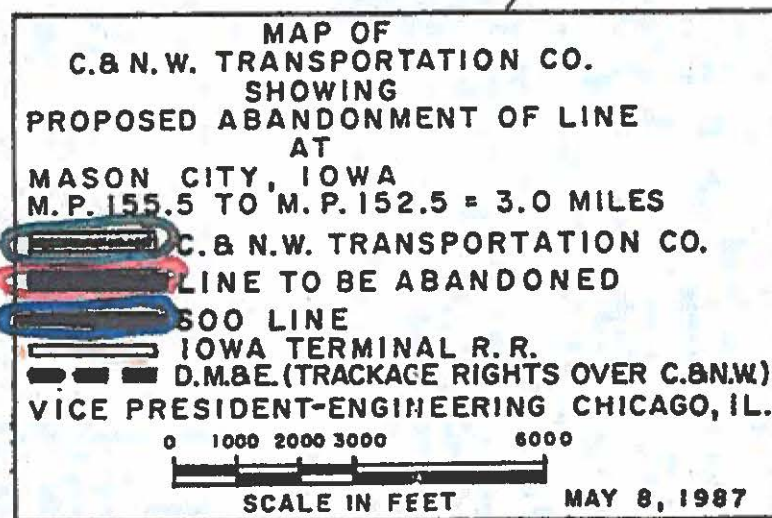
On behalf of City of Mason City, Cerro Gordo County and the Iowa Natural Heritage Foundation, thank you for your consideration of this petition.

Sincerely,



Andrea Boulton, Trails and Greenways Director

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





10 First Street Northwest
Mason City, IA 50401-3224
(641) 421-3600
www.masoncity.net

February 14, 2019

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

Dear Ms. Brown:

Mason City has authorized the Iowa Natural Heritage Foundation to file for the Public Use Condition as well as a Certificate or Notice of Interim Trail Use on our behalf.

In addition, Mason City requests that the filing fee be waived, since the Iowa Natural Heritage Foundation is acting on the agencies' behalf in this matter.

Thank you for your consideration of our request.

Sincerely,

A handwritten signature in black ink that reads "Aaron Burnett". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Aaron Burnett
City Administrator