

BEFORE THE
SURFACE TRANSPORTATION BOARD



DOCKET NO. AB-586 (Sub No. 2X)

2/607

NORTH CENTRAL RAILWAY ASSOCIATION, INC.

ABANDONMENT AND DISCONTINUANCE IN
HARDIN COUNTY, IOWA

NOTICE OF EXEMPTION

T. Scott Bannister
111 Fifty Sixth Street
Des Moines, Iowa 50312

Telephone: 515-244-8877
Telefax: 515-277-4012
E-mail: Bannister@dwx.com

Dated : March 18 ,2006

RECEIVED

MAR 24 2006

FILED

MAR 24 2006

RECEIVED

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-586 (Sub No. 2X)

NORTH CENTRAL RAILWAY ASSOCIATION, INC.

ABANDONMENT AND DISCONTINUANCE IN
HARDIN COUNTY, IOWA

1. NOTICE OF EXEMPTION

North Central Railway Association, Inc., an Iowa corporation (hereinafter referred to as "NCRA" or "Applicant") submits this Verified Notice of Exemption pursuant to 49 C.F.R. Section 1152, Subpart F to abandon and discontinue operations of a rail line located generally between Milepost 200.30 near Ackley, Iowa and Milepost 212.00, near Steamboat Rock, Iowa all within Hardin County, Iowa, a distance of 11.70 miles (the "Line").

2. PROPOSED CONSUMMATION DATE: 49 C.F.R. §1152.50(d) (2)

The abandonment will be consummated on or after the effective date of a Board decision.

3. FEDERALLY GRANTED RIGHTS-OF-WAY

Based on information in the railroad's possession, the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

4. CERTIFICATION: 49 C.F.R. §1152.50(b)

Applicant certifies that no local traffic has moved over the Line for at least two years; no user of rail service on the Line, or a state or local governmental entity acting on behalf of such user, has filed formal complaints with this Board regarding cessation of service over the Line, and no formal complaint is either pending with this Board or any U.S. District Court nor has been decided in favor of any complainant within the two-year period; and further no overhead traffic has moved over the Line for at least two years. Applicant further certifies that no local or overhead traffic has moved over or on the Line for over sixteen (16) years.

5.ADDITIONAL INFORMATION REQUIRED: 49 C.F.R. §1152.22(a) (1)-(4), (7)-(8) and (e) (4)

(a) General

- (a) (1) The railroad's exact name is: **North Central Railway Association, Inc.**
- (a) (2) Applicant is an Iowa corporation and owns a rail line subject to 49 U.S.C. Subtitle IV, Chapter 105.
- (a) (3) Applicant intends to abandon the Line extending from Milepost 200.30 near Ackley, Iowa to Milepost 212.00 near Steamboat Rock, Iowa a distance of approximately 11.70 miles in Hardin County, Iowa.
- (a) (4) A map showing the location of the Line in conjunction with other rail lines, highways, and roads in the area is attached as Exhibit A.
- (a) (5) The representative to whom correspondence regarding this abandonment should be sent is:

T. Scott Bannister
Attorney for North Central Railway Association, Inc
111 Fifty-Sixth Street
Des Moines, Iowa 50312
E-mail: Bannister@dwx.com
Telephone: 515-244-8877
Telefax: 515-277-4012

- (a) (6) The following list includes all United States Postal Service ZIP Codes that the Line proposed for abandonment traverses: 50672, 50671 and 50601.

VI

RURAL AND COMMUNITY IMPACT

Applicant believes the Line may be suitable for other public uses.

Applicant's title search is incomplete. At this time, however, Applicant is not aware of any reversionary interest which would affect the transfer of title, but must do further work to be certain.

VII

LABOR PROTECTION

The interests of railroad employees, of which there are none, will be protected by the conditions discussed in Oregon Short Line Railroad R. Co. – Abandonment – Goshen, 360 ICC 91 (1979).

VIII

ENVIRONMENTAL/HISTORIC REPORT

Required environmental and historic information is contained in the Combined Environmental and Historic Report which is attached hereto.

For the foregoing reasons, Applicant, North Central Railway Association, Inc., believes the proposed abandonment is exempt under 49 C.F.R. §1152.50.

Respectfully submitted,

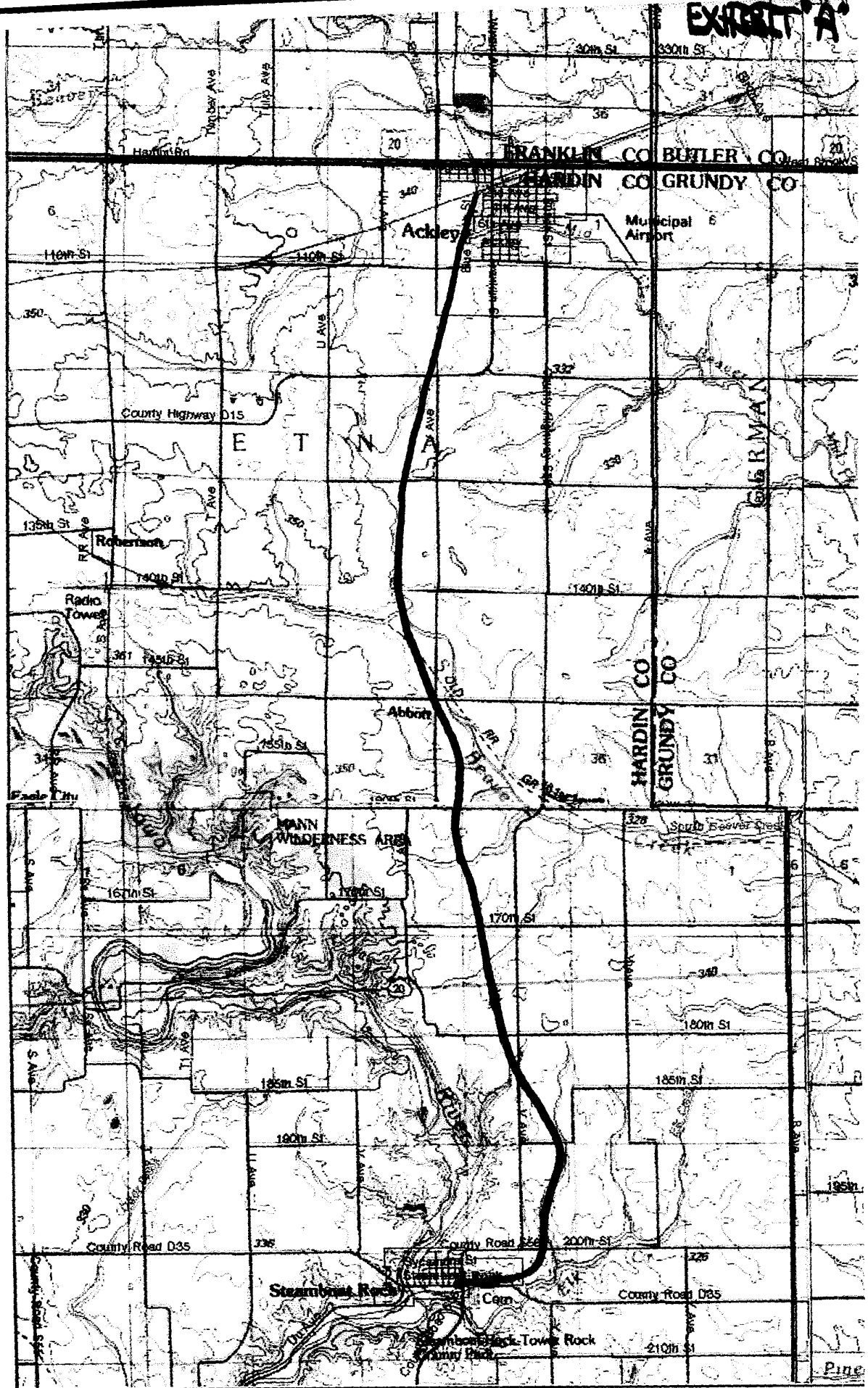
NORTH CENTRAL RAILWAY ASSOCIATION, INC.

By: 

T. Scott Bannister
Attorney for North Central Railway
Association, Inc.
111 – Fifty-Sixth Street
Des Moines, IA 50312
Telephone: 515-244-8877
Telefax: 515-277-4012

Dated this 15th day of March, 2006.

EXHIBIT 'A'



VERIFICATION AND CERTIFICATION

STATE OF IOWA)
) ss.
COUNTY OF HARDIN)

I, Maury Hyde, being duly sworn, depose and say that I am Secretary - Treasurer of North Central Railway Association, Inc. that I am authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-586 (Sub-No. 2X) on behalf of North Central Railway Association, Inc.; that I have carefully examined all of the statements contained in said Notice of Exemption; that I have knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of my knowledge, information and belief.

Affiant further states that the subject Line is subject to his supervision and direction; that no local traffic or overhead traffic has moved over the Line for at least two years; and that no formal complaint filed by a user of rail service on the Line or a state of local government entity acting on behalf of such user regarding cessation of service over the Line either is pending before the Surface Transportation Board of any U.S. District Court or has been decided in favor of any complainant within the two-year period, and further, no overhead traffic has moved over the Line for at least two years.



Maury Hyde

Signed and sworn to before me on the 16th day of March, 2006, by Maury Hyde.



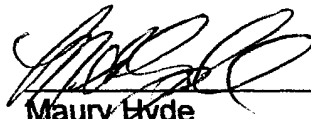
NOTARY PUBLIC

My Commission Expires: 3/22/09

VERIFICATION

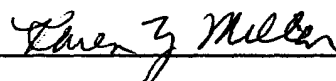
STATE OF IOWA)
) ss.
COUNTY OF HARDIN)

I, Maury Hyde, make oath and state that I am the Secretary - Treasurer of North Central Railway Association, Inc.; that I have been authorized by North Central Railway Association, Inc. to verify and file with the Surface Transportation Board the foregoing Combined Environmental and Historical Report; that I have carefully examined all of the statements in the Report; that I have knowledge of the facts and matters relied upon in the Report; and that all representations set forth therein are true and correct to the best of my knowledge, information and belief.



Maury Hyde

SUBSCRIBED AND SWORN TO before me this 16th day of March, 2006.



NOTARY PUBLIC

03/22/09

CERTIFICATE OF SERVICE
OF THE
COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The undersigned hereby certifies that all appropriate agencies have been notified and consulted in the preparation of this Report and a copy of the foregoing Combined Environmental and Historic Report was served by first class mail on the 31st day of December, 2005 (except where indicated below), on the following:

1. State Clearinghouse
2. State Environmental Protection Agency
3. Head of each County through which the Line is located
4. Regional office of the Environmental Protection Agency
5. U.S. Fish and Wildlife Service
6. U.S. Army Corps of Engineers
7. National Park Service
8. U.S. Soil Conservation Service
9. State Historic Preservation Officer
10. National Geodetic Survey



T. Scott Bannister
Bannister & Associates
Attorney for North Central Railway Association, Inc.
111 – Fifty-Sixth Street
Des Moines, IA 50312
Telephone: 515-244-8877
Telefax: 515-277-4012

BEFORE THE
SURFACE TRANSPORTATION BOARD

IN RE: NORTH CENTRAL
RAILWAY ASSOCIATION,
INC.

AB-586 (SUB 2X)

ABANDONMENT AND
DISCONTINUANCE EXEMPTION
EXEMPTION IN HARDIN
COUNTY, IOWA

COMBINED ENVIRONMENTAL
AND HISTORIC REPORT

Applicant, hereby submits the following information pursuant to 49 C.F.R. Part 1105:

ENVIRONMENTAL REPORT

(1) Proposed Action and Alternatives -

- (i) The proposed action is an exemption proceeding described as involving the discontinuance of operations and physical abandonment of a line of railroad between Milepost 200.30 near Ackley, Iowa and Milepost 212.00 near Steamboat Rock, Iowa, all within Hardin County, Iowa, a distance of approximately 11.70 miles (the "Line").
- (ii) The only practical alternative to the proposed abandonment is denial. Denial would maintain the status quo and avoid any impacts associated with the abandonment. A copy of detailed maps of the rail Line to be abandoned are attached hereto pursuant to the provisions of 49 C.F.R 1105.7(e)(1). (Exhibit "A").

(2) Transportation System -

- (i) The proposed abandonment will have no substantial effect on existing regional or local transportation systems or patterns.
- (ii) It is estimated that the abandonment will result in no diversion of traffic to truck since there are no shippers which have used rail services, and which have facilities located on the Line.

(3) Land Use -

- (i) To the best of Applicants' knowledge, and based upon consultation with the local county governments, the proposed abandonment is consistent with regional and local land use plans. It is possible that, following abandonment, portions of the land underlying the Line may be converted to a recreational trail.
- (ii) Based upon consultation with the U.S. Soil Conservation Service, there are no prime agricultural lands within the right of way that would be adversely affected by the proposed action.
- (iii) There are no designated wetlands or 100-year flood plains which would be adversely affected, although there may be some wetlands which could be found outside the railroad right-of-way boundaries.
- (iv) The rail Line right-of-way is suitable for alternative public use such as a recreational trail, and Applicant has received expressions of interest concerning use of the right-of-way for such purposes.

4. Energy -

- (i & ii) The proposed abandonment will have no major adverse effect on the development or transportation of energy resources, or on the movement and/or recovery of recyclable commodities.
- (iii & iv) The proposed abandonment will not cause a diversion of traffic from rail to motor carriers in excess of 1,000 cars per year nor will it divert in excess of an average of 50 rail cars per mile per year for all or a portion of the Line. As a result, no energy calculations were made.

(5) Air -

The proposed abandonment will not result in a) a minimum increase in rail traffic of 50% of three (3) trains per day or (b) an increase in rail yard activity of 20% as measured in carload activity. The proposed action will not cause an increase in motor carrier traffic of either fifty (50) vehicles per day or an increase in truck traffic on a given highway segment. Class 1, or non-attainment areas, are not affected, and there should be no increase in rail yard activity.

(6) Noise -

No threshold identified in item 5 (i) of 49 C.F.R. 1105.7 is surpassed.

(7) Safety -

The proposed abandonment will have no major effect on public health or safety. There are no known hazardous waste sites or spills on or along the Line.

(8) Biological Resources -

(i & ii) Based upon consultation with the U.S. Fish and Wildlife Service, it is not anticipated that any long term, adverse effects on endangered species or critical habitats would result, and no wildlife sanctuaries, state parks, or refuges will be adversely affected by the proposed abandonment.

(9) Water -

(i) Based upon consultation with the State of Iowa Water Quality Officials, the proposed abandonment is consistent with applicable federal, state and/or local water quality standards.

(ii & iii) Permits under the Federal Clean Water Act are not required, based upon consultation with the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, and the Iowa Department of Natural Resources. No designated wetlands or 100-year flood plains will be affected. Applicant's anticipated plans for salvage operations include the removal of all ties, bridge decking materials, rail and track fastenings. Material which cannot be reused elsewhere will be sold for scrap. Grade crossings restoration, will be pursuant to local highway jurisdictional requirements. Bridges will not be removed especially in light of the right-of-way's anticipated future use as a recreational trail. Box culverts are left in place to facilitate drainage.

(10) Proposed Mitigation -

(i) Because there should be no adverse environmental impacts from the proposed abandonment of the rail Line, there are no actions which are to be taken to mitigate nonexistent impacts.

(ii) No culturally significant locations, archaeological sites, or unique land

forms are affected. Salvaging of an abandoned line is confined to limits of the right-of-way and it is unlikely that any archaeological sites in or adjacent to the Line segment would be affected, since there are no major excavations anticipated during salvage operations.

(11) Other -

Correspondence received from local, state or federal agencies which have reviewed this matter is attached, marked Exhibit "B" and incorporated herein by this reference.

HISTORIC REPORT
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 and are part of the proposed action;

Response: There are no 50 year old (or older) structures located along the Line which are to be abandoned or removed by Applicant and the U.S.G.S. topographic map shows no other significant such trestles or bridges.

(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;

Response: The right-of-way is generally less than 100 feet wide. It is located entirely within Hardin County, Iowa, which has a population of approximately 18,800.

(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.

Response: There are no historic railroad-owned structures which are 50 years old or older.

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

Response: Unknown.

(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;

Response: The Line was originally laid out and right-of-way land parcels acquired by the Iowa Central Railway Company between 1866 and 1869. The subject Line segment was part of a north-south railroad mainline located between Marshalltown, Iowa and Mason City, Iowa. Later the Line became part of an expanded north-south route between Minneapolis/St. Paul, Minnesota and Kansas City, Missouri.

On January 1, 1912 the Iowa Central Railway Company deeded the Line to the

Minneapolis and St. Louis Railroad Company. On October 31, 1960, the subject Line was deeded to Chicago and North Western Railway Company ("CNW").

In 1983 CNW acquired from the Chicago, Rock Island and Pacific Company ("CRIP") the parallel CRIP north-south mainline and thereafter, CNW rerouted its traffic over that CRIP "Spine Line" and the CNW's north-south mainline was reduced to local service only.

In 1988 CNW filed an application to abandon the subject Line in ICC Docket No. AB-1 (Sub-No. 217). The CNW application was granted by the Interstate Commerce Commission ("ICC") by Decision served February 16, 1989. The I.C.C. found in its Decision "the economic burden that continued operation imposes upon applicant and interstate commerce outweighs the adverse consequences that the loss of this rail service will have on shippers and the community, and that, on balance, the abandonment application should be granted." (Decision, at page 11). Following that Decision CNW and NCRA negotiated the purchase of the Line and as a result, NCRA was "authorized to acquire the Line" and the application to abandon was dismissed on June 12, 1989. Thereafter, by Decision served by the I.C.C. on November 3, 1989 in Finance Docket No. 31535, Chicago Central and Pacific Railroad Company ("CCP") was authorized to lease and operate the Line. CCP has not performed any type of rail service in over sixteen (16) years.

(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;

Response: There are no drawings available.

(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 C.F.R. 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);

Response: There would be no adverse effects. The Line does not include any stations or sidings where historically or architecturally significant company constructed-buildings exist.

Abandonment of the right-of-way and possible leveling of the grade would not affect any archaeological evidence since the property would only be returned to its original usage. Any alterations to the property would have been done during the original construction of the rail Line.

(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.

Response: None.

(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 right-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American).

Response: Not applicable.

Ex. B
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United States Department of the Interior

FISH AND WILDLIFE SERVICE
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056

IN REPLY REFER TO:

FWS/NWRS-RE - General
Railroad Abandonments

January 25, 2006

Mr. T. Scott Bannister
Attorney for North Central Railway Association, Inc.
T. Scott Bannister and Associates
111 56th Street
Des Moines, Iowa 50312

Dear Mr. Bannister:

Thank you for the opportunity to comment on the proposed abandonment of service on 11.70 miles of railroad line between Milepost 200.30 (near Ackley, Iowa) and Milepost 212.0 (near Steamboat Rock, Iowa); STB Docket No. AB-586 (Sub-No. 2X).

We have researched our ownerships in the vicinity and have determined we do not own any lands or interests in land in the vicinity of the proposed rail line abandonments. We do not have any concerns regarding real estate matters in the abandonments.

Sincerely,

Patrick G. Carroll
Senior Realty Officer
Division of Realty

A Division of the Iowa Department of Cultural Affairs

Your request for comment by the State Historic Preservation Officer has been received.

Date Received: 1/23/2006

End of 30 Day Period: 2/22/2006

Agency: STB

SHPO R&C #: 060142089

NORTH CENTRAL RAILWAY ASSOC - DOCKET NO AB-586 (SUB2X) - PROPOSES TO SEEK AUTHORITY TO ABANDON RAILROAD LINE BETWEEN MILEPOST 200.30 (ACKLEY) TO MILEPOST 212.0 (STEAMBOAT ROCK) 11.70 MILES

In accord with federal regulations, our office will respond **ONLY** when:

- The SHPO has received incomplete information or inadequate documentation under 36CFR800 11(a), (d), and (e) **OR**
- The SHPO objects to your definition of the Area Potential Effect (APE) for the undertaking **OR**
- The SHPO objects to your finding of whether a property is or is not eligible for listing on the National Register of Historic Places **OR**
- The SHPO objects to your finding of the project's effect on an historic property **OR**
- The project is proposed to have a "No Adverse Effect," with or without conditions, and where the SHPO disagrees with the finding **OR**
- The project is determined to have an "Adverse Effect" on an historic property and the federal agency is consulting with SHPO on how to resolve such "Adverse Effects"

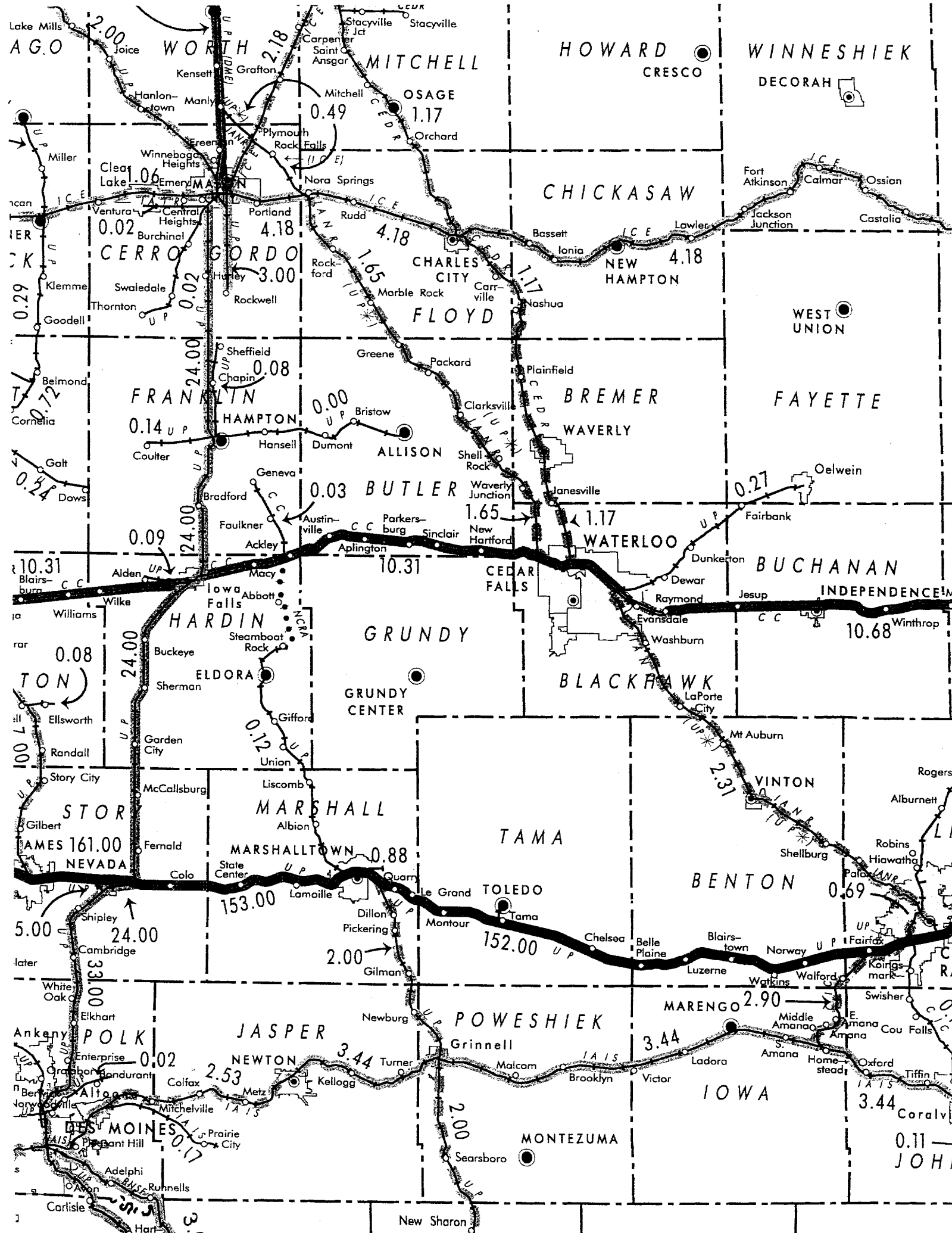
Otherwise, after 30 days from the above referenced date you should consider that your obligations to consult with the SHPO have been concluded and the State agrees with your finding.

Be advised the successful conclusion of consultation with the SHPO does not fulfill the agency's responsibility to consult with other parties who may have an interest in properties that may be affected by this project. Nor does it override the sovereign status of federally recognized American Indian Tribes in the Section 106 consultation process.

We have made these comments and recommendations according to our responsibility defined by Federal law pertaining to the Section 106 process. The responsible federal agency does not have to follow our comments and recommendations to comply with the Section 106 process. It also remains the responsible federal agency's decision on how you will proceed from this point for this project.

Should you have any questions please contact me at the number or email below, **referencing the R&C # above.**

Lavon Grimes
SHPO Review Compliance Coordinator
(515) 281-8743
lavon.grimes@iowa.gov



CERTIFICATION

The undersigned hereby certifies that pursuant to 49 CFR Section 1105.12, a Notice of Intent to abandon rail service was published in the Hampton Chronicle on March 8, 2006, and that the Notice required by 49 CFR Section 1152.50 (d) was given (see Appendix 1).



T. Scott Bannister

Dated: March 15, 2006

PROOF OF PUBLICATION

STATE OF IOWA, }
Franklin County, } ss.

I, the undersigned, being duly sworn, depose and say, that I am Bradley D. Hicks, Publisher of the Hampton Chronicle, a weekly newspaper printed in the English language, published at Hampton, in Franklin County, State of Iowa, and that the annexed Railroad Abandonment notice was published in said paper once each week for 1 consecutive weeks, the first publication thereof

was on the 8th day of March, 2006,
the second on the _____ day of _____, 20____,
the third on the _____ day of _____, 20____,
the fourth on the _____ day of _____, 20____,

Bradley D. Hicks

Subscribed and sworn to before me and in my presence this

8th day of March, 2006

Joyce A. Schornburg

Notary Public; Clerk of District Court.

11-09

Printer's Fees, \$ 23 ⁶⁰

PUBLIC NOTICE
Rail Service

NOTICE OF INTENT TO ABANDON
AND DISCONTINUE RAIL SERVICE
(OUT-OF-SERVICE
ABANDONMENT EXEMPTION)

North Central Railway Association, Inc. gives notice that on or about the 10th day of March, 2006, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a Notice of Exemption under 49 CFR 1152 Subpart F Exempt Abandonments permitting the abandonment of and discontinuing operations of a rail line located generally between Milepost 200.30 near Ackley, Iowa and Milepost 212.00 near Steamboat Rock, Iowa, all within Hardin County, Iowa, a distance of 11.70 miles (the "Line"). The proceeding will be docketed as No. AB-586 (Sub-No. 2X).

The STB's Section of Environmental Analysis ("SEA") 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 an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423 or by calling that office at 202-665-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the STB. Questions regarding offers of financial assistance, public use or trails use may be directed to the STB Office of Congressional and Public Services at 202-665-1680. Copies of any comments or requests for conditions should be served on the applicant's representative: T. Scott Bannister, 111-56th Street, Des Moines, Iowa 50312 (Telephone No. 515-244-8877 or Telefax No. 515-277-4012).

Published in the Hampton Chronicle on March 8, 2006.

TELEFAX:
(515) 277-4012

LAW OFFICES
of
F. SCOTT BANNISTER AND ASSOCIATES
ATTORNEY AND COUNSELOR AT LAW
111 FIFTY-SIXTH STREET
DES MOINES, IOWA 50312
E-MAIL: BANNISTER@DWX.COM

TELEPHONE:
(515) 244-8877

February 22, 2006

Iowa Department of Transportation
Office of Rail Transportation
800 Lincoln Way
Attn: Peggy Baer
Ames, IA 50010

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

U.S. Department of Defense-MTMCTEA
Attn: Railroads for National Defense Assistance
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

National Park Service
Recreation Resources Assistance Division
PO Box 37127
Washington, D.C. 20013-7127

U.S. Department of Agriculture
Chief of the Forest Service
South Building
14th St. & Independence Ave., S.W.
Washington, D.C. 20250

RE: Surface Transportation Board Docket No. AB-586 (Sub-No. 2X), North Central Railway Association, Inc. – Abandonment – In Hardin County, Iowa – Notice of Exemption

Ladies and Gentlemen:

Pursuant to 49 C.F.R. §1152.50, North Central Railway Association, Inc. hereby gives notice that on or about March 10, 2006, it will file with the Surface Transportation Board a Notice of Exemption (a copy is enclosed). The Notice of Exemption will seek abandonment of its line of railroad between Milepost 200.30 (near Ackley) and Milepost 212.00 (near Steamboat Rock), all within Hardin County, Iowa (see Map attached to the Notice of Exemption). The line to be abandoned is approximately 11.70 miles long. Based on information in our possession, the line does not contain federally granted rights-of-way.

Any documentation in the Railroad's possession will be made available promptly to those requesting it

Very truly yours,

A handwritten signature in black ink, appearing to be "T. Scott Bannister", written over a horizontal line.

T. Scott Bannister

TSB:kih
Enclosures
Cc: Rick Vaughan
Maury Hyde

0980-1/P:NCRA