



CARVER COUNTY PARKS

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Cologne, Minnesota 55322-0330
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www.co.carver.mn.us/parks

Division of Public Works

11360 Hwy. 212 West, P.O. Box 300
Cologne, Minnesota 55322-0300
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Fax (952) 466-5223

2/10096
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February 11, 2004

Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Re: Hennepin County Regional Rail Authority Abandonment of the Dakota Rail Line
in Carver County, Minnesota, STB Docket No. AB-864X

Dear Secretary:

Enclosed is a request for issuance of a Public Use Condition as well as an Interim Trail Use Condition along the Dakota Rail Line in Carver County. I have also included a copy of the Hennepin County Regional Railroad Authority's consent to Carver County Regional Railroad Authority's acquisition of that portion of the Dakota Rail line located in Carver County.

Please release that portion of the rail line within Carver County to the Carver County Regional Railroad Authority in lieu of abandonment.

Sincerely,

Martin J. Walsh
Park Director

ENTERED
Office of Proceedings

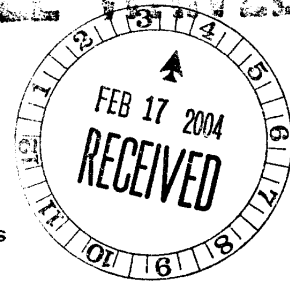
FEB 12 2004

Part of
Public Record



Office of County Commissioners
Carver County Government Center
Human Services Building
602 East Fourth Street
Chaska, MN 55318-1202
Phone: 952 361-1510
Fax: 952 361-1581

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**ENTERED
Office of Proceedings**

FEB 18 2004

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210096

Gayle O. Degler
County Commissioner
District #1

February 10, 2004

Tom Workman
County Commissioner
District #2

Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Re: Hennepin County Regional Rail Authority Abandonment of the
Dakota Rail Line in Carver County, Minnesota, STB Docket No. AB-
864X

Gary M. Delaney
County Commissioner
District #3

Dear Secretary:

This request is filed on behalf of Carver County Regional Rail
Authority, which is a county government agency interested in
transportation and recreation hereinafter referred to as "proponent."

Paul D. Neumann
County Commissioner
District #4

Proponent requests issuance of a Public Use Condition as well as an
Interim Trail Use Condition rather than an outright abandonment
authorization between east county line and west county line of Carver
County Minnesota along the Dakota Rail Line.

A. Request For Public Use Condition

James M. Ische
County Commissioner
District #5

Proponent asks the STB to find that this property is suitable for other
public use, specifically trail use, future rail use and other public
transportation uses, and to place the following conditions on the
abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other
than the tracks, ties and signal equipment, except for public use on
reasonable terms. Justification for this condition is: the rail corridor in
question is planned for future transportation and recreation purposes
and will connect to the metropolitan area regional trail system. The

corridor will make an excellent interim trail and is a part of the Carver County Comprehensive Plan and Metropolitan Council's Regional Recreation and Open Space Policy Plan. In addition, the corridor provides important wildlife habitat and open space and its preservation as an interim recreational trail is consistent with those purposes. The request is immediate upon the effective date of abandonment authorization.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The request is immediate upon the effective date of abandonment authorization.

B. Request For Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME

FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 CFR §1152.29, is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by Carver County Regional Rail Road Authority.

The property, known as the Dakota Rail Line, extends from railroad milepost #24.6 near the City of Wayzata, MN to railroad milepost #68.5 near the City of Hutchinson, Minnesota, a distance of 43.9 miles. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB- 864X.

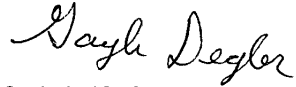
A map depicting the right-of-way is attached.

Carver County Regional Rail Road Authority acknowledges that 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.

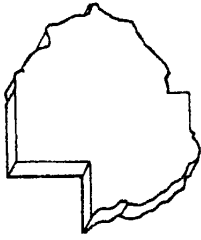
By my signature below, I certify service upon Hennepin County
Regional Rail Road Authority, by U.S. Mail, postage pre-paid, first
class, this 10th day of February, 2004.

Respectfully submitted,

Gayle Degler, Board Chair

A handwritten signature in cursive script that reads "Gayle Degler".

On behalf of: Carver County Regional Rail Road Authority



HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY

417 North Fifth Street, Suite 320, Minneapolis, MN 55401-1362 (612) 348-9260
FAX: (612) 348-9710

February 3, 2004

Marty Walsh
Carver County Regional Railroad Authority
11360 Highway 212 West
P.O. Box 330
Cologne, Minnesota



**Re: *Hennepin County Regional Railroad Authority – Notice of Exempt
Abandonment of Rail Line located in McLeod, Carver, and Hennepin Counties,
Minnesota
S.T.B. Docket No. AB 864X***

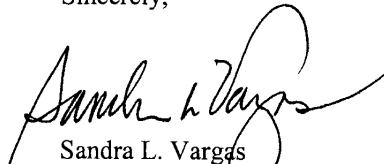
Dear Mr. Walsh:

On January 21, 2004, Hennepin County Regional Railroad Authority (HCRRA) filed a notice of exempt abandonment in the above referenced matter. Carver County Regional Railroad Authority, a political subdivision of the State of Minnesota, has advised HCRRA that it desires to acquire that portion of the Dakota Rail Line located in Carver County.

Consistent with Paragraph 4 (g) of its Notice of Exempt Abandonment, HCRRA hereby consents to Carver County Regional Railroad Authority's request to acquire that portion of the Dakota Rail Line located in Carver County for the purposes of preserving the line for future rail transportation use and other compatible transportation uses, including for interim trail use and rail banking.

Pursuant to that certain Cooperation Agreement between HCRRA, and the Carver and McLeod County Regional Railroad Authorities dated December 27, 2001, HCRRA will release that portion of the line located in Carver County to the Carver County Regional Railroad Authority upon the effective date of abandonment of the line or other appropriate order from the Surface Transportation Board permitting release of the Carver County portion of the line to the Carver County Regional Railroad Authority in lieu of abandonment.

Sincerely,


Sandra L. Vargas
Executive Director

BOARD OF COMMISSIONERS

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