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Benton County, Minnesota

February 8, 2018

County Administrator's
Office

Ms. Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
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Washington, DC 20423-0001

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www.co.benton.mn.us

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info@co.benton.mn.us

RE: Burlington Northern Santa Fe Railway Company abandonment in Benton County, Minnesota (STB Docket No. AB 6, Sub-No. 497X)

Dear Ms. Brown:

This request is filed on behalf of Benton County, Minnesota, a political subdivision interested in transportation, conservation and recreation, hereinafter referred to as the "proponent."

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment between mileposts 0 and 1.75 in St. Cloud, Benton County, Minnesota.

A. Request for Public Use Condition

Proponent asks the Surface Transportation Board (STB) to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on 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 corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time to assemble and review title information and to negotiate with the carrier.
2. An order barring removal or destruction of potential trail-related structures such as bridges, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of abandonment authorization for the same reasons as indicated above.

FILING FEE WAIVED



Benton County is an Equal Opportunity Employer

B. Request for Interim Trail Use

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

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 CFR §1152.29, Benton County 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 and operated by Burlington Northern Santa Fe Railway Company.

The property, known as the "Quad Graphics Spur," extends from railroad milepost 0 to railroad milepost 1.75 in Benton County, Minnesota. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB 6 (Sub-No. 497X).

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

Benton County 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.

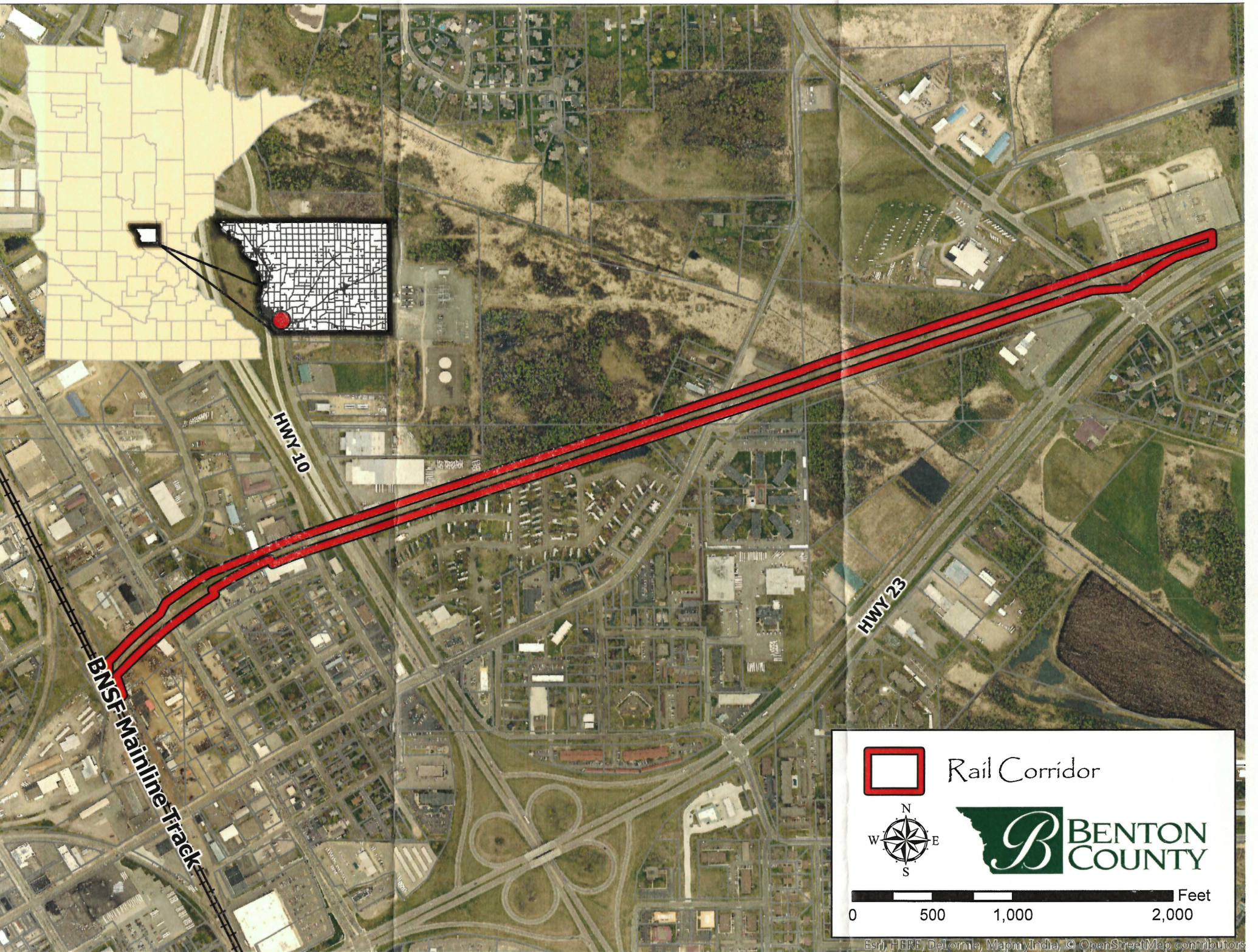
By my signature, I certify service upon BNSF Railway Company, 2500 Lou Menk Drive, AOB-3, Ft. Worth, TX 76131-2828, by US Mail, postage pre-paid, first class, this 8th day of February, 2018.

Respectfully Submitted,



Montgomery Headley
County Administrator

cc: Benton County Board of Commissioners
John Sims, Abandonment Manager, Burlington Northern Santa Fe Railway Company
Peter Dahlberg, MNDOT, Office of Freight and Commercial Vehicle Operations
Joseph Mueller, St. Cloud Area Planning Organization
Matt Glaseman, City of St. Cloud, Planning and Zoning
Todd Schultz, City of Sauk Rapids, Community Development
John Uphoff, Benton Economic Partnership



Rail Corridor

