



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

David A. Galt, Director
Judy Martz, Governor

April 8, 2002

United States Department of Transportation
Surface Transportation Board
Office of the Secretary, Case Control Unit
1925 K Street NW
Washington, DC 20423-0001



Subject: STB Docket No. AB-6 (Sub-No. 392X) 205268
The Burlington Northern and Santa Fe Railway Company
Abandonment Exemption - Flathead County, MT

Gentlemen,

As specified in your notice dated March 21, 2002, the Montana Department of Transportation (MDT) requests that the property being abandoned be made available for public use conditions. We have advised the Burlington Northern and Santa Fe Railway Company (BNSF) of our interest in acquiring the property being abandoned for use in a public project in Flathead County. The property is part of the following BNSF holdings:

*Northwest Division
Kalispell Subdivision
L. S. 388 - MP 1227.58 to MP 1231.18
Flathead County, Montana*

We would like to use the property in the design and construction of what has been designated the Kalispell Bypass on U.S. Highway 93. Until the bypass is constructed, we anticipate the railroad grade could be used as a bicycle path. This property would provide a great benefit to the traveling public and, at the same time, save us time and money in right-of-way acquisition for the project.

Please refer to the letter from the Tri-City Planning Office dated July 10, 2001 (attached as Exhibit "C" to the Environmental/Historical Report furnished to the Surface Transportation Board by letter from Michael W. Smith, Esq., of Freeborn & Peters dated January 22, 2002). Copies of MDT's letter to BNSF and the Tri-City Planning Office letter to Freeborn & Peters are enclosed.

If you have any questions, please contact Dewey Lonnes in our Right-of-way Bureau at (406) 444-6070.

Sincerely,

David A. Galt
Director

attachments

copies: Michael W. Smith, Esq., Freeborn & Peters
Loran Frazier, Missoula District Administrator
Joel Marshik, Acting Chief Engineer
John Horton, Right-of-way Bureau Chief
Walt Scott, Utilities Section Supervisor
J. M. Cowles, BNSF - Seattle

**ENTERED
Office of the Secretary**

APR 29 2002

**Part of
Public Record**

TRI-CITY PLANNING OFFICE

17 Second Street East
Kalispell MT 59901

Phone: (406) 751-1850
Fax: (406) 751-1858

July 10, 2001



Brian Nettles, Paralegal
Freeborn & Peters
311 South Wacker Drive Suite 3000
Chicago Illinois 60606-6677

Re: Burlington Northern and Santa Fe Railway Company Abandonment of Kalispell, Montana Trackage

Dear Mr. Nettles:

I am responding to your May 29th and June 12th letters concerning the above abandonment process. We have been anticipating this abandonment process for several years. As you know, this rail line was proposed to serve as a key link in the development of the Kalispell west side bypass route for US Highway 93. The route has already been the subject of an Environmental Impact Statement released in 1994 by the Federal Highway Administration in concert with the Montana Department of Transportation. Actual construction of the bypass route is 15 - 20 years in the future. The bypass design incorporates a detached bike path along the railroad route.

I will address your general letter of May 29th first. Flathead County is interested in pursuing development of the Kalispell rail line proposed for abandonment as a recreational trail. While the Montana DOT is proposing to develop this route as a highway bypass (alternate US 93), because of the substantial time lag involved before the highway bypass route is constructed, Flathead County and the Montana DOT, working with the local Rails-to-Trails Organization, were proposing to develop this route as a bike and pedestrian path now. A trail along your abandoned railroad route would connect 3 existing trail routes. An 8-mile long trail using previously abandoned railroad R/W is already under construction from Somers to Kalispell along US 93 with a completion date of September 2001. The BNSF route would intersect this route at milepost 1231.18. A second trail serving the Lone Pine State Park Trail is located approximately at milepost 1228. The third trailhead that your trackage intersects is called the Great Northern Trail. This trail has a trailhead at milepost 1227 and extends westward along previously abandoned Great Northern Railroad R/W for a distance of 9 miles. As you can see, the trackage you propose to abandon forms an intricate component of the Kalispell area bike and pedestrian trail system.

In your letter of June 12th you asked if the abandonment would have any impact on wildlife sanctuaries, refuges, National or State parks. I see the abandonment as extremely beneficial for Lone Pine State Park. The State Park lies ¼ mile west of Milepost 1228. Several years ago a trail system was developed with a trailhead at approximately milepost 1228 to serve the state park in anticipation of the proposed rail abandonment. This State Park trail provides both pedestrian access to the State Park as well as rural resident access to Kalispell for those rural residents who live beyond the State Park to the southwest of Kalispell. Conversion of the abandoned railway to a bike and pedestrian park would have measurable and significant benefit to our local pedestrian system and to the Lone Pine State Park.

Providing Community Planning Assistance To:
•City of Kalispell •City of Whitefish •City of Columbia Falls

Brian Nettles
July 10, 2001
Page 2 of 2

In light of the above discussions, we understand that it is your intention to remove all railroad features such as rails, ties, etc. We would ask that if it were at all possible to leave the bridges in place. There are several small stream crossings, which are now bridged. Leaving the railroad bridges intact saves thousands of dollars in trail development. If you have any additional questions do not hesitate to contact me.

Sincerely,



Tom Jentz
Director

TRJ/sm

Attachments: Letters dated May 29th & June 12th 2001 from Brian Nettles

H:\TRI-CITY\CTEP\BRIAN NETTLES-RR ABAND