



**SCOTT COUNTY PARKS AND TRAILS
COMMUNITY DEVELOPMENT DIVISION**

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FILED

AUG 17 2010

**ENTERED
Office of Proceedings**

August 16, 2010

**SURFACE
TRANSPORTATION BOARD**

AUG 17 2010

**Part of
Public Record**

Ms. Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20423

227656

Subject: STB Docket AB-33 Sub-No 255

- Request for 60-day reinstatement of Interim Trail Use for Negotiations with Union Pacific Abandonment in Scott and Carver Counties, Minnesota
- Request for New Trail Condition Excluding Minnesota River Bridge/Main Street Bridge (MP 36.17)

Dear Ms. Brown:

I am writing on behalf of the Carver County Regional Rail Authority and the Scott County Regional Rail Authority to request reinstatement of a 60-day extension of the trail use negotiation period to acquire the Union Pacific Chaska Industrial Lead from near Merriam, Minnesota at mile post 38 to end of line at mile post 33 in Chaska, Minnesota.

The Surface Transportation Board granted previous trail use negotiation periods and extensions, with the most recent period concluding on July 25, 2009. Unfortunately, we were unable to come to agreement during that time. The Regional Rail Authorities believe there is good cause for this request as we have renewed funding for the acquisition, and through informal discussions Union Pacific appears amenable to this request.

In addition to reinstating the negotiation period, the Regional Rail Authorities also request that a new trail use condition be provided that excludes the Minnesota River Bridge (spanning the Minnesota River between Carver and Scott County) and the attached Main Street Bridge in the City of Carver. These bridges, collectively referred to as the Minnesota River Bridge M.P. 36.17, have been found to be structurally deficient and in danger of collapse by both Union Pacific in their abandonment filing and the Regional Rail Authorities in an independent study. The trail use agreement between the Regional Rail Authorities and Union Pacific would address replacement of these structures should rail service be reactivated at some point in the future.

By my signature below, I certify service of a copy of this statement upon representatives of Union Pacific Railroad. The \$450 filing fee has been submitted by credit card to Barbara Saddler in your office.

FEE RECEIVED

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If you have any questions regarding this request, please contact me at 952-496-8783, by email at mthemig@co.scott.mn.us, or in writing at the above address.

On behalf of the Regional Rail Authorities, thank you for consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Themig". The signature is fluid and cursive, with a large initial "M" and a long, sweeping tail.

Mark Themig
Program Manager

cc

Mark Schulte
Senior Manager-Real Estate
Union Pacific Railroad Company
1400 Douglas St., Mail Stop 1690
Omaha, NE 68179-1690

Mack Shumate
General Council
Union Pacific Railroad Company
101 North Wacker Drive
Chicago, IL 60606.

Marty Walsh
Carver County Regional Rail Authority
600 East 4th Street
Chaska, MN 55318