

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.

SOO LINE RAILROAD COMPANY -)	
ABANDONMENT OF TRACKAGE)	DOCKET NO. AB-57
LOCATED IN HENNEPIN COUNTY,)	(SUB-NO. 62X)
MINNESOTA)	

PETITION OF THE CITY OF MINNEAPOLIS
PURSUANT TO 49 C.F.R. 1152.29
TO ACQUIRE OR USE RIGHT-OF-WAY OF A RAIL LINE TO BE ABANDONED
FOR INTERIM TRAIL USE AND RAIL BANKING PURSUANT TO 16 U.S.C. 1247 (b)

Pursuant to 16 U.S.C. 1247(d) and 49 C.F.R. § 1152.29, the City of Minneapolis makes its petition for acquiring or use of right-of-way of a rail line proposed to be abandoned for interim trail use and rail banking. The Petitioner states as follows:

1. The City of Minneapolis is a Minnesota Home Rule Charter city.
2. The City of Minneapolis files this petition pursuant to its Home Rule Charter, and pursuant to state, federal and local law as applicable.
3. That name, title and address of the City's representative to whom correspondence should be sent is:

Corey M. Conover
Assistant Minneapolis City Attorney
350 S. Fifth Street, Room 210
Minneapolis, MN 55415
4. The City of Minneapolis has an extensive bike trail and pedestrian trail system. The City is continually seeking to develop this system to meet the needs of those traveling in the City of Minneapolis. A map of the City's "Bikeways Master Plan" is attached hereto as **Exhibit A**. The City desires to include the segment of railroad right-of-way that is the subject of this abandonment proceeding as a segment of bicycle and pedestrian trail that is available on an interim basis pursuant to 49 C.F.R. 1152.29 for use as a bicycle and pedestrian trail. The segment involved in this proceeding is circled and labeled "Prospect Park Trail" on the attached Exhibit A.
5. Attached hereto as **Exhibit B** is the site location map used by Soo Line Railroad Company as a part of this proceeding, which shows the location of the right-of-way proposed to

be abandoned. This right-of-way runs between mile post .59 and mile post .99 in the vicinity of Essex Street Southeast in the City of Minneapolis, and traverses the United States Postal zip code 55414. That is the same segment that is the subject of this Petition.

6. Attached hereto as **Exhibit C** is an aerial photograph with streets and landmarks labeled showing the vicinity of this right-of-way segment. The right-of-way segment that is the subject of this Petition is shown in red, and stretches roughly from Essex Street SE, just east of Huron Boulevard, to the southeast where it crosses Interstate 94.

7. The City makes the following statements pursuant to 49 C.F.R. § 1152.29(a)(2) and (3). These statements are subject to and require ratification by the Minneapolis City Council at the next reasonably available meeting of the Minneapolis City Council to be an act of the City as sponsor. It is expected that this issue will be considered by the Minneapolis City Council's Transportation and Public Works Committee on September 29, 2015 in Room 317 of City Hall with consideration by the full City Council of October 9, 2015 and action by the Mayor of Minneapolis on or before October 15, 2015. The City will make a supplemental filing showing the results of City Council action regarding this matter.

The City of Minneapolis as the trail sponsor: A) has a willingness to assume full responsibility for managing the right-of-way; B) has a willingness to assume full responsibility for any legal liability arising out of the transfer or use of the right-of-way (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability); C) the City has a willingness to assume full responsibility for the payment of any and all taxes that may be levied or assessed against the right-of-way; D) the City of Minneapolis acknowledges that interim trail use by the City of Minneapolis is subject to the City's continuing to meet its responsibilities described in 49 C.F.R. 1152.29 (a)(2), and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

8. The City of Minneapolis, following ratification by the Minneapolis City Council, makes the following:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(b) and 49 C.F.R. 1152.29 with a respect to the Right of Way owned and operated by the Soo Line Railroad, the City of Minneapolis as interim trail sponsor is willing to assume full responsibility for: (1) managing the right-of-way, (2) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify the railroad against any potential liability), and (3) the payment of any and all taxes that may be levied or assessed against the right-of-way. The property is identified as the Minneapolis Eastside Spur in the vicinity of Essex Street SE, and extending from milepost .59 to .99, a distance of .4 miles in the County of Hennepin, State of Minnesota. The right-of-way is part of a

line of railroad proposed for abandonment in Docket No. AB-57, (SUB-NO. 62X). Maps of the property depicting the right-of-way are attached as Exhibits B and C.

The City of Minneapolis as interim trail sponsor acknowledges that use of the right-of-way is subject to the City's continuing to meet its responsibilities described above, and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the Railroad on the same date as being served on the Board.

9. The City of Minneapolis has good cause for any late filing. The City of Minneapolis is a city of approximately 400,000 people that is governed by an elected 13-member city council. Ultimately only the City Council can speak for the City in terms of accepting legal liability and financial responsibility. The Minneapolis City Council has a system of committees that conduct the business of the City Council. Matters are noticed and brought before City Council committees with prior publication of written agendas; and then forwarded for further action of the full City Council typically with a gap of one to two weeks. There are only one to two of these City Council cycles per month. The Federal Register notice warning us that trail use/banking request under 49 CFR 1152.29 must be filed by September 24, 2015 did not appear until September 14, 2015. The need for a petition pursuant to 49 C.F.R. § 1152.29 did not come to the attention of the Office of the City Attorney until September 21, 2015. Preparations of this petition began on September 22, 2015, and it was sent out for courier delivery on September 23, 2015. The matter of ratifying the certifications contained herein; will be put before the Minneapolis City Council at the next reasonably available opportunities with Committee action scheduled for September 29, 2015 and full City Council action scheduled for October 9 and action by the Mayor on October 15. The City asserts that it has acted with reasonable speed given its structure as a popularly elected governmental body representing a large city, and acting in a way that will reasonably avoid prejudice to other interests.

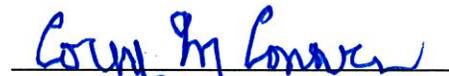
WHEREFORE, the City of Minneapolis requests favorable consideration of its Petition this 23rd day of September, 2015.

Respectfully submitted,

SUSAN L. SEGAL

City Attorney

By



COREY M. CONOVER

Assistant City Attorney

Attorney Registration Number 0134247

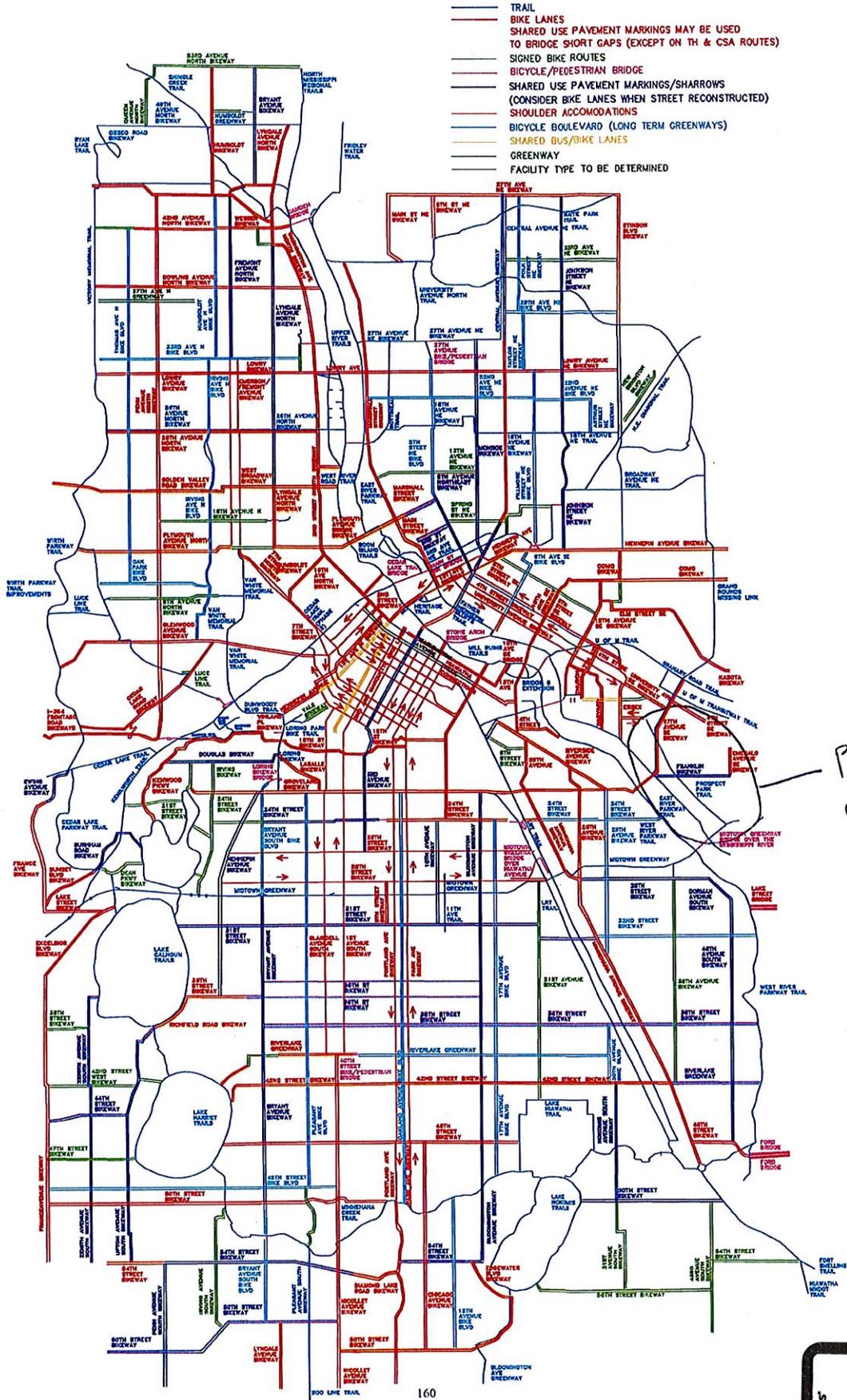
Minneapolis City Attorney's Office

350 S. Fifth Street, Room 210

Minneapolis, MN 55415

(612) 673-2182

Figure 7.7 - Bikeways Master Plan



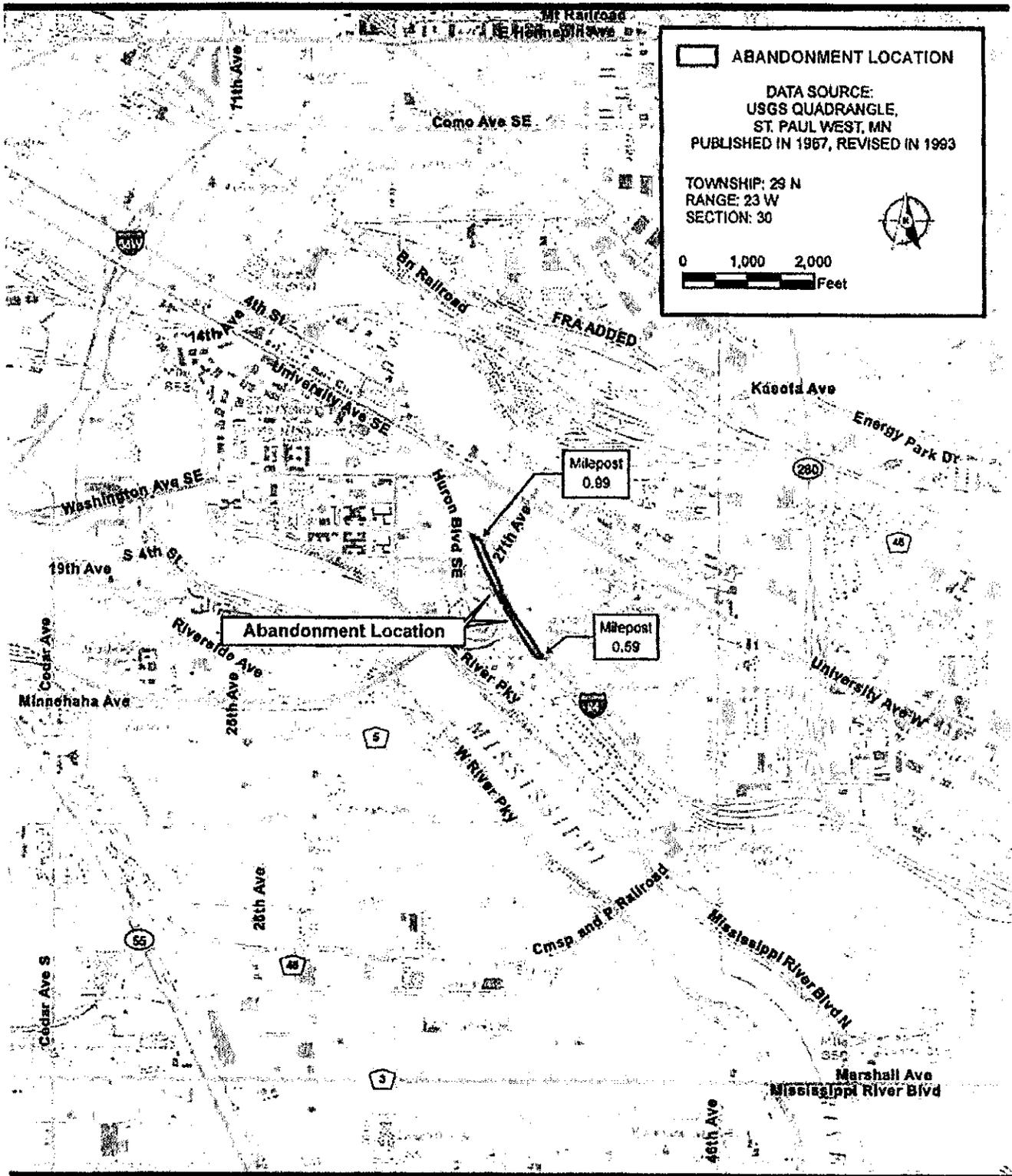
- TRAIL
- BIKE LANES
- SHARED USE PAVEMENT MARKINGS MAY BE USED TO BRIDGE SHORT GAPS (EXCEPT ON TH & CSA ROUTES)
- SIGNED BIKE ROUTES
- BICYCLE/PEDESTRIAN BRIDGE
- SHARED USE PAVEMENT MARKINGS/SHARROWS (CONSIDER BIKE LANES WHEN STREET RECONSTRUCTED)
- SHOULDER ACCOMMODATIONS
- BICYCLE BOULEVARD (LONG TERM GREENWAYS)
- SHARED BUS/BIKE LANES
- GREENWAY
- FACILITY TYPE TO BE DETERMINED

Prospect
Park
Trail

EXHIBIT

A

tabbles



Sheet 1 of 1

Project No: B1504393

Drawing No. B1504393 Site Loc

Scale: 1 in = 2,000 ft

Drawn By: FER

Date Drawn: 5/27/15

Checked By: KJH

Last Modified: 6/4/15

Docket No. AB-57 (Sub-No. 62X)

SITE LOCATION MAP

MINNEAPOLIS EAST SIDE SPUR ABANDONMENT

ESSEX STREET SOUTHEAST TO SOUTHEAST OF BRIDGE OVER I-94

MINNEAPOLIS, MINNESOTA

EXHIBIT

tabbles

 B

