

E1-15944

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September 24, 2008

Dennis A. Gimmestad
Government Programs & Compliance Officer
Minnesota Historical Society - SHPO
345 Kellogg Blvd. West
St. Paul, MN 55102-1906

Re: STB Docket No. AB-882
Minnesota Commercial Railway Company -
Adverse Discontinuance - Ramsey County, MN

Re: STB Docket No. AB-884
MT Properties, Inc. - Adverse Abandonment -
Ramsey County, MN

SHPO Number: 2008-1268

Dear Mr. Gimmestad:

On behalf of the City of New Brighton we thank the Society for its most courteous and thoughtful September 18th response to the City's July 24th letter transmitting Landscape Research's Section 106 National Register evaluation.

In its letter, the Society advocates preserving the trackbed and grade. The City has previously advised the Board and the Society of its plans to redevelop the right-of-way as an integral part of the much larger Northwest Quadrant Brownfield redevelopment project being undertaken under MPCA guidance. See accompanying Site Map. The land use restriction suggested by the Society would significantly impact the entire project, and would require extensive revision of previously approved redevelopment plans.

Moreover, The City notes that the Board's July 16th Decision approving abandonment imposed no condition that the City preserve the Butcher's Spur right-of-way itself. Rather, the Decision precludes the City from taking any steps to alter the historic integrity of any historic properties including sites, buildings, structures and objects within the project right-of-way. No such buildings, bridges or structures exist on the line).

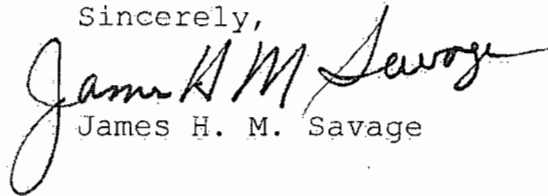
Notwithstanding the foregoing, in a spirit of cooperation with the Society's laudable goals, the City is willing to discuss taking reasonable action to accommodate the Society's concerns, and would accordingly be willing to discuss entering into a Memorandum of Agreement with the Society and SEA, as was done in The Burlington Northern and Santa Fe Railway Company--Abandonment Exemption--In Washington County, MN, STB Docket No. AB-6 (Sub-No. 413X), Service Date: November 10, 2004.

The City is finalizing a purchase agreement and expects to close on title to the line with MT Properties by mid- to late October 2008. The City further hopes to reach a conclusion to the Section 106 process in the next 2-4 weeks. Waiting another 60 days to receive MHS's response, as was the case with the City's last transmittal, would frankly be a luxury the City could ill afford at this point in time. In light of this, the City considers time to be of the essence and requests the Society's response within two weeks.

A copy of this letter, with attachments, is being filed with the SEA.

We look forward to hearing from you in this regard.

Sincerely,


James H. M. Savage

JHS/mhd
Enc.

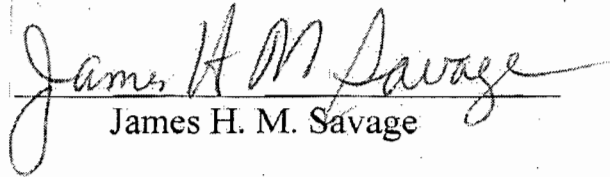
cc: Troy Brady (w/enc.)
Grant Fernelius (w/enc.)

ATTORNEY CERTIFICATION OF SERVICE

I, James H. M. Savage, an attorney-at-law of the District of Columbia, hereby Certify under penalty of perjury that I served a copy of the within pleading upon the following person by electronic mail on September 25, 2008:

Dennis A. Gimmestad
Government Programs & Compliance Officer
State Historic Preservation Office
Minnesota Historical Society
345 Kellogg Blvd. West
St. Paul, MN 55102

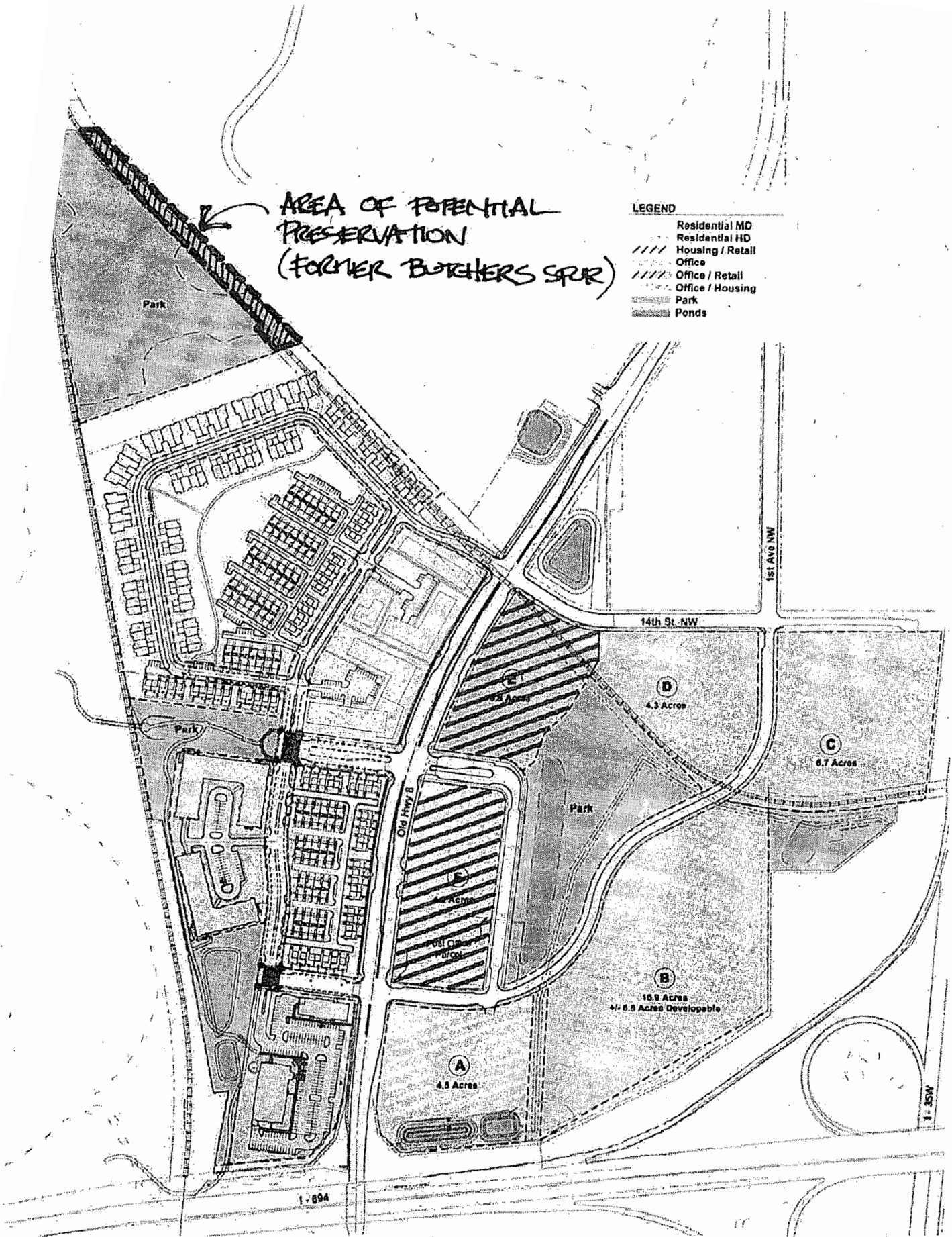
Dated: September 25, 2008


James H. M. Savage

AREA OF POTENTIAL
PRESERVATION
(FORMER BUTCHERS SPUR)

LEGEND

- Residential MD
- Residential HD
- Housing / Retail
- Office
- Office / Retail
- Office / Housing
- Park
- Ponds





State Historic Preservation Office

September 18, 2008

Mr. John Heffner
John D. Heffner, PLLC
1750 K Street NW, Suite 350
Washington, D.C. 20006

Re: STB Docket No. AB-882
Abandon and Discontinue Butcher's Spur Line
New Brighton, Ramsey County
SHPO Number: 2008-1268

Dear Mr. Heffner:

We wrote you on 12 March 2008 regarding the above referenced proposal, recommending that the line scheduled for abandonment needed to be evaluated as part of the Section 106 process.

We have now received and reviewed the report of a National Register evaluation completed by Landscape Research. The evaluation concludes that the line meets National Register criteria.

The evaluation was submitted to us by Grant Fernelius of the City of New Brighton. In his transmittal letter, Mr. Fernelius indicates that the line will not be reused as part of development plans. If this means that the trackbed and grade will essentially be obliterated, there will be an adverse effect on the historic property. In such a case, we will need to work with the STB to address this adverse effect.

On the other hand, if the line will be converted into trail use (or serve another transportation purpose with minimal alteration of the trackbed and grade), there may be no adverse effect to historic properties.

We look forward to working with the Surface Transportation Board and the other parties to complete this review. Contact us at 651-259-3456 with questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads 'Kelly D. Gimmestad'.

Dennis A. Gimmestad
Government Programs & Compliance Officer

cc: Grant Fernelius, City of New Brighton