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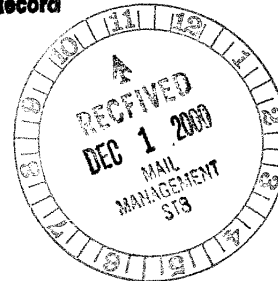
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Of counsel:
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November 30, 2000

Surface Transportation Board
Office of the Secretary
Attn: Victoria Rutson
Case Control Unit
Att: STB FD#33407
1925 K St. NW
Washington DC 20423-0001

**ENVIRONMENTAL
DOCUMENT**



Re: Mankato Township - DM&E Expansion Project
Our File No. 5649.0003

Dear Ms. Rutson:

Our law firm has been retained by Mankato Township and the City of Skyline to represent them in relation to the proposed DM&E Expansion project Southern Bypass route around Mankato, Minnesota, Route M-2 for STB Finance Docket No. 33407. This letter is to request at least a 90-day extension, and preferably a 180-day extension, for comment by these two units of government beyond the current January 5, 2001 deadline. This lengthy extension is largely needed to ensure that the weather does not prevent necessary study of the proposed route.

Mankato Township is a governmental unit that extends across much of the southern and eastern sides of Mankato. It retains its own zoning authority and has many other powers similar to a city. Much of the expansion of the City of Mankato involves the annexation of areas of Mankato Township. The City of Skyline is a city organized under the laws of Minnesota. It consists of 124 houses on the southwest end of Mankato on a bluff overlooking the Blue Earth River valley. Enclosed as Exhibit 1 is a color map showing Skyline and the material part of Mankato Township.

Appeals, Elder Law, Probate, Business, Corporate, Contracts, Family Law, Real Estate, Employment Law, School Law, Estate Planning, Business, Civil, Commercial and General Litigation, Insurance Coverage and Defense Issues, Professional Liability, Errors and Omissions, Mediation/Arbitration

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We request this extension for several reasons:

1. Inadequate Notice.

The proposed Southern Bypass route has undergone several changes over the years since the initial application. Enclosed as Exhibit 2 is the map initially submitted to the Surface Transportation Board by the DM&E. This map shows the Bypass following much of Blue Earth County Road 90 and staying on the west side of the Blue Earth River as it passes the City of Skyline. In October, the Draft Environmental Impact Statement was released. The maps it contained and the narrative showed different routes. Blue Earth County, based upon contacts with DM&E developed a new route map, Exhibit 3. That map shows the proposed route running between Skyline and the Blue Earth River cutting off a major section of the Skyline bluff and causing the removal of at least eight Skyline homes (the October route).

This was the FIRST notice to Skyline that any proposal would enter the City or have any other direct impact on its residents. In fact, to date, Skyline has received no official notice from the Board, DM&E or any other group that the proposal involves the taking of land within the Skyline City limits.

Similarly, this was the FIRST notice to Mankato Township of the proposed changed route, even though the Township had been notified of the initial proposal and had been monitoring developments with the assistance of a group of concerned citizens.

In effect, both governments are expected to respond in under three months to a project that has been under consideration for several years. We believe this to be unfair and unreasonable and, on this basis alone, the extension is justified.

2. Inadequate Development of the Route.

The current proposal fails to describe a number of elements important to project evaluation. To the best of our knowledge, DM&E has not yet defined the trestles and other structures necessary to complete construction. To secure a more detailed route map may require a survey crew in cooperation with the DM&E engineers. A precise route is critical to any evaluation of environmental impacts, especially given the substantial variation in terrain. The Blue Earth County engineer has developed a rough plan, Exhibit 4, which shows the massive nature of this project - involving two high trestles, one 55 feet high and the other 80 feet high, and significant cuts through several hills. No evaluation of the engineering reasonableness of this route has been undertaken.

3. Response Elements.

If granted an extension, the Township and City will have the opportunity to explore many issues including pursue the following:

a. Existing data.

The data used to generate the DEIS should be reviewed and evaluated to the extent feasible. This process alone could take months even assuming much of the work is done by retained experts.

b. Geological impact.

The October route involves cutting through several hillsides as well as running over wetlands and other potentially unstable ground. A geologist has been retained to take the necessary core samples, evaluate the hillside and ground stability and report his findings. His preliminary findings suggest that the Skyline hillside will require a major retaining wall system with a collecting pond at the top of the hill and runoff piping to the bottom, and that the ground elsewhere may be insufficient to support the weight of the proposed trains. Similar concerns exist with other hills. The structural sufficiency of the ground under the entire M-2 October route is being questioned. His study and report process will take one to two months, assuming weather allows. If the weather prohibits some of this work, a final report would need to await the spring thaw.

c. Environmental impact.

The area of the October route includes several wetlands and other environmentally fragile areas. For example, numerous nesting pairs of bald eagles have been seen in the area; the area is known to contain many plants native to this region and considered at risk by the State of Minnesota. The impact of the noise, vibration and pollution caused by 37 coal trains per day needs to be examined in detail.

It is important to recognize that the October route, although only a short distance from the original route, involves a major change in environment. Prior studies of the County Road 90 route and the initially proposed DM&E route are not very helpful given the significant change in the proposed route.

Blue Earth County has commissioned a major environmental study. The preliminary report from that study is not expected until the end of December. Once that report is available for review the Township and City will determine if additional examination is necessary to supplement those findings. If not, the evaluation process will take a couple of weeks. If so, additional environmental studies may need to wait for spring and the beginning of spring growth.

d. Economic impact.

Several economic impacts are likely from the proposed route. The destruction of the bottom of the Mount Kato hill will involve the loss of the ski lifts on that side, probably resulting in the closure of the ski resort. (The Draft Environmental Impact Statement states that no direct impact on Mount Kato will occur. This is true of the initial proposed route but inaccurate in relation to the October route.) Several farm fields will be cut into such small sections as to lose their economic viability. Depending on the ultimate route, the newly created bike path, the Red Jacket Trail, may be adversely impacted. The examination of these issues is now underway to determine, on a preliminary basis, whether an adverse impact will occur. If so, an economist may be retained to quantify that impact.

The demographics of Mankato suggest that further expansion of that City's residential construction will be to the south and west, into Mankato Township. The effect of the October route may be to create two rail corridors through Mankato where only one exists today. Numerous recreational opportunities beyond Mount Kato and the Red Jacket Trail, either existing or proposed, may be effected. The impact of a new rail line through the areas of potential recreational and residential development needs to be explored.

This process could take three months or more.

e. Human health and safety effects.

The October route involves level, unguarded crossing at most intersections. It includes removing parts of several hills and placing track near numerous rural homes and subdivisions.

The impact on human health and safety requires additional study. Contact is in process with the police, fire and ambulance services whose patrols and response time will be impacted. School bus companies who regularly transport children have been contacted for additional information. Since this is an entirely new route, any train traffic will cause traffic flow disruptions that must be carefully considered.

The health impacts of diesel fumes and coal dust is being explored. The proposed route runs through a river valley. A meteorologist will need to examine prevailing weather patterns in the area to determine the likely drift of smoke, dust and other pollutants from the 37 operating trains per day. The health and safety impact, as well as the water and other pollution effects, based upon the meteorological data will then need to be evaluated by appropriate experts.

Examination of the health impacts could take two to three months.

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f. Miscellaneous.

The Draft Environmental Impact Statement includes several other areas of potential concern such as paleontological resources, aesthetics and socioeconomic impacts. Each of these are also currently under review to see what, if any, additional information is available to submit for consideration.

4. Response Preparation and Review.

Once all of the necessary data has been accumulated and evaluated, a report will need to be prepared. That report will then need to be approved by both governmental bodies before submission. This process is expected to take two to four weeks.

5. Conclusion.

Given the significance of the issues raised by the October route, a reasonable extension is warranted. These two communities received the October route less than 90 days before their response was due, despite the existence of this project for several years. The DEIS appears to address a different route than the one currently proposed by the DM&E. These discrepancies must also be resolved and then the necessary examination of issues raised by the October route examined and addressed. The purpose of this request is not to unnecessarily delay this project but, instead, to ensure that the Surface Transportation Board has as much relevant information as possible and that the citizens of these two communities have the opportunity to comment on this project which will have such a major impact on the health and welfare of their citizens.

Respectfully submitted,



Kenneth R. White

KRW/sam

Enclosures