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December 21, 2001

The Honorable Linda J. Morgan
Chairman
Surface Transportation Board
1925 K Street NW
Washington, D.C. 20423-0001

Dear Chairman Morgan:



This letter is in response to a letter to you from Kevin Schieffer, DM&E, in which he objects to the City's requests contained in the City's December 12, 2001 letter and accompanying comments.

To clarify, the City is not seeking veto power over the DM&E project and is not seeking to usurp interstate transportation policy. The City is simply requesting that the original recommendation of the DEIS be incorporated into the FEIS. The DEIS recommendation requires an agreement with the Union Pacific (UP) and the City of Mankato in order for the M-3 route to be feasible. The DEIS recommendation recognized that the City has the same rights as those of the UP in that the proposed DM&E right-of-way/corridor is partially located on City owned property, on City controlled easements, and will alter a City owned flood control project. Mr. Schieffer's claim that the M-3 route involves agreement only from the UP is false and does not reflect the unique circumstances in Mankato. The right-of-way issues for the M-3 route involve the City of Mankato and the STB's decision must reflect that fact.

Past community partnership proposals from the DM&E to the City of Mankato have included provisions that the City act as an advocate in negotiations between the DM&E and the UP. The City feels that such a provision is not appropriate in a community partnership agreement and the City should not be required to facilitate negotiations between private companies.

Thank you for your consideration.

Sincerely,

Patrick Hentges
City Manager

cc: Chief Victoria Rutson
Vice-Chairman William Clyburn, Jr.
Commissioner Wayne O. Burkes

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Office of the Secretary

MAR 28 2002

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