



OFFICE OF THE HENNEPIN COUNTY ATTORNEY

AMY KLOBUCHAR COUNTY ATTORNEY

FILED

JUN 11 2002

SURFACE
TRANSPORTATION BOARD

June 10, 2002

205584



HAND DELIVERED - RETURN COPY REQUESTED

FEE RECEIVED

DID# 0101965007

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K. Street N.W.
Washington, D.C. 20423 - 0001

JUN 11 2002

SURFACE
TRANSPORTATION BOARD

ENTERED
Office of the Secretary

JUN 11 2002

Part of
Public Record

Re: STB Finance Docket Number 34217

Dear Secretary Williams:

Enclosed for filing are the original and 10 copies of the Verified Notice of Exemption of Hennepin County Regional Railroad Authority. Applicant's check for \$1,300 in payment of the filing fee is enclosed subject to waiver of the filing fee and return of the enclosed check.

Applicant requests waiver of the filing fee and return of the enclosed check for the following reasons. Applicant is a political subdivision of the State of Minnesota pursuant to Minn. Stat. Ch. 398A. It is a "state or local governmental entity" within the meaning of 49 C.F.R. § 1002.2(e)(1). Applicant is neither a carrier, nor a shipper. It is a governmental entity organized for the public purpose of preserving rail corridors for future transportation uses. Minn. Stat. § 398A.02. In the exercise of its powers granted by the State of Minnesota pursuant to Minn. Stat. § 398A.04, subd. 1, it performs "an essential governmental function" and exercises "a part of the sovereign power of the state" and is "a local governmental unit and political subdivision of the state".

Additional copies of this letter and the notice are enclosed for you to stamp to acknowledge your receipt of them and return via the enclosed self-addressed Federal Express envelope. If there are any questions concerning this filing, please do not hesitate to contact me.

JUN 11 2002

BEFORE THE
SURFACE TRANSPORTATION BOARD

205584



FINANCE DOCKET NO. 34217

HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY
—ACQUISITION EXEMPTION—
FROM SOO LINE RAILROAD COMPANY

VERIFIED NOTICE OF EXEMPTION
OF
HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY

FILED

JUN 10 2002

SURFACE
TRANSPORTATION BOARD

ENTERED
Office of the Secretary

JUN 11 2002

Part of
Public Record

MARILYN J. MALONEY
Assistant County Attorney
Hennepin County Attorneys Office
2000A Government Center
Minneapolis, MN 55487
Telephone: (612) 348-7754
Fax No: (612) 348-8299

ATTORNEY FOR HENNEPIN COUNTY
REGIONAL RAILROAD AUTHORITY

Dated: 6-7-02

FEE RECEIVED

JUN 11 2002

SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34217

HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY
—ACQUISITION EXEMPTION—
FROM SOO LINE RAILROAD COMPANY

**VERIFIED NOTICE OF EXEMPTION OF
HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY**

Applicant, Hennepin County Regional Railroad Authority (Authority), a political subdivision of the State of Minnesota and a non-carrier, hereby files this Verified Notice of Exemption pursuant to 49 U.S.C. Sec. 10502(a) and 49 C.F.R. Sec. 1150.31 (a)(1) for acquisition of three hundred thirty feet (330 feet) of railroad right of way and trackage owned by Soo Line Railroad Company (Soo) located in St. Louis Park, Minnesota. Third party Twin Cities and Western Railway Company (TC&W) will operate over the rail property. The Authority states as follows:

1. The full name and address of the applicant is:

Hennepin County Regional Railroad Authority
417 North 5th Street, Suite 320
Minneapolis, MN 55401-1362

2. Applicant's representative:

Marilyn J. Maloney
Assistant County Attorney
Hennepin County Attorney's Office
300 South Sixth Street
Minneapolis, MN 55487
Tel.: (612) 348-7754

3. Agreement:

The Authority has entered into an agreement with the Soo Line Railroad Company to acquire a parcel of property ("Sale Property"). The Sale Property will connect several abandoned rail lines owned by the Authority to each other and to an active rail corridor owned by the Authority known as the Kenilworth Route. The Authority acquired each of these lines for future transportation uses, including, without limitation, rail, bicycle and foot travel. Closing on the Sale Property will allow completion of a trail system known as the Midtown Greenway on the Authority's Depression Line. The Sale is scheduled to be consummated fifteen (15) days after the Surface Transportation Board removes the section 106 historic preservation condition to abandonment to the Depression Line imposed on October 9, 2001. Docket No. AB-57 (Sub-No. 52X) Soo Line Railroad Company – Abandonment Exemption – in Hennepin County, MN -- Decision Granting Petition for Exemption from the Prior Approval Requirements to Abandon a 4.7 mile Line of Railroad known as the "Depression Line" in Minneapolis, Hennepin County, MN (Soo Mileposts 423.6 +/- to 428.3 +/-). The STB has now removed the condition. AB-57 (Sub-No. 52X) Soo Line Railroad Company Abandonment Exemption in Hennepin County, June 5, 2002.

The Sale Property contains:

- 1) Four-tenths of a mile of the abandoned Depression Line (between Soo Mileposts 427.9 +/- and 428.3 +/-); and
- 2) The most easterly three hundred thirty feet (330') of Soo's active Hopkins line.

The three hundred thirty-foot segment of Soo's active Hopkins line is the subject of this notice of exemption. It traverses the northwest corner of the Sale Property easterly from Soo Milepost 428.3 +/- Engineering Station 381.90 (at or near former Chicago NorthWestern

Transportation Company (CNW) Milepost 16.3) to at or near former CNW 16.2 where it connects to the Authority's Kenilworth Route in St. Louis Park, Minnesota. Exhibit A.

The Kenilworth Route is an active line with overhead freight operations. The Authority acquired the Kenilworth Route in 1984 from CNW for future transportation uses. Freight operations on the Kenilworth Route are governed by a Trackage Rights Agreement between the Authority, Soo and the Twin Cities and Western Railroad Company (TC&W). Twin Cities and Western Railroad Co.--Relocation Exemption, Docket No. FD-33646, September 1, 1998; Soo Line Railroad Company, dba Canadian Pacific Railway-Abandonment Exemption-in Hennepin County, MN, AB 57 (40X), June 26, 1998. The Kenilworth Route runs approximately 2.5 miles from its point of connection with Soo's Hopkins line in the City of St. Louis Park, MN to a point of connection with a Line of railroad owned by the Burlington Northern Santa Fe Railway Company (BNSF) in the vicinity of Cedar Lake in Minneapolis, MN. Upon closing of the Sale, the basic terms of the Trackage Rights Agreement will remain the same but the agreement will be supplemented to increase the length of the Kenilworth Route by the three hundred thirty feet that was formerly part of Soo's Hopkins line.

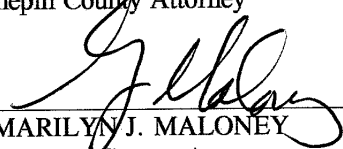
4. Third Party Operations:

Third parties Soo and TC&W will have rights to conduct overhead freight operations over the newly acquired three hundred thirty feet under the terms of the supplemented Kenilworth Trackage Rights Agreement. Under the agreement, TCW has exclusive management, direction and control of the corridor. The Authority may not terminate the right of Soo or TC&W to conduct freight rail operations over the Kenilworth Route unless a feasible alternative becomes available, is operational and is acceptable to TCW. The Authority does

not conduct freight rail operations over and does not hold itself out to provide common carrier rail service over the Kenilworth Route. Addition of the three hundred thirty-foot segment to the Kenilworth Route will not change this relationship. See AB-1 (Sub-No. 252X) Chicago North Western Transportation Company Abandonment and Discontinuance of Service Exemption in Hennepin County, MN, December 5, 1995 exempting the Authority from the requirements of Title 49, Subtitle IV of the United States Code as to the Kenilworth Route.

Respectfully submitted,

AMY KLOBUCHAR
Hennepin County Attorney

By: 

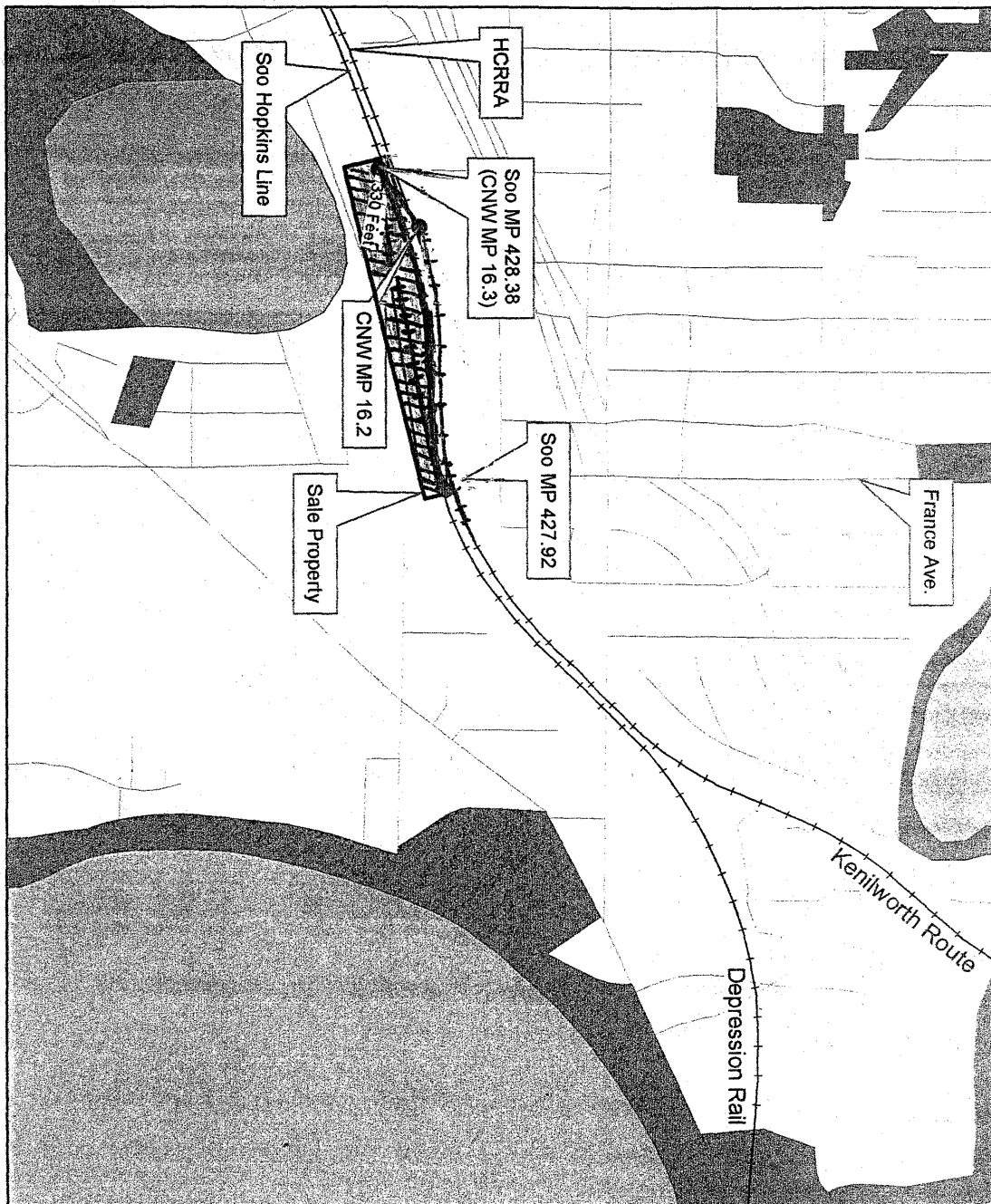
MARILYN J. MALONEY
Assistant County Attorney
Hennepin County Attorneys Office
2000A Government Center
Minneapolis, MN 55487
Telephone: (612) 348-7754
Fax No: (612) 348-8299

6/7/02

ATTORNEY FOR HENNEPIN COUNTY
REGIONAL RAILROAD AUTHORITY

**MAP WILL BE SCANNED
AT A LATER DATE**

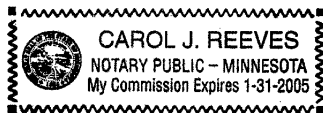
EXHIBIT A-2

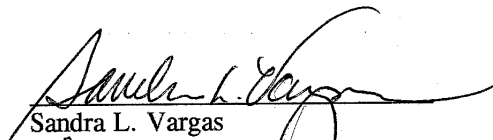
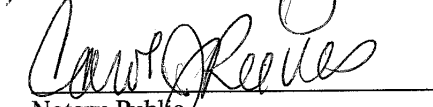


VERIFICATION

I, Sandra L. Vargas, being the Executive Director of Hennepin County Regional Railroad Authority, a political subdivision of the State of Minnesota, verify that I have read the foregoing Notice of Exemption and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Hennepin County Regional Railroad Authority.

Dated at Minneapolis, Minnesota
this 10 day of June, 2002.




Sandra L. Vargas

Notary Public
Printed Name: Carol J. Reeves
My Commission Expires:

CAPTION SUMMARY

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.**

STB FINANCE DOCKET NO. 34217

**HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY
—ACQUISITION EXEMPTION—
FROM SOO LINE RAILROAD COMPANY**

Hennepin County Regional Railroad Authority (Authority), a non-carrier and political subdivision of the State of Minnesota, has filed a Verified Notice of Exemption to acquire from Soo Line Railroad Company three hundred thirty feet (330 feet) of railroad right of way and trackage currently owned by Soo Line Railroad Company extending from Soo Milepost 428.38 Engineering Station 381.90 (at or near former Chicago NorthWestern Transportation Company (CNW) Milepost 16.3) to at or near former CNW 16.2 in St. Louis Park, Minnesota.

Comments must be filed with the Board and served on Marilyn J. Maloney, Assistant Hennepin County Attorney, A2000 Government Center, Minneapolis, Minnesota 55487.

The Notice of Exemption is filed under 49 C.F.R. § 1150.31, et seq. If the Notice of Exemption contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10520(d) may be filed any time. The filing of a petition to revoke will not automatically stay the transaction.