



ENTERED
Office of Proceedings
January 30, 2018
Part of
Public Record

98TH DISTRICT
BAY AND MIDLAND COUNTIES
STATE CAPITOL H-372
P.O. BOX 30014
LANSING, MI 48909-7514

MICHIGAN HOUSE OF REPRESENTATIVES
REPRESENTATIVE GARY GLENN
ASSOCIATE SPEAKER PRO TEMPORE
Chairman, House Energy Policy Committee

COMMITTEES:
COMMUNICATIONS AND
TECHNOLOGY
ENERGY POLICY
INSURANCE
MILITARY AND
VETERANS AFFAIRS

January 18, 2018

The Honorable Ann D. Begeman
Acting Chairman
U.S. Surface Transportation Board
395 E Street SW
Washington, DC 20423-0001

The Honorable Deb Miller
Vice Chairman
U.S. Surface Transportation Board
395 E Street SW
Washington, DC 20423-0001

Re: FD 36148, Adrian & Blissfield Rail Road Company –
Petition for Declaratory Ruling

Dear Chairman Begeman and Vice Chairman Miller:

As State Representative of the Michigan 98th District, and Chair of the Michigan House Energy Committee, I am keenly concerned with the activities of power utility companies and their impact upon the citizens of Michigan.

Recently, it has come to my attention that Consumers Energy Company – the largest energy utility in Michigan, with a market cap of approximately \$12.5 billion – has recently commenced eminent domain procedures against Adrian & Blissfield Rail Road Company – a small (20 mile) short line railroad located in Lenawee County, Michigan.

I recognize the importance of reliable and affordable electric service to citizens. However, I also recognize that short line railroads serve as the essential “first mile, last mile” of our National rail freight infrastructure.

The Interstate Commerce Act, 49 U.S.C. § 10501, gives the Surface Transportation Board broad and exclusive jurisdiction over transportation by rail carriers, including rail-related facilities and track. Section 10501(b) categorically preempts state or localities from intruding into matters that are regulated by the Board. It also prevents states or localities imposing requirements that, by their nature, could be used to deny a railroad’s right to conduct rail operations or proceed with activities the Board has authorized. Otherwise, state and local authorities could deny a railroad the right to construct or maintain its facilities or conduct its operations, which

would irreconcilably conflict with the Board's authorization of those facilities and operations. Likewise, I find it shocking and disconcerting that an electric power utility company should be able to dictate to an essential transportation utility (railroad), the taking of a 2.5 mile permanent *longitudinal* easement running through the railroad's right of way, without any regulatory oversight or intervention.

I encourage the Surface Transportation Board to issue the requested declaratory ruling to clarify the rights, duties, and obligations of the parties to this dispute.

Respectfully,



Gary Glenn

State Representative 98th District

Chairman of House Energy Policy Committee