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April 16, 2018

Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, S.W.
Washington, DC 20423-0001

ENTERED
Office of Proceedings
April 26, 2018
Part of
Public Record

Re: Docket No. FD 36178, Metropolitan Council – Petition for Declaratory Order
Docket No. FD 36177, Hennepin County Regional Rail Authority – Acquisition Exemption
– In Hennepin County, Minnesota

LETTER IN SUPPORT OF TWIN CITIES & WESTERN RAILROAD COMPANY'S
INITIAL REPLY REQUESTING THE BOARD TO SET A PROCEDURAL SCHEDULE

Dear Ms. Brown:

As a Carver County Commissioner, I urge the Surface Transportation Board (the Board) to set a procedural schedule in the above referenced proceeding (FD 36178) to permit public comment and a full hearing on Metropolitan Council's Petition seeking to acquire ownership of the Bass Lake and Kenilworth corridors in Hennepin County, Minnesota. The Board should also stay the Hennepin County Regional Rail Authority's ("HCRRA") request in FD 36177 to acquire the common carrier obligations for the line.

Carver County is located on the southwest side of the Twin Cities metropolitan area and has a population of over 100,000 citizens. One of Twin Cities Western's (TC&W) key routes runs through Carver County and connects with major Class I carriers such as BNSF, a route that includes the Bass Lake/Kenilworth corridor. This route has provided efficient and effective rail access to the Twin Cities for decades and is one of the keys to Carver County's economic vitality. There is no other economically viable rail route for products to move to and from Carver County to the Twin Cities rail terminal.

Several years ago, TCW informed us that the Metropolitan Council was seeking to expand its light rail service from Minneapolis west to certain suburban communities. When it was determined that the Metropolitan Council had selected the Bass Lake/Kenilworth corridor for a joint light rail/freight rail corridor, TC&W committed that it would work with the Council to reach agreements both to minimize disruption to freight rail service during construction and thereafter to assure that the presence of light rail in the freight rail corridor would not

negatively impact TC&W's operational and economic ability to provide service or force shippers to subsidize the expense of adding light rail to the corridor.

We understand the Metropolitan Council recently abruptly ended negotiations with TC&W and has filed its present petition asking the Board to approve an arrangement whereby the Council will acquire ownership of the rail line but will ask the Board to transfer the common carrier obligation to HCRRA.

This is a very complicated transaction that needs full public input and understanding. Neither the Council nor HCRRA has ever sought our input on freight rail needs on the corridor and we now have learned they have no agreements in place with TCW on how freight service will be handled on this proposed "shared corridor" route.

We urge the Board to set a procedural schedule and delay HCRRA's request to acquire the common carrier obligation in order to solicit the views of others affected by this transaction – in particular shippers like ourselves who need this vital rail route to move our goods through the Twin Cities. Entrusting the common carrier obligation to a public entity that does not operate freight rail service provides little assurance that important shipper interests in continued effective transportation service will be protected. In addition, deciding on this matter without reaching an agreement with the one entity that is currently – and effectively – providing the common carrier service, TCW, is a matter of significant concern and warrants close scrutiny by the Board.

Respectfully submitted,

A handwritten signature in black ink, reading "Randy Maluchnik". The signature is fluid and cursive, with the first name "Randy" and last name "Maluchnik" clearly legible.

Randy Maluchnik
Carver County Commissioner

Cc (via e-mail): Carver County Board of Commissioners
Mark Wegner, President & CEO, Twin Cities & Western Railroad

Cc (via US Mail): Edward D. Greenberg, GKG Law, P.C.
Charles A. Spitulnik, Kaplan Kirsch & Rockwell LLP
William A. Mullins, Baker & Miller PLLC
David F. Rifkind, Stinson Leonard Street LLP