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June 19, 2018

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

Re: FD 36178, Metropolitan Council - Petition for Declaratory Order

Dear Ms. Brown:

The Carver County Board of Commissioners hereby files these comments in response to the Surface Transportation Board's ("Board or STB") May 22, 2018 decision permitting public comments on the Petition for Declaratory Order ("Petition") filed on April 4, 2018 by the Metropolitan Council ("Met Council"). In that Petition, Met Council requests the Board find that certain proposed transactions involving Met Council, Hennepin County Regional Railroad Authority ("HCRRA") and Soo Line Railroad Company d/b/a Canadian Pacific ("CP") would not require Surface Transportation Board ("Board or STB") authorization and would not result in Met Council becoming a rail common carrier.

There are many active TCW shippers located in our county. These shippers depend upon efficient and time sensitive TCW service to/from the Twin Cities for export/import by the various river ports or for interchange with other carriers. We are fully aware of the Southwest Light Rail Transit Project ("Project"). The point of our comments is not to focus on whether we support or oppose the Project itself, but rather, we are concerned that some of the Project related activities undertaken by Met Council could result in a reduction in TCW's transit times or delayed shipments from the shippers located in our region. If this happened, there could be significant financial impacts on our shippers and the regional economy.

From what we understand, the light rail Project will involve a four year construction timeline. As part of that process, we understand that the existing rail line that TCW operates over will be relocated and realigned. In order to do that, by necessity, part of the rail line will have to be taken out of service during certain construction periods. We also understand that Met Council plans to remove a significant number of existing sidetracks currently used by TCW as part of the Project. TCW has informed us that these sidetracks are an integral component of TCW's service to/from the Twin Cities and that without those sidetracks or the ability to use replacement tracks somewhere else nearby, which do not currently exist, our shippers' transit times will be significantly impacted. This will cost our shippers both time and money.

These two factors give our shippers great concern that their shipments will be delayed during the construction period. They are also concerned that without the existing sidetracks (or the ability to use replacement tracks somewhere else nearby, which do not currently exist), their transit times will be significantly impacted. This will cost them both time and money. This is unacceptable.

These concerns could be alleviated if there was some sort of construction and operation agreement between Met Council and TCW to minimize any service disruptions during the realignment and construction period. Likewise, Met Council should be required to work with TCW to come up with a plan for the replacement of the sidetracks in a manner and location that would not adversely impact rail service, and given that it is Met Council's plans that are causing the disruption, they should pay all costs associated with the replacement tracks. The replacement tracks should be built and in place before the current sidetracks are torn up. Otherwise, there could be significant operational disruptions in service to our shippers.

Accordingly, the Carver County Board believes that as a condition to any STB approval of Met Council's Petition, Met Council should be required to enter into a construction and operation agreement with TCW that would protect shippers' transit times during the construction phase, sets forth the obligations of the parties with respect to the future shared usage of the corridor, and requires Met Council to build replacement sidetracks for the benefit of TCW and its shippers. Without such conditions, our shippers could face significant operational problems and financial impacts, which adversely impacts our regional economy.

Respectfully submitted,

June 19, 2018


Randy Maluchuk, Vice Chair
Carver County Board of Commissioners

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of these comments via prepaid first class mail to all parties of record in this proceeding or by more expeditious means of delivery.

Dated this 19th day of June, 2018.


