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April 18, 2018

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

**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:

Finger Lakes Railway Corp ("FGLK") urges 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.

Seneca Foods is located in Glencoe, (McCloud) County, MN. Their facility is located on Twin Cities & Western Railroad Company ("TCW"). For over 23 years FGLK has been operating it's 167 Mile rail line in the Central New York State Fingerlakes region and we have relied on TCW for efficient and effective rail access to the Twin Cities to connect with major Class I carriers such as BNSF, a route that includes the Bass Lake/Kenilworth corridor connectioning to either CSX or NS at Chicago, IL. This is a fully integrated move from a Seneca Foods cannery in MN to our Seneca Foods Facility in Geneva, NY. Together FGLK and TCW have handled an average of 30 carloads per year for the last 5 years. There is always more opportunity based upon the harvest, to handle more product from this MN origin to FGLK. Additionally FGLK has invested in its Geneva NY, Auburn, NY and Solvay NY Yards and the track, ties and bridges on FGLK to handle 274,000 pound carloads, and soon 286,000 pound carloads to keep its Seneca Foods' Distribution Center competitive for this move. There is no other economically viable rail route for our products to move to and from the Twin Cities rail terminal. FGLK and its connecting railways have worked hard to keep this commodity in boxcars and direct rail access is important as transloading cars at another origin point is just not cost effective for the customer. Seneca Foods distribute out of Geneva most of their canned goods to Northeast markets. Without a rail rail option this Midwest to Northeast distribution would not be economical.

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, TCW 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, such as Seneca Foods to subsidize the expense of adding light rail to the corridor. This unwarranted action by the Metropolitan Council will kill the lane's business.

We understand the Metropolitan Council recently abruptly ended negotiations with TCW 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 as a connecting railway 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,



Michael V. Smith
President Finger Lakes Railway

68 Border City Road
Geneva, NY 14456

Cc: Parties of Record

Historical 5 Year traffic history includes these canned good carloads shipped by year from Glencoe, MN to FGLK at Geneva, NY.

2017	29
2016	41
2015	35
2014	13
2013	35

By mail to the STB:

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