



1 South Pinckney Street, Suite 810, Madison, WI 53703-2869
608.258.4400 fax 608.258.4407

145 University Avenue West, Suite 450, St. Paul, MN 55103-2044
651.228.0213 fax 651.228.1184

www.cooperativenetwork.coop

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patrick.murray@cooperativenetwork.coop 245910

VIA E-FILING

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

ENTERED
Office of Proceedings
June 11, 2018
Part of
Public Record

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

Dear Ms. Brown:

Cooperative Network respectfully submits 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.

Cooperative Network is one of the largest associations of its kind in the country and serves more than 400 member-cooperatives. Our members are owned by more than 6.1 million residents of Minnesota and Wisconsin and include member-owned farm supply, dairy marketing, livestock marketing, financial, health care, mutual insurance, processing, consumer, electric utility, housing, and worker-owned cooperatives, among others.

A host of Cooperative Network's farm supply members rely on the Twin Cities & Western Railroad (TC&W) for efficient and effective rail access to the Twin Cities to connect with major Class I carriers. Several years ago, TC&W was informed 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. This included agreement to both 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.

With this in mind, Cooperative Network has two main operational concerns. First, as we understand from public records related to the Southwest Light Rail Transit Project ("Project"), it will involve a four year construction timeline. As part of that process, we understand that the rail line will be relocated and realigned. In order to do that, by necessity, the rail line will have to be taken out of service from time to time during certain construction periods. We also understand that in the future, light rail trains and freight trains will be operating within 25 feet of each other. These two factors give us great concern that shipments will be delayed during the construction period or that future crashes, without adequate restoration of service plans, could result in the line becoming unusable during the crash clean-up phase, delaying rail service. These concerns could be alleviated if there was some sort of construction and operation agreement between Met Council and TC&W.

We understand, however, that there is no such current agreement. The only existing agreements are trackage rights agreements governing TC&W's overhead operations. It is our understanding that those agreements were entered into many years ago and do not contain any provisions dealing with what happens during construction of a parallel passenger transit system in the same railroad corridor or how the corridor should operate in the future when you have both passenger and freight operations in the same corridor. To avoid any operational impacts during the construction phase or during future operations, Cooperative Network believes that as a condition to any STB approval, Met Council should be required to enter into a construction and operation agreement with TC&W that would protect shippers' transit times during the construction phase, provide for safety plans to prevent future accidents that could delay rail service, and sets forth the obligations of the parties with respect to the future shared usage of the corridor.

Our second major operational concern involves Met Council's plans to remove a significant number of the existing sidetracks currently used by TC&W. We understand that those sidetracks are an integral component of TC&W's service for their shippers. TC&W has indicated that without those sidetracks or the ability to use replacement tracks somewhere else nearby, which do not currently exist, transit times will be significantly impacted. This will cost shippers both time and money, and in our humble opinion is unacceptable. Either the tracks should not be removed, or if they are removed in order to accommodate light rail, Met Council should be required to work with TC&W to come up with a plan for the replacement of those tracks in a manner and location that would not adversely impact rail service. Since it is Met Council's plans that are causing the disruption, we also believe that they should pay all costs associated with the replacement side tracks. The replacement side tracks should be built and in place before the existing sidetracks are torn up. Otherwise, there could be significant operational disruptions in our service.

In closing, Cooperative Network's concerns with the Project have to do with the operational and safety impacts that will occur due to the realignment of the tracks that TC&W operates over and the removal of the sidetracks that TC&W currently uses to provide us service. Those concerns must and should be addressed in any STB decision. If not, there could be significant operational problems and financial impacts on agricultural shippers in this corridor if the Project moves forward.

Sincerely,

A handwritten signature in cursive script, reading "Daniel R. Smith".

Dan Smith
President & CEO

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 11th day of June, 2018.