



245483
245479

5500 Cenex Drive
Inver Grove Heights, MN
55077

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

ENTERED
Office of Proceedings
April 18, 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:

On behalf of CHS Inc., the nation's largest farmer-owned cooperative, I am writing to 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.

CHS is a large, geographically diverse shipper of agricultural and energy products, including grain and fertilizer, whose success is closely tied to the efficient operation of rail service on the Twin Cities & Western Railroad Company ("TCW") rail network. We depend on TCW rail service for efficient and effective rail access to move various agricultural commodities to/from the Twin Cities to connect with major Class I carriers such as BNSF, Canadian Pacific, and Union Pacific, via a route that includes the Bass Lake/Kenilworth corridor.

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 TCW's operational and economic ability to provide service, or force shippers, such as CHS, to subsidize the expense of adding light rail to the corridor.

We understand the Metropolitan Council 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.

We urge the Board to delay HCRRA's request to acquire the common carrier obligation and set a procedural schedule to solicit the views of others affected by this transaction – 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 and 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 scrutiny by the Board.

Respectfully submitted,

A handwritten signature in cursive script that reads "Dan Mack".

Dan Mack
Vice President
Rail Transportation & Terminal Operations
CHS Inc.
5500 Cenex Drive, MS 320
Inver Grove Heights, MN 55077
Phone: (651) 355-6511

Cc: Parties of Record

By mail to the STB:

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

By overnight delivery to the STB:

Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, S.W., Room 1034
Washington, DC 20006

Parties of Record:

Edward D. Greenberg
GKG Law, P.C.
1055 Thomas Jefferson Street, N.W.
Suite 500
Washington, DC 20007

Charles A. Spitulnik
Kaplan Kirsch & Rockwell LLP
1001 Connecticut Avenue, N.W.
Suite 800
Washington, DC 20036

William A. Mullins
Baker & Miller PLLC
2401 Pennsylvania Avenue, N.W.
Suite 300
Washington, DC 20037

David F. Rifkind
Stinson Leonard Street LLP
1775 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20006