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April 18, 2018

VIA E-FILING

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

Re: Docket No. FD 36178, Metropolitan Council - Petition for Declaratory Order

Dear Ms. Brown:

On April 4, 2018, the Metropolitan Council ("Council") filed a Petition for Declaratory Order in the referenced docket and, as any undue delay would be harmful to the planned construction of the Southwest Light Rail Transit project, requested expedited consideration of that submission. Since that date, several entities have filed form letters in this proceeding which state they are "in support of Twin Cities & Western Railroad Company's ("TCWR") initial reply requesting the Board to set a procedural schedule." It appears that these form letters are the result of efforts by TCWR, but TCWR itself has filed no such "initial reply" requesting that the Board do anything. Indeed, TCWR has filed nothing in this docket and it is not a party to the proceeding. If, in fact TCWR does submit a timely reply to the Petition pursuant to the Board's rules and asks the Board to take action regarding the processing of the Petition, the Council will respond.

In the meantime, the Council does not intend at this time to respond individually to each of the form letters as they are filed, other than to say that the boilerplate language they contain is replete with significant factual and legal inaccuracies, not the least of which is their uniform assertion that there are "no agreements in place with TCW on how freight service will be handled on" the rail lines at issue as part of the transactions discussed in the Petition. As the Petition clearly explains, TCWR has had overhead trackage rights authorized by the STB to



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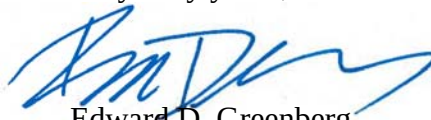
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operate over the subject lines since 1991, and those rights are not being disturbed by the proposed transactions.

To the extent the form letters are considered procedural motions in any respect, the Council responds initially that they should all be denied, and the Petition should be processed in accordance with the Board's rules, which are more than adequate for considering the issues in the Petition.

Very truly yours,



Edward D. Greenberg
Attorney for Metropolitan Council

cc: Parties of Record
Mark Wegner, TCWR President
William Mullins, TCWR Counsel