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Office of Proceedings
July 19, 2018
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July 19, 2018

VIA E-FILING

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

FD 36177
Hennepin County Regional Rail Authority – Acquisition
Exemption – In Hennepin County, Minnesota

Dear Ms. Brown:

Twin Cities and Western Railroad (“TCW”) files this letter to inform the Surface Transportation Board (“Board”) that TCW no longer opposes and hereby withdraws its opposition to Metropolitan Council’s request for issuance of a State of Maine declaratory order filed in STB Docket No. 36178 and the notice of exemption filed by Hennepin County Regional Railroad Authority (“HCRRA”) in STB Docket No. 36177 (collectively, “the Filings”). TCW is satisfied that as a result of various agreements between the parties, the SWLRT Project will protect its interests and those of its shippers, customers, or entities. TCW also agrees that the current route is sufficient, and no alternative or replacement route to the St. Paul Yard is needed at this time.

TCW, the Council, HCRRA and Soo Line Railroad Company d/b/a Canadian Pacific engaged in Board-sponsored mediation following the Board’s suggestion of this path in its May 22, 2018 order in Docket No. FD 36178. As a result of the mediation process, TCW’s concerns related to the construction or operation of the SWLRT Project and approval of the Petitions have been mutually and satisfactorily resolved. TCW will communicate the same to its shippers

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Ms. Cynthia Brown
July 19, 2018
Page 2

and urges each of its shippers to likewise support approval of the Filings and requested Board action as filed.

TCW has additionally agreed to dismiss its federal district court action filed in the District of Minnesota (18-CV-01088). As a result, the federal district court litigation should not provide any basis to stay or impede the Board from ruling on the Petitions.

TCW appreciates the Board's careful attention to the important issues and willingness to facilitate a full and fair resolution for all. If there are any questions about this matter, please contact me directly, either by telephone: (202) 663-7823 or by e-mail: wmullins@bakerandmiller.com.

Sincerely,



William A. Mullins

cc: Parties of Record