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

RE: City and County of Denver - Verified Petition for Declaratory Order, FD 36263

Dear Ms. Brown:

On behalf of Darling Ingredients Inc., its affiliates and subsidiaries ("Darling"), I am writing to express Darling's concerns with the Petition for Declaratory Order filed by The City and County of Denver (the "City") on December 21, 2018 ("Petition"). In the Petition, the City says it plans to remove rail tracks currently operated by Denver Rock Island Railroad ("DRIR") in the Denver Stock Yards and to construct new tracks adjacent to the Stock Yards as part of its project to create the "National Western Center." The City claims the track removal and new construction will have no effect on DRIR's service to shippers. As a shipper who depends heavily upon DRIR's tracks in the Stock Yards for rail service, Darling has not seen any evidence that this statement is true, and the City has presented none in its Petition. To the contrary, the Petition suggests the City is proposing to remove more track than it will construct. As a result, and as further explained below, Darling respectfully requests that the Board reject the Petition, or at the very least, institute a proceeding so it can carefully consider the impacts of the track removal and construction proposed by the City.

Darling provides a global growth platform for the development and production of sustainable natural ingredients from edible and inedible bio-nutrients. With a variety of processing operations in over 200 locations on five continents, it creates a wide range of products and customized specialty solutions for customers in the pharmaceutical, food, pet food, feed, fuel, bio-energy, fertilizer and foodservice industries. For more than eighty years, Darling has operated an inedible and edible animal fat processing facility in Denver, Colorado, approximately one-half mile north of the Denver Stock Yards. From the Denver facility, it ships finished goods to its customers throughout the region and the United States. Because staging is critical for its operations, Darling has a vested interest in the trackage DRIR uses in the Denver Stock Yards. Over the last three years, DRIR interchanged between 80 and 115 tanker cars a year on behalf of Darling to the BNSF Railway and the Union Pacific Railroad, using many of the tracks the City now seeks to remove. Furthermore, an additional 120 or more tanker cars per year of edible shortening were shipped out of Darling's Denver facility on behalf of JBS Swift using the same DRIR tracks. Darling is dependent on all of its rail partners for interchange purposes, staging, and storage to ensure the efficiency of its operations. The City's plans appear likely to cause significant adverse impact to Darling's rail service, plant operations, and relationships with both its railroad partners and its customers.

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Darling met briefly with the City's representatives to discuss the project in May 2017. At the time, Darling understood the City intended to preserve DRIR's current capacity, including its capacity to store and stage rail cars. Darling has not heard from the City since that meeting, and the proposal described in the Petition does not appear to maintain DRIR's current capacity. Rather, the City appears to be proposing to replace five tracks with three shorter tracks. Darling does not understand how the City can represent in its Petition that the proposed reduction in track capacity "will have no effect on shippers." The DRIR, in contrast, has contacted Darling to explain the adverse impact of the City's proposals on DRIR's operations, which in turn would adversely impact Darling. The Board should not allow the City to move forward with its plans without fully considering the impacts on all potentially affected rail shippers, including Darling, that depend on the main lines and side tracks that comprise the Denver Stock Yards.

The Petition suggests the proposed track removal and construction should not concern the Board because it will have no effect on shippers. But the Petition lacks supporting detail. Indeed, the City mentions just one impacted shipper by name, McDonald Farms. The City does not even acknowledge the reliance of Darling and other local shippers on DRIR's tracks within the Stock Yards. As a stakeholder affected by the City's actions, Darling has legitimate reasons to be concerned.

For the reasons explained above, Darling respectfully requests that the Board reject the Petition, or at the very least, institute a proceeding so it can carefully consider the impacts of the City's plans on rail service.

Respectfully submitted,
Darling Ingredients Inc.

A handwritten signature in black ink that reads "Ken Kage".

Ken Kage
Vice President, Denver Region

cc. Denver Rock Island Railroad
City of Denver

CC.:

To DRIR:

Jason Travers, General Manager,
Denver Rock Island Railroad,
3400 East 56th Ave,
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