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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

Dear Ms. Brown:

The Minnesota Grain and Feed Association (MGFA), a non-profit association representing the interests of the Minnesota grain elevator and feed mill industry since 1907, hereby files 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. The Board specifically requested comments on whether operational impacts on Twin Cities & Western Railroad Company ("TCW") should be considered as part of the Board's analysis. The obvious answer to that question is "yes."

Efficient and time sensitive rail service is vital to the grain elevators operating along this TCW line. Any activities undertaken by Met Council that could result in a reduction in transit times or delayed shipments is certain to have a financial impact. We have several association members who rely on the TC&W for efficient and effective rail access to the Twin Cities to connect with not one but three major Class I carriers. This unique access has offered unparalleled access to a wide variety of both domestic and export markets. The five unit train loading facilities located on the line have each spent approximately \$20 million on upgrading their facilities to accommodate loading unit trains. The continued actions by the Met Council, places these facilities and their investments at great risk! In our estimation, these five unit train loading facilities alone move close to 20 million bushels of soybeans and corn on this rail corridor so any disruption of service will certainly lead to an economic hardship on both the facilities and their hundreds of farmer customers. There is no other economically viable rail route for these products to move to the Twin Cities rail terminals by these "captive shippers".

We understand the Project 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 grain shipments will be delayed during the construction period. Concerns could be alleviated if there was some sort of construction and operation agreement between Met Council and TCW. Unfortunately, the only existing agreements are trackage rights agreements governing TCW's overhead operations, which 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, the MGFA believes that as a condition to any STB approval, Met Council should be required to enter into a construction and operation agreement with TCW 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 other major operational concern involves Met Council's plans to remove a significant number of the existing sidetracks currently used by TCW. Those sidetracks are an integral component of TCW's service. Without those sidetracks or the ability to use replacement tracks somewhere else nearby, transit times will be significantly impacted. This will cost grain shippers both time and money. This 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, at their expense, to work with TCW to come up with a plan for the replacement of those tracks in a manner and location that would not adversely impact rail service.

The Minnesota Grain and Feed Association does not oppose the light rail Project but we are extremely concerned about the operational, financial and safety impacts that will occur, due to the realignment of the tracks and the removal of the sidetracks that TCW currently uses to provide service. Those concerns must be addressed in any STB decision. Thank you.

Respectfully submitted,



Bob Zelenka, Executive Director
Minnesota Grain and Feed
Association

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 5th day of June, 2018.