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Ms. Cynthia Brown
Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20423-001

Re: Finance Docket No. 316177, *Hennepin County Regional Rail Authority – Acquisition Exemption – In Hennepin County, Minn.* and Finance Docket No. 36178, *Metropolitan Council – Petition for Declaratory Order*

Dear Ms. Brown:

In its July 23, 2018 letter to the Board withdrawing its opposition to the proposed transactions in the above-referenced dockets, the Shippers Coalition noted: “The Shippers Coalition also strongly supports revocation of HCRRA’s Subtitle IV exemption as proposed in the cover letter filed by the Council and HCRRA on July 20, 2018.” As the Shippers Coalition letter noted, HCRRA had “informed the Board that it would not oppose a decision by the Board which revokes the HCRRA’s Subtitle IV exemption as to the Kenilworth Corridor effective as of the date of the Council’s acquisition of the underlying property.” The referenced exemption is found in *Chi. & N.W. Transp. Co. – Abandonment & Discontinuance of Serv. – In Hennepin Cty., Minn.*, ICC Docket No. AB-1 (Sub-No. 252X) (Service Date Dec. 20, 1995).

We write to offer the following implementation suggestion in furtherance of the proposition endorsed by the Shippers’ Coalition, which is contingent on the Metropolitan Council acquiring the Kenilworth Corridor. Should the Board grant the permissive relief requested by these parties – for which all opposition has now been withdrawn – the Board could require in its order that the Metropolitan Council and HCRRA provide notice to the Board seven days in advance of the date on which the Metropolitan Council’s acquisition transaction for the Kenilworth Corridor will close. This would give assurances to the shippers that the Board could then timely issue a further decision revoking the referenced Subtitle IV exemption.

Sincerely,

Charles A. Spitulnik

*Attorney for Hennepin County
Regional Railroad Authority*

Edward D. Greenberg
GKG Law, P.C.

Attorney for Metropolitan Council

cc: Parties of Record