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ENTERED
Office of Proceedings
January 24, 2023
Part of
Public Record

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January 24, 2023

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: Montana Rail Link, Inc.'s Discontinuance of Lease Operations and Trackage Rights Exemption – Yellowstone, Stillwater, Sweet Grass, Park, Gallatin, Broadwater, Jefferson, Lewis and Clark, Powell, Deer Lodge, Granite, Missoula, Lake, Mineral, and Sanders Counties, Montana; Bonner and Kootenai Counties, Idaho; and Spokane County, Washington, AB-575 (Sub-No. 2X)

Dear Ms. Brown,

Montana Rail Link, Inc. ("MRL") provides this limited reply to the latest letter filed by Chandler Kitson, EIT in the above-captioned proceeding on January 12, 2023. Like Mr. Kitson's first filing in this proceeding, Mr. Kitson's latest filing is untimely and the Board should reject it on that basis. If the Board decides to accept Mr. Kitson's latest filing, MRL asks that the Board also accept this limited response to Mr. Kitson's claim that "the MRL trackage is owned by MRL and not BNSF."¹ This assertion is incorrect. All of the rail lines that are the subject of this proceeding are owned by BNSF, and MRL currently operates over those BNSF lines pursuant to lease rights and trackage rights that were reviewed and approved by the STB's predecessor. MRL described all of these line segments in further detail in its petition.

¹ While the Board's rules, 49 C.F.R. § 1104.13(c), do not permit a reply to a reply, the Board often accepts such replies in the interest of compiling a more complete record. To the extent that the Board deems it necessary, I hereby seek leave to file this letter to provide a limited response to new claims raised in Mr. Kitson's filing.

Cynthia T. Brown, Chief
January 24, 2023
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If there are any questions concerning this notice of intent, please contact me, MRL's representative, by e-mail: czorbaugh@bakerandmiller.com; or by telephone: (202) 663-7831.

Sincerely,

/s/ ***Crystal M. Zorbaugh***

Crystal M. Zorbaugh
Counsel for Montana Rail Link, Inc.

cc: Parties of Record
Joe Racicot