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Office of Proceedings
March 29, 2023
Part of
Public Record

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March 29, 2023

VIA E-FILING

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, SW
Washington, DC 20423

Re: Montana Rail Link, Inc.—Discontinuance of Service Exemption—in Yellowstone, Stillwater, Sweet Grass, Park, Gallatin, Broadwater, Jefferson, Lewis and Clark, Powell, Deer Lodge, Granite, Missoula, Lake, Mineral, and Sanders Counties, Mont.; Bonner and Kootenai Counties, Idaho; and Spokane County, Wash., 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 March 27, 2023.¹ Mr. Kitson asks the Board to stay the effectiveness of the exemption granted by the Board in this proceeding “until BNSF is able to demonstrate they are capable of keeping up the high safety standards set by MRL.”

The Board should deny Mr. Kitson’s request. Just as with Mr. Kitson’s prior filings in this proceeding, Mr. Kitson’s concerns are “entirely speculative.” *See MRL Discontinuance*, AB 575 (Sub-No. 2X), slip op. at 6 (STB served Mar. 8, 2023). More importantly, Mr. Kitson has failed to demonstrate that he meets the elements for a stay, or even to address those standards. *See, e.g., Lake State Ry. Co.—Lease Exemption—Line of Grand Trunk W. R.R. Co.*, FD 36179 (STB served June 7, 2018) (summarily denying a petition to stay the effectiveness of an exemption in circumstances similar to those here).

¹ [I note that I have not received service of the Kitson letter, notwithstanding the requirement that Mr. Kitson serve all parties to the proceeding and my inclusion on the carbon copy line in Mr. Kitson’s letter.]

Cynthia T. Brown, Chief
March 29, 2023
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If there are any questions concerning this letter, 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