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October 9, 2012

VIA ELECTRONIC DELIVERY

Victoria Rutson, Esq.
Director, Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

**Re: Request for Waiver of Six-Month Pre-filing Notice for Tongue River
Railroad Company, Inc., F.D. 30186**

Dear Ms. Rutson:

We are writing to request that the Board waive the six-month pre-filing notice requirement of 49 C.F.R. § 1105.10(a) for the Tongue River Railroad Company, Inc. ("TRRC"), an entity that intends in the very near future to apply to the STB in the above-referenced docket for approval to construct and operate a rail line. Specifically, TRRC intends to shortly file a revised Application seeking STB authority to construct the rail line between Miles City, MT and the Ashland/Otter Creek, MT area along a modified version of an alignment that was previously approved by the ICC in 1986. The TRRC line is proposed to be a single-track railroad. It is designed to split into two branches near its southern end just south of Ashland, Montana, one of which will be constructed to Terminus Point #1 near the previously proposed Montco Mine location ("Montco Mine Spur") and the other of which will be constructed to Terminus Point #2 near the proposed Otter Creek Mine ("Otter Creek Spur"). The line's northern terminus will be located just west of Miles City at approximately BNSF milepost 79, where it will interchange with the BNSF Railway. TRRC will serve proposed coal mine sites that cannot currently be served by other railroads.

As described in the construction application, BNSF will operate the TRRC line. At the time the line becomes operational, TRRC is expected to be a Class II railroad.

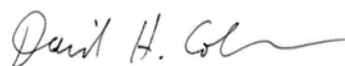
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Pursuant to 49 C.F.R. § 1105.10(c), TRRC respectfully requests that the Board waive the six-month pre-filing notice requirement of 49 C.F.R. § 1105.10(a)(1). The six month notice period may be waived “where appropriate” and such waivers are routinely granted. *See* 49 C.F.R. § 1105.10(c)(1). We believe a waiver is appropriate in this case because the current application relates to refinements to a line that has previously been the subject of a Board proceeding and was previously reviewed under NEPA. Accordingly, the project is already well known to interested persons. The Board in fact issued a June 18, 2012 decision which contemplated the filing of the forthcoming application after a service list was established. That service list was issued on September 20, 2012 and contains the names of over 45 persons who have expressed an interest to be parties of record or non-parties. In addition to the above, a six-month delay would needlessly impede the progress of this very important project.

TRRC will also be seeking approval of the appointment of a third-party consultant to assist the Board in preparing the environmental documentation associated with the project. This work would be conducted on behalf of the Board pursuant to 49 C.F.R. § 1105.10(d) and the Board’s standard requirements for disclosure by a third party consultant. TRRC stands ready to work with the Board and other relevant federal and state agencies to assess the impacts of the line.

Please let me know if you have any questions. We greatly appreciate your assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "David H. Coburn", with a stylized flourish at the end.

David H. Coburn
Attorney for Tongue River Railroad Company, Inc.