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September 25, 2006

BY HAND

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001



Re: STB Finance Docket No. 34911, Montana Rail Link, Inc. -- Trackage Rights
Exemption -- BNSF Railway Company

STB Finance Docket No. 34911 Sub. No. 1, Montana Rail Link, Inc. -- Petition
for Partial Revocation -- BNSF Railway Company

Dear Secretary Williams:

Enclosed for filing in the above-captioned proceeding are an original and 10 copies of a
Petition for Partial Revocation of Class Exemption to Permit Expiration of Temporary Trackage
Rights. Also, enclosed is a payment form in the amount of \$200.00 for the filing fee required by
49 C.F.R. § 1002.2(f)(61).

Please acknowledge receipt of this filing by date-stamping the enclosed
acknowledgement copy and returning it to our messenger.

Very truly yours,

A handwritten signature in black ink, appearing to read "Troy Garriss".

Troy Garriss

Enclosures

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Finance Docket No. 34911 Sub No. 1

**MONTANA RAIL LINK, INC.
-- TEMPORARY TRACKAGE RIGHTS EXEMPTION (MODIFICATION)--
BNSF RAILWAY COMPANY**

**PETITION FOR PARTIAL REVOCATION OF CLASS EXEMPTION
TO PERMIT EXPIRATION OF TEMPORARY TRACKAGE RIGHTS**



Montana Rail Link, Inc.
101 International Way
Post Office Box 16390
Missoula, Montana 59808-6390
(406) 523-1500

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September 25, 2006

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Finance Docket No. 34911 Sub No. 1

**MONTANA RAIL LINK, INC.
-- TEMPORARY TRACKAGE RIGHTS EXEMPTION (MODIFICATION)--
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**PETITION FOR PARTIAL REVOCATION OF CLASS EXEMPTION
TO PERMIT EXPIRATION OF TEMPORARY TRACKAGE RIGHTS**

Pursuant to 49 U.S.C. § 10502(d) and the regulations of the Surface Transportation Board (the “Board”) at 49 C.F.R. § 1121, Montana Rail Link, Inc. (“MRL”) hereby seeks a voluntary partial revocation of the trackage rights exemption in Finance Docket No. 34911. The revocation is desired both by MRL and BNSF Railway Company to allow the trackage rights arrangement in this proceeding to expire on or about December 31, 2010.¹ Revocation is consistent with the rail transportation policy of 49 U.S.C. § 10101 and will promote efficient and competitive rail service.

DISCUSSION

Concurrently with this petition, MRL is filing a Verified Notice of Exemption pursuant to 49 C.F.R. § 1180.2(d)(7) for BNSF Railway Company to grant MRL trackage rights over a line of BNSF Railway Company between extending from Garrison, Montana and milepost 21.5, a location south of Warm Springs, Montana, and are

¹ Since the temporary trackage rights covered by the Notice of Exemption in Finance Docket No. 34911 are “local” rather than “overhead” rights, the Board’s class exemption for temporary trackage rights, 49 C.F.R. § 1180.2(d)(8), is not applicable to this transaction.

intended to allow the movement of designated traffic originating from the Clark Fork River between Garrison and Missoula (“Milltown Dam Area”) near Bonner, Montana to Opportunity Ponds, Montana, a location south of Warms Springs, Montana. The trackage rights are only required for a temporary time in order to effectuate a move of sediment from one shipper’s site to a disposal sight. The purpose of this petition is to partially revoke the original trackage rights exemption in order to make it expire on December 31, 2010, the estimated time required to complete the movement.

While MRL and BNSF expressly intend that these trackage rights are only temporary, trackage rights authorized under the § 1180.2(d)(7) class exemption normally would remain effective indefinitely –regardless of any durational contract provisions. See, e.g., Railroad Consolidation Procedures – Exemption for Temporary Trackage Rights (not printed), served February 10, 2003, pp. 2-3 (“Temporary Trackage Rights”). Accordingly, MRL is filing this Petition to permit the trackage rights to expire on or about December 31, 2010, as provided in the underlying trackage rights agreement.

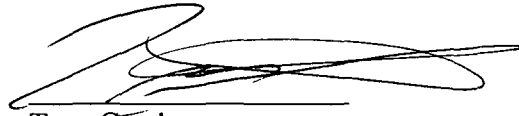
The Board has routinely granted petitions to permit temporary trackage rights to expire (either as exemptions or partial revocations) similar to that sought herein. See, e.g., Finance Docket No. 34554 (Sub-No. 1), Union Pacific Railroad Company – Trackage Rights Exemption – The Burlington Northern and Santa Fe Railway Company (not printed), served November 24, 2004; Finance Docket No. 34242 (Sub-No. 1), The Burlington Northern and Santa Fe Railway Company –Trackage Rights Exemption – Union Pacific Railroad Company (not printed), served October 7, 2002.

Granting this Petition to permit the trackage rights to expire in accordance with the underlying agreements would be entirely consistent with the exemption standards of 49 U.S.C. § 10502. Limiting the term of the trackage rights is consistent with the limited scope of the transaction covered by the Notice of Exemption in Finance Docket No. 34911 and will have no adverse impact on shipper on the line. The grant of this Petition is essential for the benefits of the trackage rights in Finance Docket No. 34911 to be realized. As noted above, the temporary nature of the trackage rights is a key part of the agreement of the two carriers, and the trackage rights would not have been granted without this feature. Denial of this Petition would result in a loss of all these benefits, since the parties are unlikely to reach any other feasible arrangement which would allow MRL to use BNSF's line.

The applicable labor protective conditions for the discontinuance of the temporary trackage rights pursuant to this petition are those imposed in Oregon Short Line Railroad Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979).

WHEREFORE, MRL respectfully requests the Board to partially revoke the Class Exemption for trackage rights to the extent necessary to permit the trackage rights authorized in STB Finance Docket No. 34911 to expire on or about December 31, 2010, in accordance with the terms of the underlying trackage rights agreement.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Troy Garris', with a horizontal line underneath.

Troy Garris
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Attorneys For:

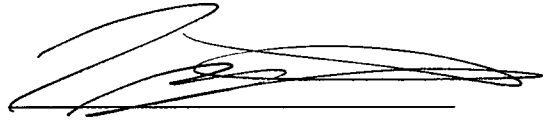
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CERTIFICATE OF SERVICE

I certify that I have this day served a copy of the foregoing Petition for Partial Revocation of Class Exemption to Permit Expiration of Temporary Trackage Rights upon the following by first class U.S. mail.

Assistant Vice President Contracts and Joint Facilities
BNSF Railway Company
2600 Lou Menk Drive
Forth Worth, TX 76116-0034

Dated as of this 25th day of September, 2006.

A handwritten signature in black ink, appearing to be a stylized name, possibly "J. M. Menk", written over a horizontal line.