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SERVICE DATE – MAY 21, 2007

DO

FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-1009X]

Mission Mountain Railroad, Inc.–Discontinuance of Service Exemption–in Flathead
County, MT

Mission Mountain Railroad, Inc. (MMT)¹ has filed a verified notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments and Discontinuances of Service to discontinue service over a 0.42-mile line of railroad between Engineering Station 189+36 and Engineering Station 167+00, in Flathead County, MT.² The line traverses United States Postal Service Zip Code 59901.

MMT has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line to be rerouted; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.

¹ MMT was authorized to lease and operate the line in Mission Mountain Railroad, Inc.–Acquisition Exemption–The Burlington Northern and Santa Fe Railway Company, STB Finance Docket No. 34634 (STB served Jan. 19, 2005).

² BNSF Railway Company was authorized to abandon the above-described line in BNSF Railway Company–Abandonment Exemption–in Flathead County, MT, STB Docket No. AB-6 (Sub-No. 444X) (STB served Sept. 28, 2006).

12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance of service shall be protected under Oregon Short Line R. Co.—
Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on June 20, 2007, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA for continued rail service under 49 CFR 1152.27(c)(2),³ must be filed by May 31, 2007.⁴ Petitions to reopen must be filed by June 11, 2007, with: Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to MMT's representative: Karl Morell, Ball Janik LLP, 1455 F Street, N.W., Suite 225, Washington, DC 20005.

If the verified notice contains false or misleading information, the exemption is void ab initio.

³ Each OFA must be accompanied by the filing fee, which currently is set at \$1,300. See 49 CFR 1002.2(f)(25).

⁴ Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historical documentation is required here under 49 CFR 1105.6(c) and 1105.8(b), respectively.

Board decisions and notices are available on our website at

“WWW.STB.DOT.GOV.”

Decided: May 11, 2007.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams

Secretary