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SEC

SERVICE DATE - NOVEMBER 6, 1998

SURFACE TRANSPORTATION BOARD

DECISION

Finance Docket No. 30186 (Sub-No. 2)

TONGUE RIVER RAILROAD CO.--RAIL CONSTRUCTION AND
OPERATION--ASHLAND TO DECKER, MONTANA

Decided: November 5, 1998

By decision served November 8, 1996, the Board granted Tongue River Railroad Co. (TRRC) authority to construct and operate a line of railroad between Ashland and Decker, MT, using the Four Mile Creek Alternative, subject to conditions. As pertinent here, that authority, and the authority granted in Tongue River R.R.--Rail Construction and Operation--In Custer, Powder River and Rosebud Counties, Montana, Finance Docket No. 30186, was conditioned on completion of construction within a 3-year deadline from the decision's effective date.

By petition filed October 22, 1998, TRRC requests the Board to remove the condition requiring it to complete construction of the entire line within 3 years. By joint request filed October 28, 1998, Northern Plains Resource Council Inc., Northern Cheyenne Tribe, and Native Action Inc. request an 11-day extension of time, to and including November 23, 1998, in which to reply to TRRC's petition. Petitioners state that the extension is needed because of the importance of the issues raised by TRRC, the need for the attorneys to meet with their clients, and limitations of the attorneys' schedules based on prior commitments. Petitioners also state that they did not receive TRRC's petition until 5 days after it was filed with the Board.

Also, by joint request filed November 2, 1998, United Transportation Union-General Committee of Adjustment and United Transportation Union-Montana State Legislative Board request an extension of time in which to reply to TRRC's petition. Petitioners concur in the earlier 11-day extension request and believe that any extension granted should apply to all protestants.

The requests are reasonable and will be granted. Protestants' reply statements will be due on November 23, 1998.

It is ordered:

1. Petitioners' extension requests are granted.
2. Protestants' reply statements are due on November 23, 1998.
3. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary