

ORIGINAL

Before the  
SURFACE TRANSPORTATION BOARD

Finance Docket No. 30186

TONGUE RIVER RAILROAD COMPANY-RAIL CONSTRUCTION AND OPERATION  
IN CUSTER, POWDER RIVER AND ROSEBUD COUNTIES, MONT.

ENTERED  
Office of Proceedings

OCT - 1 2012

Part of  
Public Record

233091

PETITION FOR LEAVE TO CHANGE,  
CORRECT, OR DELETE SERVICE LIST  
INFORMATION

Jay L. Schollmeyer,<sup>1/</sup> for and on behalf of United Transportation Union, General Committee of Adjustment (UTU/GO-386), pursuant to the Board's decision served September 20, 2012, at p. 2, submits this petition for leave to change, correct, or delete service list information.

The Board on June 16, 2012, served its decision reopening the proceeding for the purpose of requiring applicant to file a revised application. However, applicant has not filed its revised application as of this date. The current application was filed in 1981, approved in 1986, and sustained on judicial review in 1987. There have been many changes in the intervening 25 years, including the ownership and control of applicant, Tongue River Railroad Company (TRRC). TRRC is understood to have become affiliated with BNSF Railway, Arch Coal, and TRR Financing LLC.

UTU/GO-386 was not a participant during the 1981-87 proceedings. At least until the revised application is filed with the

<sup>1/</sup> General Chairman for United Transportation Union, with offices at 400 E. Evergreen Blvd., Vancouver WA 98660.

STB, and the passage of sufficient time for UTU/GO-386 and others to review the revised application, the extent and nature of the UTU/GO-386 interest and participation is uncertain.

UTU/GO-386 urges that it and all interested persons be given leave to amend their notices of intent to participate in the reopened proceeding, and/or to be added as parties to the reopened proceeding, and to be placed or deleted, on the service list (including any additional "non-party" entities) in response to the revised application, within a reasonable period subsequent to acceptance of the revised application. Ordinarily, the Board provides participation by comments during a minimum 35-day period following STB acceptance of an application. 49 CFR 1150.10(g). Due to the passage of time, and the revised nature of the construction proposal, the Board should grant leave for interested persons to respond to the revised application by submission of revisions to the service list during a reasonable time after the revised application may be accepted by the Board.

Respectfully submitted,



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October 1, 2012

Attorney for Jay L. Schollmeyer

Certificate of Service

I hereby certify I have served a copy of the foregoing upon all parties of record by first class mail postage-prepaid.

Dated at  
Washington DC



Gordon P. MacDougall