

BEFORE THE
SURFACE TRANSPORTATION BOARD

BEAUFORT RAILROAD COMPANY,) FINANCE DOCKET
INC. - MODIFIED RAIL CERTIFICATE) NO. 34943

PETITION FOR LEAVE TO INTERVENE

Pursuant to 49 C.F. R. § 1117.1, DIANE BURNETT and SARAH WALKER hereby petition for leave to intervene in this proceeding. *Cf.* 49 C.F.R. § 1112.4. Ms. Burnett and Ms. Walker seek to join with Delores Coberly, et al. in petitioning to reopen and/or for reconsideration of the Board's decision/notice in this proceeding served December 28, 2006. The Petition of Ms. Coberly, et al. was filed at the Board on January 17, 2007. Ms. Barnett and Ms. Walker own land adjacent to the abandoned railroad right-of-way that extends between Yemassee and Port Royal, South Carolina. Their interest in this proceeding is identical to the interest of Ms. Coberly, et al., namely to set aside the Notice for a Modified Certificate of Public Convenience and Necessity that was filed on December 1, 2006 by Beaufort Railroad Company (BRC) that seeks to re-establish Board jurisdiction over the abandoned Yemassee-Port Royal rail line. Ms. Burnett and Ms. Walker did not make their interest in this matter known in time to be included in the Petition filed by Ms. Coberly, et al.

Leave to intervene as Petitioners should be granted to Ms. Barnett and to Ms. Walker because (*cf.* 49 C.F.R. § 1112.4):

(1) intervention would not disrupt any procedural schedule in this proceeding, there being no such schedule in place; and

(2) intervention would not unduly broaden the issues in this proceeding inasmuch as the interests of Ms. Burnett and Ms. Walker are identical to the interest of Petitioners, Ms. Coberly, et al.

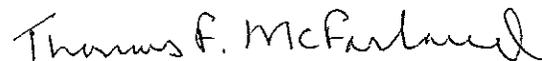
WHEREFORE, the Board should enter an order granting leave to Diane Burnett and Sarah Walker to intervene in this proceeding as Petitioners.

Respectfully submitted,

DIANE BURNETT
No. 10 Huspah Court North
Sheldon, SC 29941

SARAH WALKER
1503 Riverside Drive
Beaufort, SC 29902

Petitioners



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Attorney for Petitioners

DATE FILED: January 24, 2007

CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2007, I served the foregoing document, Petition For Leave To Intervene, on Derek F. Dean, Esq., Simons & Keaveny, 147 Wappoo Creek Drive, Suite 604, Charleston, SC 29412, by e-mail to dfdean@charlestonattorneys.net.

Thomas F. McFarland

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