

CHARLES H. MONTANGE

ATTORNEY AT LAW

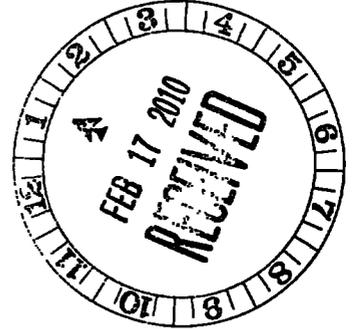
426 NW 162ND STREET
SEATTLE, WASHINGTON 98177

(206) 546-1936

FAX: (206) 546-3739

16 February 2010

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423



226445

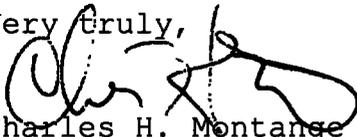
Re: The Burlington Northern and
Santa Fe Railway Company - Ab.
Exemption - Garfield and Logan
Counties, OK, AB 6 (Sub-no. 379X)

Dear Ms. Brown:

Enclosed for filing please find the original and ten copies of a renewal of a pending Joint Motion for substitution of trail managers in the above-captioned proceeding.

Thank you for your assistance in this matter.

Very truly,


Charles H. Montange
for Montoff Transportation
Company, LLC

Encls.

cc. Counsel for BNSF & ODOT (w/encls)

ENTERED
Office of Proceedings

FEB 17 2010

Part of
Public Record

Before the Surface Transportation Board

The Burlington Northern and)
Santa Fe Railway Company -)
Abandonment Exemption -) AB 6 (sub-no. 379X)
Garfield and Logan Counties,)
Oklahoma)

22645



Renewal of Pending Joint Motion
for Substitution of Trail Manager

On August 31, 2009, Oklahoma Department of Transportation
("ODOT") and Montoff Transportation Company LLC ("Montoff") filed
a joint motion for substitution of trail managers in this
proceeding pursuant to 49 C.F.R. 1152.29(f). In a Status Report
filed on October 14, 2009, Montoff requested that the Joint
Motion be held in abeyance pending discussions with BNSF Railway.
In that Status Report, Montoff explained that

"Montoff is authorized by BNSF counsel to represent that
Montoff and BNSF have reached an agreement in principle
under which BNSF would consent to the substitution, provided
Montoff take certain actions, which Montoff is prepared to
take. The parties are reducing this to a written agreement.
Montoff expects the agreement to be completed shortly. That
agreement is currently expected to require an additional
proceeding related to the property. The parties anticipate
that substitution of trail managers would be coordinated
with the additional proceeding. In the interim, it is
appropriate to hold the motion for substitution in
abeyance."

Although the process to reduce the agreement in principle to

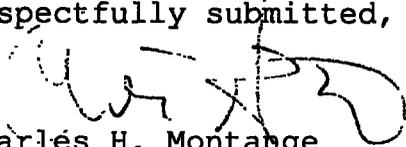
writing took somewhat longer than expected, the task has been accomplished. In addition, Montoff coterminous with this Renewal is initiating the anticipated additional proceeding (an exemption proceeding to acquire BNSF's rights to reactivate service on the line in question) required under the agreement in principle, now reduced to a written contract between BNSF and Montoff. The referenced exemption proceeding is Finance Docket 35354, filed on the same date as this Renewal.

BNSF has agreed to the substitution of trail managers as sought in the Joint Motion so long as this Board allows the notice of exemption in F.D. 35354 to become effective.

Notices of exemption of the type involved in F.D. 35354 are ordinarily effective 30 days after filing. That notice should therefore be effective 30 days from date of filing. The expected date of filing is Feb. 17. The projected effectiveness date for the notice in F.D. 35354 is therefore March 19, 2010. ODOT and Montoff accordingly request that this Board authorize the substitution of trail managers pursuant to the Joint Motion on the date of effectiveness of the Notice of Exemption in F.D. 35354, which is expected to be March 19, 2010.

ODOT and Montoff desire to close their transaction by March 25, 2010, contingent upon requisite STB authorizations.

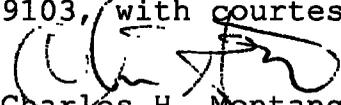
Respectfully submitted,



Charles H. Montange
426 NW 162d St.
Seattle, WA 98177
(206) 546-1936
fax: (206) 546-3739
for Montoff Transportation
Company LLC

Certificate of Service

I hereby certify service this 16th day of February, 2010, upon Karl Morell, Esq., Ball Janik, 1455 F Street, N.W., Suite 225, Washington, D.C. 2005, and by courtesy email addressed to Kmorell@dc.bjllp.com, and upon Eric Hocky, counsel for ODOT, at Thorp Reed & Armstrong, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103, with courtesy email to ehocky@thorpreed.com.



Charles H. Montange