

SURFACE TRANSPORTATION BOARD PROCEEDS ON TONGUE RIVER RAILROAD'S REVISED CONSTRUCTION PROPOSAL

The Surface Transportation Board announced today its approach for the continuation of the Tongue River Railroad Company, Inc.'s (TRRC) revised proposal to build and operate a new rail line in Montana. This approach takes into account a number of recent changed circumstances and will allow the Board to complete its review of TRRC's current plans for a new railroad line.

In December 2011, the U.S. Court of Appeals for the Ninth Circuit issued a decision affirming in part the Board's decisions in two of the three Tongue River cases, while making it clear that TRRC may not build any part of the Tongue River Railroad without further environmental review. TRRC also recently announced revised plans for the location of the line and a change in ownership of the railroad and stated that the purpose and need for the proposed line have changed. Accordingly, the Board is requiring TRRC to file a revised application that presents fully TRRC's new proposal to build a rail line between Miles City and Ashland. The agency will conduct a new environmental review of that plan consistent with the Ninth Circuit's decision regarding these cases.

In addition, the Board is dismissing the Tongue River proceedings concerning related lines that TRRC no longer intends to construct.

Today's decision in [Tongue River Railroad Company—Rail Construction and Operation—In Custer, Powder River and Rosebud Counties, MT, Docket No. FD 30186](#); [Tongue River Railroad Company—Construction and Operation—Ashland to Decker, Montana, Docket No. FD 30186 \(Sub-No. 2\)](#); and in [Tongue River Railroad Company—Construction and Operation—Western Alignment, Docket No. FD 30186 \(Sub-No. 3\)](#) is available for viewing and downloading at the Board's website at www.stb.dot.gov. The Ninth Circuit's decision is [Northern Plains Resource Council v. STB](#), 668 F.3d 1067 (9th Cir. 2011).

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