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ENTERED
Office of Proceedings
May 30, 2024
Part of
Public Record

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May 30, 2024

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

Re: The State of Oklahoma by and through the Oklahoma Department of
Transportation – Abandonment Exemption – in Payne County, Oklahoma
Surface Transportation Board Docket No. AB 1330X

Stillwater Central Railroad, L.L.C. – Discontinuance Exemption – In Payne County,
Oklahoma Surface Transportation Board Docket No. AB 1040 (Sub-No. 1X)

Dear Ms. Brown:

Enclosed for filing in the above referenced dockets is a joint notice of exemption filed by
the State of Oklahoma by and through the Oklahoma Department of Transportation ("ODOT")
and the Stillwater Central Railroad, L.L.C. ("SLWC") pursuant to the class exemption provisions of
49 CFR § 1152.50.

The filing fees for ODOT and SLWC have been paid via pay.gov. If you have any questions
related to this filing, please let me know.

Sincerely,

Justin J. Marks
Counsel to Oklahoma Department of
Transportation

cc: Robert A. Wimbish
Counsel to Stillwater Central Railroad, L.L.C.

Enclosure
FILED
May 30, 2024
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
May 30, 2024
SURFACE
TRANSPORTATION BOARD
clarkhill.com

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 1330X

**THE STATE OF OKLAHOMA BY AND THROUGH THE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
- ABANDONMENT EXEMPTION –
IN PAYNE COUNTY, OKLAHOMA**

STB Docket No. AB 1040 (Sub-No. 1X)

**STILLWATER CENTRAL RAILROAD, L.L.C.
-DISCONTINUANCE EXEMPTION –
IN PAYNE COUNTY, OKLAHOMA**

JOINT NOTICE OF EXEMPTION

Robert A. Wimbish
Fletcher & Sippel LLC
29 N. Wacker Drive, Suite 800
Chicago, Illinois 60606
(312) 252-1504
rwimbish@fletcher-sippel.com

Eric M. Hocky
Clark Hill PLC
Two Commerce Square
2001 Market St.
Suite 2620
Philadelphia, PA 19103
(215) 640-8523
ehocky@clarkhill.com

Justin J. Marks
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Suite 1300 South
Washington, DC 20004
(202) 772-0916
jmarks@clarkhill.com

Counsel for Stillwater Central Railroad, L.L.C.

*Counsel for Oklahoma Department of
Transportation*

Dated: May 30, 2024

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 1330X

**THE STATE OF OKLAHOMA BY AND THROUGH THE
OKLAHOMA DEPARTMENT OF TRANSPORTATION
- ABANDONMENT EXEMPTION –
IN PAYNE COUNTY, OKLAHOMA**

STB Docket No. AB 1040 (Sub-No. 1X)

**STILLWATER CENTRAL RAILROAD, L.L.C.
-DISCONTINUANCE EXEMPTION –
IN PAYNE COUNTY, OKLAHOMA**

JOINT NOTICE OF EXEMPTION

The State of Oklahoma by and through the Oklahoma Department of Transportation (“ODOT”) and Stillwater Central Railroad, L.L.C. (“SLWC”) are jointly filing this Notice of Exemption under the Board’s class exemption procedures at 49 C.F.R. Part 1152, Subpart F, to authorize, respectively, ODOT’s abandonment of an approximately 3.2 - mile, stub-ended rail line extending between milepost 30.74 to milepost 27.54 in Stillwater, Payne County, Oklahoma (the “Subject Line”), and SLWC’s to discontinue of service over the Subject Line.¹ ODOT owns the Subject Line, and SLWC leases and operates it.

There is one station on the Subject Line. A map of the Subject Line is attached as Exhibit A.

¹ ODOT and SLWC are together referred to herein as “Applicants”.

No local common carrier service has taken place on the Subject Line since 2018, and, because the Subject Line is stub-ended, there is no overhead traffic. ODOT understands that the City of Stillwater (the “City”) is interested in the Subject Line for potential trail use.

This Joint Notice of Exemption is being filed pursuant to the requirements of 49 C.F.R. §1152.50 regarding exemptions for out of service rail lines. In accordance with such requirements, ODOT and SLWC hereby provide the following information in support of their request for an exemption:

- 1) The exact name of Applicants is the State of Oklahoma/Oklahoma Department of Transportation and the Stillwater Central Railroad, L.L.C.
- 2) ODOT owns various lines of railroad subject to 49 U.S.C. Subtitle IV, chapter 105. SLWC is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.
- 3) Relief sought. ODOT and SLWC each seek to use the class exemption at 49 C.F.R. § 1152.50 for ODOT to abandon, and for SLWC to discontinue service over, the Subject Line extending between milepost 30.74 to milepost 27.54 in Stillwater, Payne County, Oklahoma.
- 4) A map of the Subject Line is attached hereto as Exhibit A.
- 5) The representative of ODOT to whom correspondence should be sent is: Eric M. Hocky, Clark Hill, PLC, Two Commerce Square, 2001 Market St., Suite 2620, Philadelphia, PA 19103; (215) 640-8523; or Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004; (202) 772-0916. The representative of SLWC to whom correspondence should be sent is Robert A. Wimbish, Fletcher & Sippel LLC, 29 N. Wacker Drive, Suite 800, Chicago, Illinois 60606; (312) 252-1504.
- 6) The Subject Line traverses through United States Postal Service ZIP Code 74074.

- 7) Applicants understand that portions of the Subject Line may be suitable for trail use or other public purposes and that the City of Stillwater is interested in acquiring an interest in the Subject Line for trail use.
- 8) ODOT currently intends to transfer the underlying right-of-way to the City for purposes of interim trails use short of abandonment consummation. Nevertheless, ODOT acknowledges that it may not consummate an abandonment until the later of the effective date of its abandonment exemption or the removal of any legal impediments and conditions to abandonment that the Board may prescribe.
- 9) Applicants certify that:
 - a) No local traffic has moved over the Subject Line since 2018. The Subject Line is stub-ended. Because it is not a “through line,” there is no overhead traffic.
 - b) No formal complaint by a user of rail service on the Subject Line, or a state or local government entity acting on behalf of such user, regarding cessation of service over the Subject Line either is pending with the Board or any U.S. District Court, or has been decided in favor of the complainant within the two year period.
- 10) Although no employees of ODOT or SLWC will be affected by the proposed abandonment and discontinuance of service because ODOT has never provided service over the Subject Line, and SLWC has not provided service over the Subject Line since 2018, ODOT and SLWC recognize that their respective abandonment of, and discontinuance of common carrier service over, the Subject Line will be made subject to the standard employee protective conditions as set forth in *Oregon Short Line Railroad Co.- Abandonment -- Goshen*, 360 I.C.C. 91 (1979).

- 11) ODOT certifies that it has complied with the notice requirements of 49 C.F.R. §1105.11 by filing an Environmental / Historic Report (“EHR”) with the Board, and that ODOT served the agencies identified in 49 C.F.R. §1105.7(b), the Oklahoma Historical Society, State Historic Preservation Office, and the Oklahoma Archeological Survey on March 11, 2024, more than twenty days prior to this filing.²
- 12) Applicants certify that they have complied with the legal (newspaper) notice requirements of 49 C.F.R. §1105.12. Notice of the proposed abandonment was published in the *Stillwater News Press* on March 7, 2024. A copy of the form of notice and a certificate of publication are attached as Exhibit B.
- 13) Applicants certify that they have complied with the notice requirements of 49 C.F.R. §1152.50(d)(1). A copy of the notice dated March 12, 2024, was sent to the required governmental agencies is attached hereto as Exhibit C.

[Remainder of Page Intentionally Left Blank]

² SLWC is not required to prepare and file an environmental and historic report in connection with its proposed discontinuance of service. See 49 C.F.R. §1105.6(c) and §1105.8(b). See also *Blacklands Railroad, Inc. – Discontinuance Exemption – In Rusk County, Tex.*, STB Docket No. AB 1108X (served April 3, 2013); *CSX Transportation, Inc. – Discontinuance of Service Exemption - In Raleigh County, W. Va.*, STB Docket No. AB 55 (Sub-No. 725X) (served September 11, 2012); *Norfolk Southern Railway Company – Discontinuance of Service Exemption – In St. Joseph and LaPorte Counties, IN*, STB Docket No. AB-290 (Sub-No. 307X) (served June 18, 2008).

CONCLUSION

For the reasons set forth above, the Board should find that ODOT's proposed abandonment and the SLWC proposed discontinuance satisfies the exemption requirements of 49 C.F.R. §1152.50, and should issue the appropriate notice.

Respectfully submitted,



Robert A. Wimbish
Fletcher & Sippel LLC
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Chicago, Illinois 60606
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rwimbish@fletcher-sippel.com

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Justin J. Marks
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1001 Pennsylvania Ave. N.W.
Suite 1300 South
Washington, DC 20004
(202) 772-0916
jmarks@clarkhill.com

Counsel for Stillwater Central Railroad, L.L.C.

*Counsel for Oklahoma Department of
Transportation*

Dated: May 30, 2024

VERIFICATION

I hereby verify on behalf of the State of Oklahoma, under penalty of perjury, that the statements relevant to the State of Oklahoma's Notice of Exempt Abandonment (49 C.F.R. §1152.50(b)) are true and correct and hereby certify that NECR has complied with the requirements of 49 C.F.R. §§1152.50(d)(1), 1105.11 and 1105.12. Further, I certify that I am qualified and authorized to file this Verification.

Executed on May 30, 2024

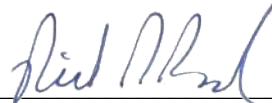


Jared Schwennesen,
ODOT Multi-Modal & Planning
Division Manager

VERIFICATION

I hereby verify on behalf of Stillwater Central Railroad, L.L.C., under penalty of perjury, that the statements relevant to the Stillwater Central Railroad, L.L.C. Notice of Exempt Discontinuance are true and correct. Further, I certify that I am qualified and authorized to file this Verification.

Executed on May 30, 2024

A handwritten signature in blue ink, appearing to read "Rick D. Baden", is written over a horizontal line.

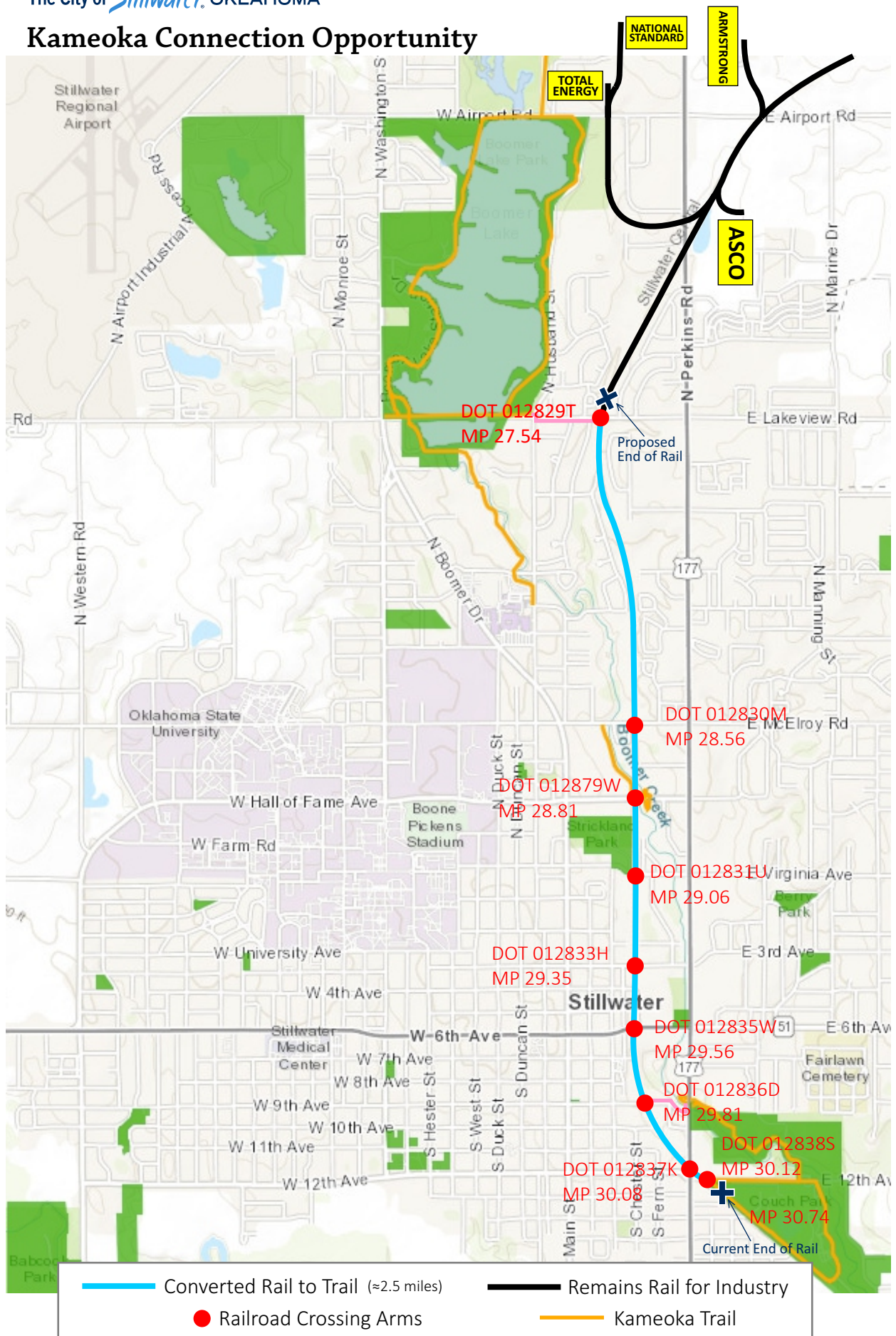
Rick D. Baden
EVP, CFO, Treasurer & Asst. Secretary

NOTICE OF EXEMPTION

EXHIBIT A

MAP

Kameoka Connection Opportunity



NOTICE OF EXEMPTION

EXHIBIT B

NEWSPAPER NOTICE

Certificate of Newspaper Publication

49 C.F.R. § 1105.7(c) – Newspaper Notice

I certify that a “Joint Notice of Intent to Abandon and Discontinue Rail Service” was published in the form prescribed by the Board for abandonment notices of exemption at 49 C.F.R. § 1105.12. The notice was published on March 7, 2024, in the *Stillwater News Press*, a newspaper of general circulation in Payne County, Oklahoma.

May 30, 2024



Justin J. Marks
*Attorney for the Oklahoma
Department of Transportation*

Joint Notice of Intent to Abandon and Discontinue Rail Service

The State of Oklahoma by and through the Oklahoma Department of Transportation (ODOT) and the Stillwater Central Railroad, L.L.C. (SLWC) give notice that on or after April 1, 2024, ODOT intends to file with the Surface Transportation Board, Washington, DC, a notice of exemption under 49 CFR part 1152, subpart F - Exempt Abandonments and Discontinuances permitting the abandonment of a 3.2-mile line of railroad (the Line) between railroad milepost 30.74 and milepost 27.54. In addition, jointly with ODOT's abandonment filing, SLWC intends to file a notice of exemption under 49 CFR part 1152, subpart F, to authorize the discontinuance of SLWC's common carrier operations over the Line. The Line traverses through United States Postal Service ZIP Code 74074 in Stillwater, Payne County, Oklahoma. The ODOT abandonment and SLWC discontinuance exemption proceedings will be docketed as No. AB 1330X and AB 1040 (Sub-No. 1X), respectively.

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA) in connection with ODOT's proposed abandonment of the Line, which will normally be available 25 days after the filing of the abandonment notice of exemption. An EA is generally not required for a discontinuance notice of exemption, as SLWC intends to file. Comments on environmental and energy matters bearing on the EA associated with ODOT's abandonment notice of exemption should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, Washington, DC or by calling OEA at (202) 245-0291.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. Any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance where applicable) must be filed directly with the Board's Office of Proceedings either via e-filing or addressed to 395 E. Street S.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representatives: for ODOT: Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Ave. N.W. Suite 1300 South, Washington, DC 20004; jmarks@clarkhill.com; and for SLWC: Robert A. Wimbish, Fletcher & Sippel LLC, 29 N. Wacker Drive, Suite 800, Chicago, IL 60606; rwimbish@fletcher-sippel.com.

PROOF OF PUBLICATION

STATE OF OKLAHOMA)
COUNTY OF PAYNE) SS.

Kasey Russell

of lawful age, being duly sworn and authorized, says that she is the authorized agent of the Stillwater NewsPress, a daily newspaper printed in the City of Stillwater, Payne County, Oklahoma, a newspaper qualified to publish legal notices, advertisements, and publications as provided in Section 106 of Title 25, Oklahoma Statutes 1971, as amended, and complies with all other requirements of the laws of Oklahoma with reference to legal publications.

That said notice, a true copy of which is attached hereto, was published in the regular edition of said newspaper during the period and time of publication and not in a supplement, on the following dates:

March 7, 2024



Subscribed and sworn to before me this 30th day of May 2024



Notary Public

My Commission Expires: 5/29/26

No. 02007992

-Publication Fee: \$ 72.00

JOINT NOTICE OF INTENT TO ABANDON
AND DISCONTINUE RAIL SERVICE

(Published in the Stillwater News Press on Mar 7, 2024

Joint Notice of Intent to Abandon and Discontinue Rail Service

The State of Oklahoma by and through the Oklahoma Department of Transportation (ODOT) and the Stillwater Central Railroad, L.L.C. (SLWC) give notice that on or after April 1, 2024, ODOT intends to file with the Surface Transportation Board, Washington, DC, a notice of exemption under 49 CFR part 1152, subpart F - Exempt Abandonments and Discontinuances permitting the abandonment of a 3.2-mile line of railroad (the Line) between railroad milepost 30.74 and milepost 27.54. In addition, jointly with ODOT's abandonment filing, SLWC intends to file a notice of exemption under 49 CFR part 1152, subpart F, to authorize the discontinuance of SLWC's common carrier operations over the Line. The Line traverses through United States Postal Service ZIP Code 74074 in Stillwater, Payne County, Oklahoma. The ODOT abandonment and SLWC discontinuance exemption proceedings will be docketed as No. AB 1330X and AB 1040 (Sub-No. 1X), respectively.

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sylvania Ave. N.W. Suite 1300 South, Washington, DC 20004; jmarks@clarkhill.com; and for SLWC: Robert A. Wimbish, Fletcher & Sippel LLC, 29 N. Wacker Drive, Suite 800, Chicago, IL 60606; rwimbish@fletcher-sippel.com.



NOTICE OF EXEMPTION

EXHIBIT C

10-DAY NOTICE LETTERS

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March 12, 2024

U.S. Department of the Interior -
National Park Service
RTCA Program
1849 C Street, NW
Washington, DC 20240

Office of Chief of Forest Service
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250-1111

United States Department of the Army
Military Surface Deployment and Distribution
Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
1 Soldier Way, Building 1900W
Scott AFB, IL 62225

Oklahoma Corporation Commission
P.O. Box 52000
Oklahoma City, OK 73152-2000

Re: The State of Oklahoma by and through the Oklahoma Department of
Transportation – Abandonment Exemption – in Payne County, Oklahoma
Surface Transportation Board Docket No. AB 1330X

Stillwater Central Railroad, L.L.C. – Discontinuance Exemption – In Payne County,
Oklahoma Surface Transportation Board Docket No. AB 1040 (Sub-No. 1X)

To Whom it May Concern:

This letter is being sent to you pursuant to the requirements of 49 C.F.R. § 1152.50(d), to advise you that the State of Oklahoma by and through the Oklahoma Department of Transportation ("ODOT") intends to abandon, and the Stillwater Central Railroad, L.L.C. ("SLWC") intends to discontinue common carrier operations over, a line of railroad described below. ODOT and SLWC jointly will file notices with the Surface Transportation Board ("STB") pursuant to the class exemption provisions of 49 CFR § 1152.50 in the above-referenced STB dockets.

ODOT and SLWC will each concurrently invoke the STB's class exemption procedures for ODOT to abandon, and for SLWC to discontinue common carrier operations over, approximately 3.2 - miles of track between milepost 30.74 and milepost 27.54 in Stillwater, Payne County, Oklahoma (the "Line"). The Line traverses through United States Postal Service ZIP Code 74074. A map of the Line is enclosed.

Based upon information in their possession, ODOT and SLWC do not believe that the Line contains federally-granted rights of way. Any documentation in the possession of ODOT or SLWC related to the issue of federally-granted rights of way for the Line will be made available to those requesting it.

March 12, 2024
Page 2

SLWC's counsel has authorized ODOT to file this letter on its behalf.

Sincerely,

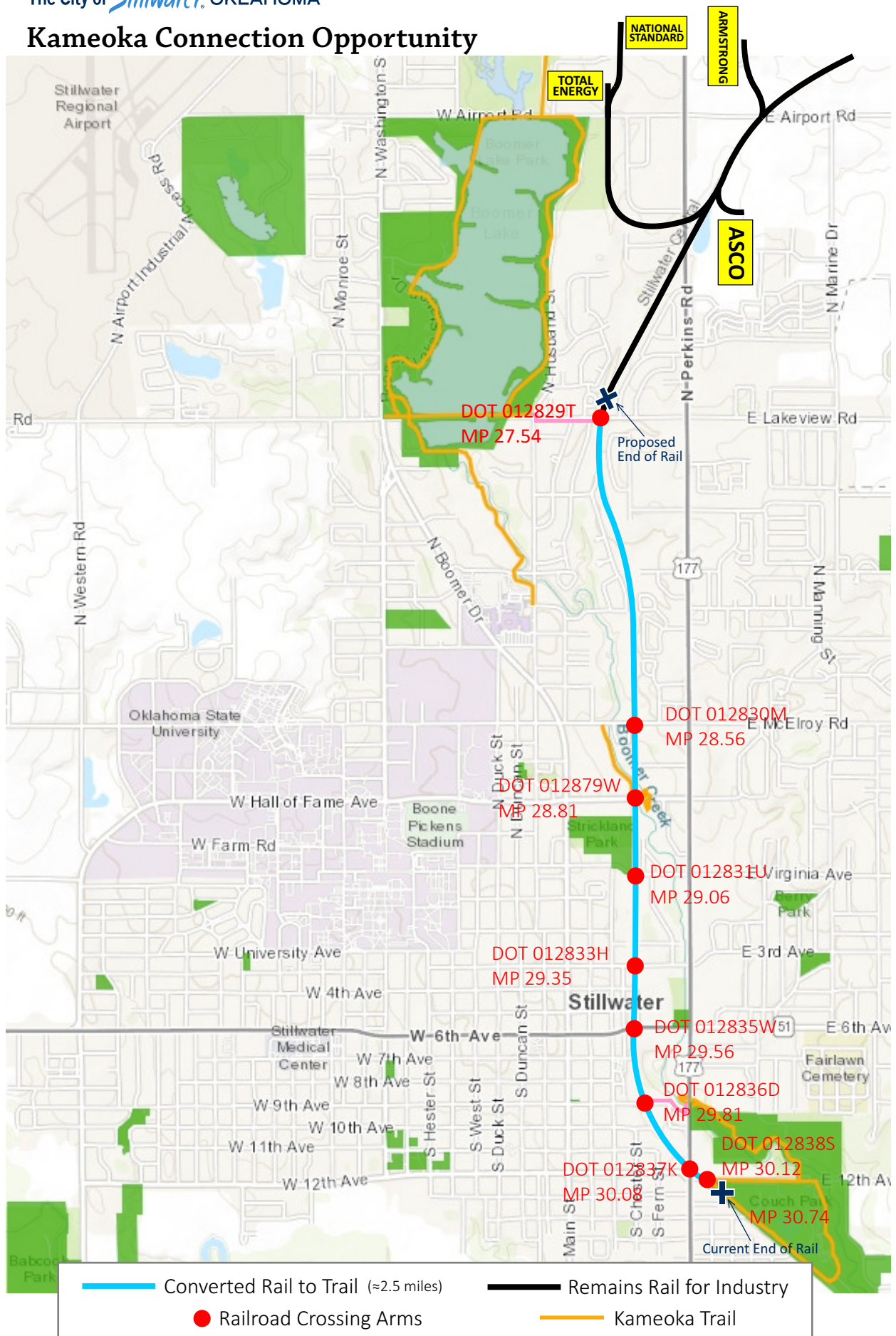


Justin J. Marks
*Counsel to Oklahoma Department of
Transportation*

cc: Robert A. Wimbish
Counsel to Stillwater Central Railroad, L.L.C.

Enclosure

Kameoka Connection Opportunity



CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing Joint Notice of Exemption was served on the persons shown on the attached list by email or first-class mail, postage prepaid.

Stacy Riley, Acting State Conservationist USDA Natural Resources Conservation Service 100 USDA Suite 206 Stillwater, OK 74074-2651 stacy.riley@usda.gov	Earthea Nance, Regional Administrator Office of the Regional Administrator US EPA Region 6 Main Office 1201 Elm Street, Suite 500 Dallas, Texas 75270 Nance.Earthea@epa.gov
United States Department of Agriculture Natural Resources Conservation Service Office of the Chief 1400 Independence Ave., SW Room 5105-A Washington, DC 20250	U.S. Army Corps of Engineers CESWT-RO 2488 E. 81st Street Tulsa, OK 74137-4290 ceswt-ro@usace.army.mil
National Park Service 1849 C Street, NW Washington, DC 20240	National Park Service Regional Office Intermountain Region, Regions 6, 7, 8 12795 West Alameda Parkway Lakewood, CO 80228 imr_regional_director@nps.gov
Amy Lueders, Regional Director United States Fish & Wildlife Service Southwest Region 500 Gold Ave. SW Albuquerque, NM 87102 Amy_lueders@fws.gov	National Geodetic Survey ngs.infocenter@noaa.gov
Oklahoma Department of Environmental Quality Department of Environmental Quality P.O.Box 1677 Oklahoma City, OK, 73101-1677 EnvReviews@deq.ok.gov	Oklahoma Department of Transportation Joe Brutsché Division Manager ODOT Environmental Programs Division JBrutsche@odot.org
The Honorable Zach Cavett 1502 E. Pine	The Honorable Chris Reding 315 W. 6th Suite 203

Cushing, OK	Stillwater, OK creding@paynecountyok.gov
Ms. Kristina Wyckoff State Historic Preservation Office Oklahoma Historical Society 800 Nazih Zuhdi Drive Oklahoma City, OK 73105	The Honorable Rhonda Markum 506 Expo Circle South Stillwater, OK rmarkum@paynecountyok.gov
Oklahoma Archeological Survey University of Oklahoma 111 East Chesapeake, Room 102 Norman, OK 73019	U.S. Department of the Interior - National Park Service RTCA Program 1849 C Street, NW Washington, DC 20240
Office of Chief of Forest Service U.S. Department of Agriculture 1400 Independence Ave., SW Washington, DC 20250-1111	United States Department of the Army Military Surface Deployment and Distribution Command Transportation Engineering Agency ATTN: SDTE-SA (Railroads for National Defense) 1 Soldier Way, Building 1900W Scott AFB, IL 62225
Oklahoma Corporation Commission P.O. Box 52000 Oklahoma City, OK 73152-2000	

Justin J. Marks

Dated: May 30, 2024