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June 27, 2024

VIA E-FILING

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

ENTERED
Office of Proceedings
June 27, 2024
Part of
Public Record

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)

Petition for Issuance of a Notice of Interim Trail Use (color images included)

Dear Ms. Brown:

Enclosed for filing, please find the City of Stillwater, Oklahoma's Petition for Issuance of a Notice of Interim Trail Use pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29. The City of Stillwater has been in contact with the Oklahoma Department of Transportation ("ODOT"), and ODOT has indicated that it is willing to negotiate a Trail Use Agreement with the City. The City of Stillwater would appreciate the Surface Transportation Board favorably considering its Petition for Issuance of a Notice of Interim Trail Use.

Pursuant to 49 C.F.R. § 1002.2(e)(1), the City requests, as a government entity, a waiver or reduction of the filing fee, which has been prepaid for this filing.

Please let us know if there are any questions regarding this filing.

By my signature below, I certify service by e-mail of a copy of this request on counsel for ODOT and Stillwater Central Railroad, L.L.C.

FILING FEE WAIVED

Sincerely,



Kimberly Carnley
City Attorney
City of Stillwater, Oklahoma

cc: Justin J. Marks, Counsel for ODOT, jmarks@clarkhill.com
Eric M. Hocky, Counsel for ODOT, ehocky@clarkhill.com
Robert A. Wimbish, Counsel for Stillwater Central Railroad, L.L.C., rwimbish@fletcher-sippel.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**

**PETITION FOR ISSUANCE OF A
NOTICE OF INTERIM TRAIL USE**

Pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29, the City of Stillwater, Oklahoma (“City of Stillwater”) hereby makes its Petition for Issuance of a Notice of Interim Trail Use. The City of Stillwater states as follows:

1. The City of Stillwater files this petition pursuant to state, federal, and local laws as applicable and as authorized by its Mayor and City Council.
2. The name, title, and address of the City of Stillwater’s representative to whom correspondence should be sent is:

Kimberly Carnley
City Attorney
723 S. Lewis St./PO Box 1449
Stillwater, OK 74076
(405) 742-8205
Kimberly.carnley@stillwater.org

3. The City of Stillwater is interested in acquiring or using the right-of-way of the following stub-ended rail line owed by the Oklahoma Department of Transportation (“ODOT”) and leased and operated by Stillwater Central Railroad, L.L.C. (“SLWC”) for interim trail use and railbanking. The stub-ended rail line (“Subject Line”), is more accurately described as follows:

- a. An approximately 3.2-mile, stub-ended rail line extending between milepost 30.74 to milepost 27.54 in Stillwater, Payne County, Oklahoma.

A map of the Subject Line is attached as Exhibit A.

4. The City of Stillwater makes the following statement:

**STATEMENT OF WILLINGNESS TO ASSUME
FINANCIAL RESPONSIBILITY**

In order to establish interim trail use and rail banking under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 with respect to the right-of-way owned by the Oklahoma Department of Transportation and operated by Stillwater Central Railroad, L.L.C., the City of Stillwater is willing to assume full responsibility for: (1) Managing the right-of-way, (2) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify the railroad against any potential liability), and (3) the payment of any and all taxes that may be levied or assessed against the right-of-way. The Property, known as Oklahoma Department of Transportation's stub-ended line of railroad, extends between railroad milepost 30.74 and railroad milepost 27.54, a distance of approximately 3.2 miles in Stillwater, Payne County, Oklahoma. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB 1330X. A map of the right-of-way is attached.

The City of Stillwater acknowledges that use of the right-of-way is subject to the sponsor's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Board.

5. The City of Stillwater understands that ODOT intends to abandon and SLWC intends to discontinue the Subject Line following completion of the abandonment proceeding in this docket. The City has been in contact with the staff of ODOT, and ODOT has indicated that ODOT is willing to negotiate a Trail Use Agreement with the City with respect to the Subject Line if the Board issues a Notice of Interim Trail Use.

WHEREFORE, City of Stillwater respectfully petitions that the Surface Transportation Board issue a Notice of Interim Trail Use authorizing the City and ODOT to negotiate for the City of Stillwater's acquisition or use of the Subject Line right-of-way in this proceeding for interim trail use and railbanking.

Respectfully,



Kimberly Carnley

City Attorney

City of Stillwater, Oklahoma

Exhibit A

The City of *Stillwater*. OKLAHOMA

Kameoka Connection Opportunity

