

SERVICE DATE – JULY 15, 2024

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1330X

THE STATE OF OKLAHOMA BY AND THROUGH THE OKLAHOMA DEPARTMENT
OF TRANSPORTATION—ABANDONMENT EXEMPTION—IN PAYNE COUNTY,
OKLA.

Decided: July 15, 2024

The State of Oklahoma by and through the Oklahoma Department of Transportation (ODOT) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments and Discontinuances of Service for ODOT to abandon an approximately 3.2-mile stub-ended rail line extending between milepost 30.74 and milepost 27.54 in Stillwater, Payne County, Okla. (the Line).¹ Notice of the exemption was served and published in the Federal Register on June 18, 2024 (89 Fed. Reg. 51,585). The exemption is scheduled to become effective on July 18, 2024.

On June 28, 2024, the National Association of Reversionary Property Owners (NARPO) filed a comment claiming that ODOT’s verified notice does not comply with 49 C.F.R. § 1152.22(e)(4). That regulation provides, in part, that “[i]f the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.” NARPO asserts that when ODOT acquired the Line it “should have gotten all the Valuation Maps” associated with the Line. (NARPO Comment 1). According to NARPO, those maps “would clearly show that many of the parcels” were originally “acquired by easement which according to Oklahoma law, makes them reversionary on abandonment of rail purposes.” (*Id.*)²

ODOT will be directed to reply to NARPO’s submission by July 18, 2024. *See* 49 C.F.R. § 1104.13(a). Because the exemption otherwise would take effect that day, the effective date of the exemption will be postponed pending further Board order.

¹ In the same jointly filed verified notice, Stillwater Central Railroad, L.L.C., sought to discontinue service over the Line. *See Stillwater Cent. R.R.—Discontinuance Exemption—in Payne Cnty., Okla.*, AB 1040 (Sub-No. 1X) (STB served June 18, 2024).

² NARPO adds that the State of Oklahoma should “provide good governance to its citizens by notifying the abutting property owners” of their reversionary rights should the Line become fully abandoned. (*Id.*)

It is ordered:

1. ODOT is directed to reply to NARPO's submission by July 18, 2024.
2. The effective date of the exemption is postponed pending further Board order.
3. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.