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ENTERED
Office of Proceedings
April 5, 2019
Part of
Public Record

April 5, 2019

VIA E-FILING

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

**Re: STB Docket No. AB 6 (Sub-No. 498X), BNSF Railway Company—
Abandonment Exemption—In Pawnee County, Oklahoma**

Dear Ms. Brown:

Enclosed for e-filing is BNSF Railway Company's Notice of Exemption under 49 C.F.R. § 1152.50. Also enclosed as a confidential attachment is a form authorizing payment in the amount of \$4,200, representing the appropriate fee for this filing.

Please contact me with any questions.

Respectfully submitted,



Sarah B. Nural

Attorney for BNSF Railway Company

FILED
April 5, 2019
SURFACE
TRANSPORTATION BOARD

Enclosure

FEE RECEIVED
April 5, 2019
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 6 (Sub-No. 498X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—
IN PAWNEE COUNTY, OKLAHOMA

VERIFIED NOTICE OF EXEMPTION
Pursuant to 49 C.F.R. § 1152.50

BNSF RAILWAY COMPANY
2650 Lou Menk Drive
P.O. Box 96157
Fort Worth, TX 76161-0057

Jill Rugema
Assistant General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, TX 76131-2828

Peter W. Denton
Sarah B. Nural
Steptoe & Johnson LLP
1330 Connecticut Ave, NW
Washington, DC 20036
(202) 429-3000

*Attorneys for BNSF Railway
Company*

Dated: April 5, 2019

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 6 (Sub-No. 498X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—
IN PAWNEE COUNTY, OKLAHOMA

VERIFIED NOTICE OF EXEMPTION
Pursuant to 49 C.F.R. § 1152.50

BNSF Railway Company (“BNSF”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 to abandon 0.74 miles of Line Segment 1047 (formerly 7401), track 5403 between milepost 6.47 and milepost 7.21 in Pawnee County, Oklahoma (the “Line”).

(1) Proposed Consummation Date

The proposed consummation date is 50 days after the date of filing this Notice of Exemption.

(2) Certification Required by 49 C.F.R. § 1152.50(b)

The required certification is attached as Exhibit A.

(3) Information Required by 49 C.F.R. § 1152.22(a)(1) through (4), (7) and (8) and (e)(4).

(a) General

(1) Exact name of applicant

BNSF Railway Company

(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105

BNSF is a common carrier by railroad subject to 49 U.S.C.

Subtitle IV, Chapter 105.

(3) Relief sought

BNSF seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon 0.74 miles of Line Segment 1047 (formerly 7401), track 5403 between milepost 6.47 and milepost 7.21 in Pawnee County, Oklahoma. There has been no traffic on the Line since prior to 2008. In addition, there is no overhead traffic on the Line.

(4) Map

A map of the Line is attached as Exhibit B.

(7) Name, title and address of representative of applicant to whom correspondence should be sent

Peter Denton
Steptoe & Johnson LLP
1330 Connecticut Ave, NW
Washington, DC 20036
pdenton@steptoe.com
(202) 429-3000

(8) List of all United States Postal Service ZIP codes that the line proposed for abandonment traverses

The Line traverses ZIP Code 74058.

(e) Rural and community impact

(4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public

purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If 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.

The Line may be appropriate for use for other public purposes.

All of the parcels on the Line are subject to a reversionary interest except one parcel that is non-reversionary.

(4) Labor Level of Protection

The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. -Abandonment-Goshen*, 360 I.C.C. 91 (1979).

(5) Certification

Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(l) and 1105.12 are attached as Exhibit C.

(6) Environmental Report

The Environmental Report containing information required by 49 C.F.R. § 1105.7 was submitted to the Board on April 5, 2019. A certificate of compliance with the notice requirements of 49 C.F.R. § 1105.11 is attached as Exhibit D.

(7) Historic Report

The Historic Report containing information required by 49 C.F.R. § 1105.8 was submitted to the Board on April 5, 2019. A certificate of compliance with the notice requirements of 49 C.F.R. § 1105.11 is attached as Exhibit D.

Respectfully submitted,



Jill Rugema
Assistant General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131-2828
(817) 352-3451

Peter W. Denton
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Washington, DC 20036
(202) 429-3000

*Attorneys for BNSF Railway
Company*

Dated: April 5, 2019

EXHIBIT A

**VERIFICATION AND CERTIFICATION THAT RAIL LINE
MEETS CRITERIA OF 49 C.F.R. § 1152.50(b)**

STATE OF TEXAS)
) **ss.**
TARRANT COUNTY)

I, John Sims, being duly sworn depose and state that I am Manager Network Strategy for BNSF Railway Company (“BNSF”), that I am authorized to make this verification and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information and belief.

I hereby certify that no local traffic has moved over the 0.74 miles of Line Segment 1047 (formerly 7401), track 5403 between milepost 6.47 and milepost 7.21 in Pawnee County, Oklahoma (the “Line”) proposed for abandonment since prior to 2008 and that there is no overhead traffic on the Line. I further certify that no formal complaint filed by a user of rail service on the Line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the 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.

The foregoing certification is made on behalf of BNSF by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information and belief of the undersigned.

John Sims

John Sims
Manager Network Strategy

SUBSCRIBED AND SWORN TO before me this 2nd day of April, 2019.

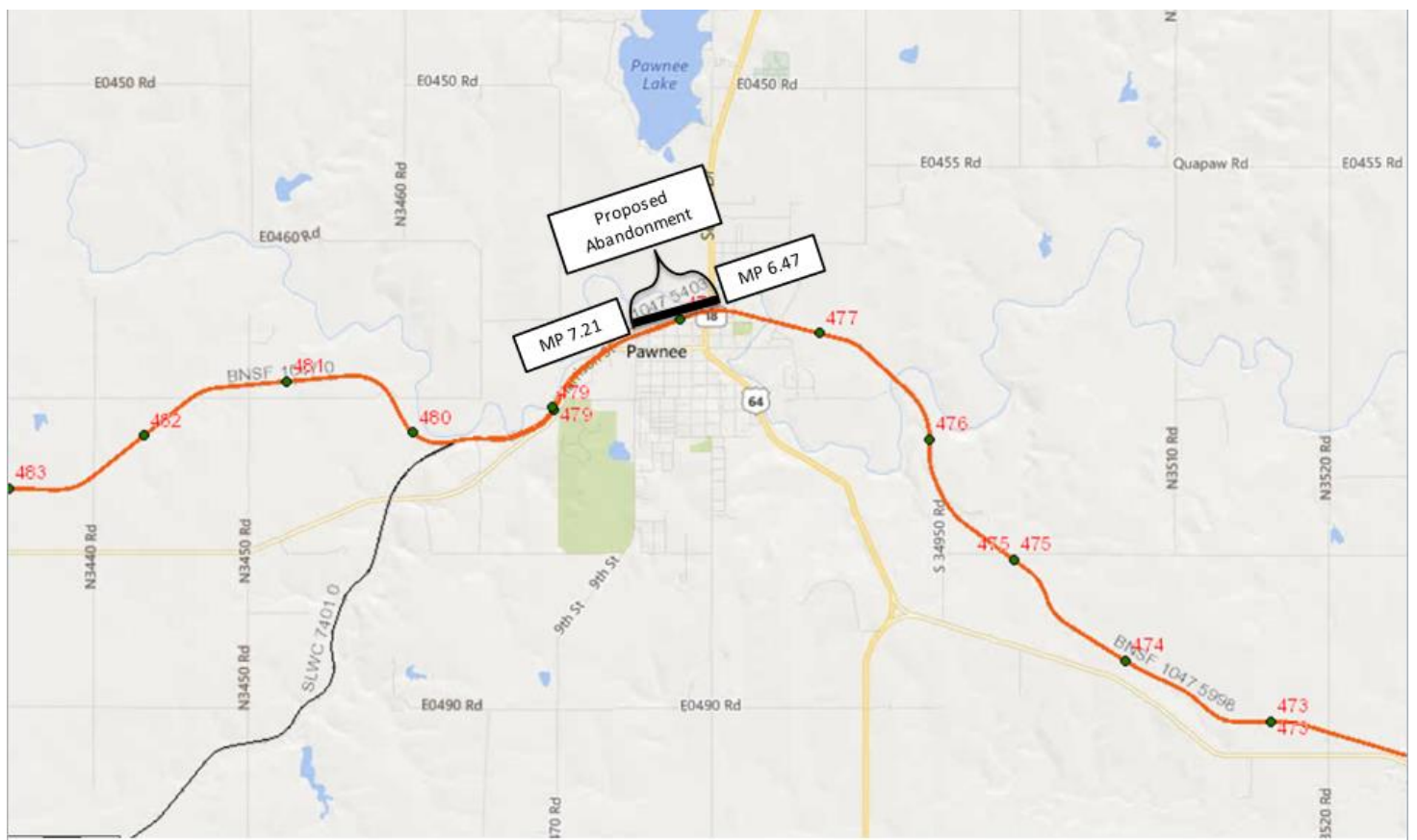
My Commission Expires: 04.29.2021

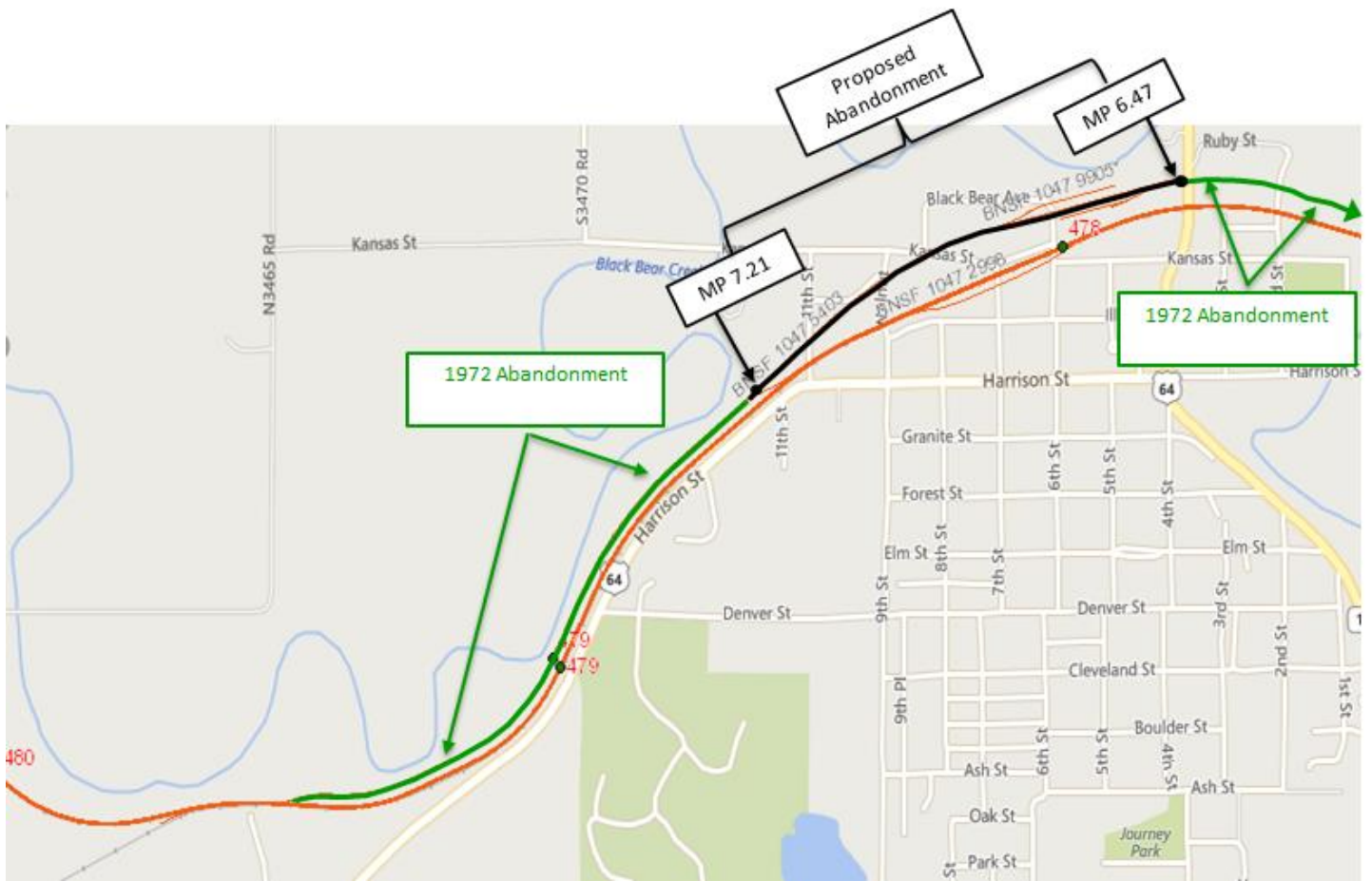


Kay Holliday Green
Notary Public

EXHIBIT B

MAPS





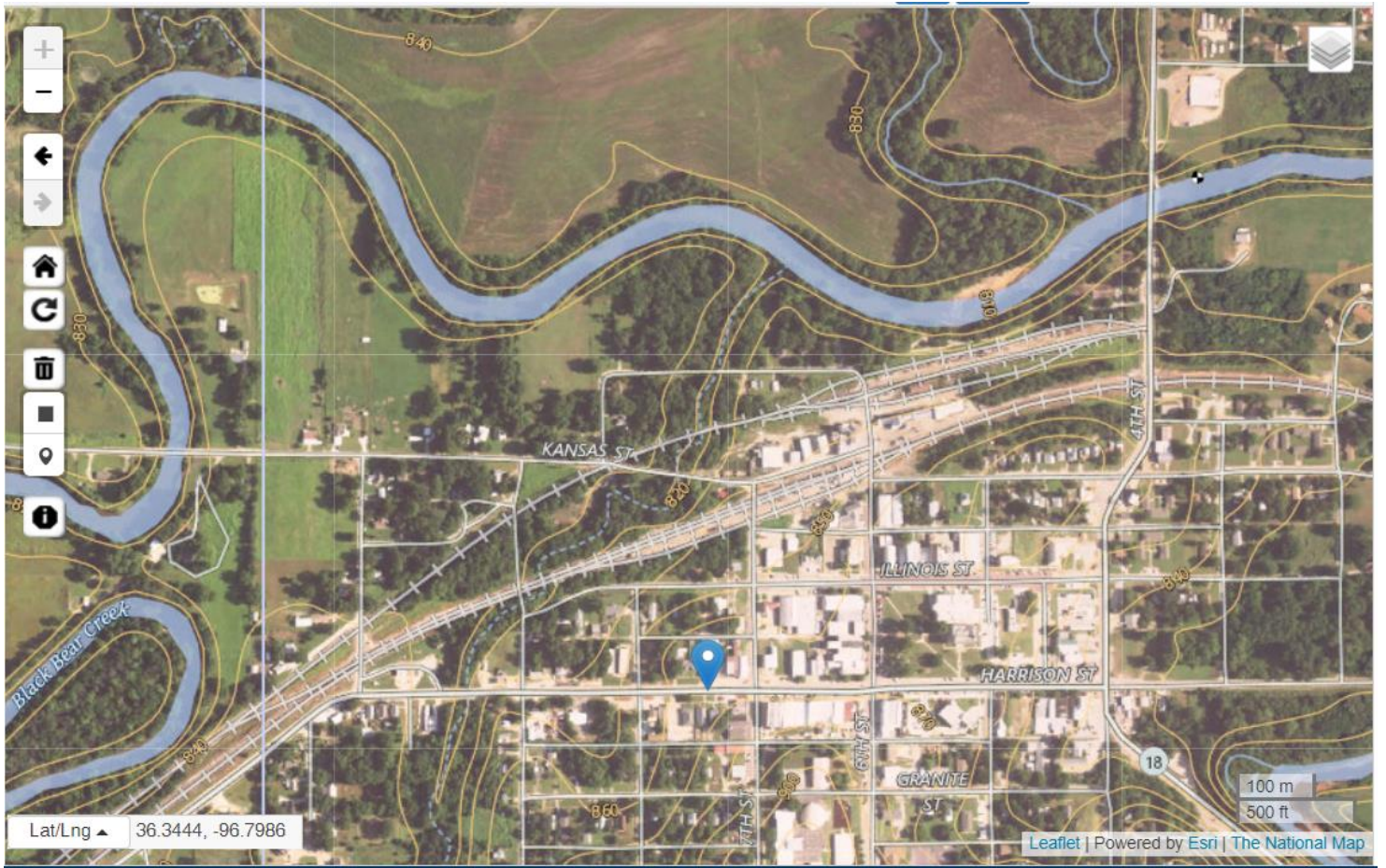


EXHIBIT C

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(l), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB 6 (Sub-No. 498X) was mailed via first class mail on March 20, 2019, to the following parties:

State Public Service Commission

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

Military Traffic Management Command

U.S. Department of Defense
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
1 Soldier Way
Bldg 1900W
Scott AFB, IL 62225

National Park Service

National Park Service
Conservation and Outdoor Recreation Division Office
1849 C Street NW
Washington, DC 20240

U.S. Department of Agriculture

Vicki Christiansen
Chief of the Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024

Dated: April 5, 2019



Sarah B. Nural

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB 6 (Sub-No. 498X) was published on February 13, 2019, in the Pawnee Chief, a newspaper of general circulation in Pawnee County, Oklahoma, as required by 49 C.F.R. § 1105.12.

Dated: April 5, 2019



Sarah B. Nural

Affidavit of Publication In the PAWNEE CHIEF

STATE OF OKLAHOMA,
COUNTY OF PAWNEE ss:

Larry R. Ferguson, of lawful age, being duly sworn and authorized, says that he is Publisher of the PAWNEE CHIEF, a weekly newspaper published in the City of Pawnee, Pawnee 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.

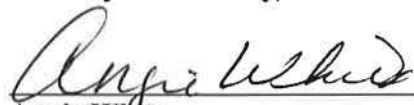
That said notice, a true copy of which is attached hereto, was published in the regular edition of said newspaper during the period and time of publication and not in a supplement, on the following dates:

February 13, 2019



Publisher

Subscribed and sworn to before me this
13th day of February, 2019



Angie White
Notary Public

My Commission Expires March 6, 2021.
Commission No. 13002265



(Published in the Pawnee CHIEF,
Pawnee, Okla., February 13, 2019)

Notice of Intent To Abandon Rail Service

BNSF Railway Company ("BNSF") gives notice that on or after March 11, 2019, it intends to file with the Surface Transportation Board, Washington, DC, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the abandonment of a 0.74 mile line of railroad between railroad milepost 6.47 and milepost 7.21 on Line Segment 1047 (formerly 7401), which traverses through United States Postal Service ZIP Code 74058 in Pawnee County, Oklahoma. The proceeding will be docketed as No. AB 6 (Sub-No. 498X).

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters 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 the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC or by calling that office 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. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of Proceedings, Washington, DC [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 representative: Sarah B. Nural, Steptoe & Johnson LLP, 1330 Connecticut Ave. NW, Washington, DC 20036; phone: (202) 429-8103.

Publication Fee: \$50.90

EXHIBIT D

CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that, pursuant to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8, the transmittal letter required by 49 C.F.R. § 1105.11 and copies of the Combined Environmental and Historic Report in Docket No. AB 6 (Sub-No. 498X) was sent via first class mail on February 11, 2019 to the following parties:

State Historic Preservation Office Oklahoma Historical Society 800 Nazih Zuhdi Drive Oklahoma City, OK 73105	Brad Sewell, Mayor City of Pawnee 510 Illinois Street Pawnee, OK 74058
Bureau of Land Management Oklahoma Field Office 201 Stephenson Parkway Suite 1200 Norman, OK 73072	Communications and Outreach Branch, NOAA, N/NGS12 National Geodetic Survey, SSMC3 #9340 1315 East-West Highway Silver Spring, MD 20910-3282
U.S. Environmental Protection Agency, Region 6 Fountain Place 12th Floor, Suite 1200 1445 Ross Avenue Dallas, TX 75202-2733	Charlie Brown, County Commissioner Jim McCormick, County Commissioner Dale Carter, County Commissioner Pawnee County 500 Harrison Street, Room 203 Pawnee, OK 74058
U.S. Army Corps of Engineers Tulsa District 2488 East 81 st Street Tulsa, OK 74137-4290	Natural Resources Conservation Service U.S. Department of Agriculture Pawnee Field Service Center 701 5th Street Pawnee, OK 74058
Intermountain Regional Office National Park Service P.O. Box 25287 Denver, CO 80225-0287	Oklahoma Department of Environmental Quality Water Quality Division P.O. Box 1677 Oklahoma City, OK 73101-1677

Oklahoma Archeological Survey The University of Oklahoma 111 Chesapeake Street Norman, OK 73019-5111	U.S. Fish and Wildlife Service Southwest Region P.O. Box 1306 Albuquerque, NM 87103-1306

Dated: April 5, 2019



Sarah B. Nural