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June 19, 2002

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The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Room 711
Washington D.C. 20423-001

Re: STB Finance Docket No. 34013, B. Willis, C.P.A., Inc. - Petition For
Declaratory Order.

Dear Secretary Williams:

Enclosed please find eleven (11) original copies of a Petition to Reopen
Administratively Final Action for filing in the above referenced proceeding.. Also
enclosed is a check in the amount of \$150.00 to cover the filing fee.

Your assistance is very deeply appreciated.

Sincerely,

William T. Dickson

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JUN 21 2002

SURFACE
TRANSPORTATION BOARD

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BEFORE THE SURFACE TRANSPORTATION BOARD

In re: B. Willis, C.P.A., Inc.
-Petition For Declaratory Order

Finance Docket No. 34013



PETITION TO REOPEN ADMINISTRATIVELY FINAL ACTION

Comes now B. Willis, C.P.A., Inc. ("Willis") and petitions the Surface Transportation Board pursuant to 49 CFR §1115.4 to reopen this administratively final action that the Board decided on October 1, 2001,¹ vacate its prior decision and render a new decision that the railroad track constructed across Willis' property by Public Service Company of Oklahoma ("PSO") for the use of The Burlington Northern and Santa Fe Railway Company ("BNSF") to transport full complete unit trains in a through journey from Wyoming to Oologah, Oklahoma is in fact a railroad line subject to the requirements of 49 U.S.C., § 10901 and that the ongoing condemnation action seeking to condemn a right of way for this track and BNSF's operations over it are in violation of that statute.

Willis files this petition by and through its attorney whose name, address and telephone are:

William T. Dickson, Esq.
1369 South Garnet
Tulsa, Oklahoma 74128
918-629-0449
Fax 918-234-5114

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This petition is based on a need to introduce new evidence that shows that there was material error in the Board's prior decision. Willis would further request that this petition be acted upon in an expedited manner as the Board's prior decision is on appeal and the Appellant's brief is due July 9, 2002.

¹ A copy of the Board's decision is attached as Exhibit 1.

FILED

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**SURFACE
TRANSPORTATION BOARD**

Explanation As to Why Evidence Not Previously Adduced.

PSO contacted Willis in 1992 seeking to obtain an easement for a railroad right of way across property Willis owned in Rogers County, Oklahoma. After preliminary conversations, PSO sent Willis a "final offer letter"² on October 2, 1992 in which PSO asserted:

If you do not accept the sum offered, Public Service Company of Oklahoma, **AS A COMMON CARRIER**, will have no alternative but to seek, through condemnation, a Railroad Right-of-Way Easement across your property in Rogers County, Oklahoma. (Emphasis added.)

Throughout all prior proceedings dealing with this track, PSO has characterized the track at issue as either a "spur track" or "industrial spur track." The petition in condemnation filed in the state condemnation case³ seeks an easement for a "single track industrial railroad spur track" and subsequently, PSO and BNSF entered into an "Industrial Track and Operating Agreement."

49 U.S.C., § 10102 states in part (emphasis added):

- (6) "railroad" includes-
 - (B) the road used by a rail carrier and owned by it **or operated under an agreement...**
- (9) "transportation" includes-
 - (A)...property, facility, instrumentality, or equipment of any kind related to the movement of passengers or property, or both, by rail, **regardless of ownership** or an agreement concerning use.

49 U.S.C., § 10501 states in part:

- b) The jurisdiction of the Board over-
 - (1) transportation by rail carriers, and the remedies provided in this part with respect to rates, classifications, rules (including care service, interchange, and other operating rules), practices, routes, services, and facilities of such carriers; and
 - (2) the construction, acquisition, operation, abandonment, or discontinuance of spur, industrial, team, switching, or side

² A copy of this letter was previously filed as Exhibit 15. A copy is attached hereto as Exhibit 2.

³ A copy of the petition was introduced in the record as Exhibit 1.

tracks, or facilities, even if the tracks are located, or intended to be located, entirely in one State, is exclusive.

Nowhere in this subsection does it say, “except if owned by shipper.”

The enactment of the ICCTA greatly expanded the federal preemption of railroad regulation. The STB noted in Finance Docket No. 33971, *Joint Petition for Declaratory Order- Boston and Maine Corporation and Town of Ayer, Ma.*, (served May 1, 2001):

As the court stated in *CSX Trans., v. Georgia Pub. Serv. Comm’n*, 944 F. Supp. 1573, 1581 (N.D. Ga. 1996), “[I]t is difficult to imagine a broader statement of Congress’ intent to preempt state regulatory authority over railroad operations” than that contained in section 10501(b).

In *BNSF Corp. v. Andersen*, 959 F. Supp. 1288, 1295 (Dist. Mont. 1997) the Court stated:

The ICCTA contains an express preemption clause, providing that the remedies stated there under with respect to regulation of rail transportation are exclusive and that those remedies preempt the remedies provided under federal or state law. **The Act reserved no area of regulation for the individual states**-agency regulation or otherwise. (Emphasis added)

Both the ICC and the STB have long held in multiple rulings that they had jurisdiction under what today is 49 U.S.C., §10901 (a) over any track built that changed the competitive situation for rail service at a location **even if the track was built by a shipper who would be the only party using the track.**

The ICC first applied the change in the competitive situation test in Finance Docket No. 30568, *Southern Pacific Transportation Company-Petition For Declaratory Order-Extension of Rail Line*, (served March 29, 1985) (“*NUMMP*”). In that case the track was built by the railroad so the case can be distinguished. However, two (2) years later the ICC again applied the same standards in *K&K Warehouse-Exemption from 49 U.S.C. §11104 and § 10901(d)*, 1987 LEXIS 374. Even though the ICC found that the competitive status quo would not be sufficiently altered, the decision is nevertheless important because it constitutes a recognition by the ICC that the rules of *Texas & Pacific Ry. v. Gulf, Co. & S.F. Ry. Co.*, 270 U.S. 266 (1926), and *NUMMI* are applicable to track constructed by shippers to serve only their own facilities by extending the service of rail carriers into territory already served by another railroad. **Of critical importance is that**

the ICC found that the track in *K&K Warehouse* was outside its jurisdiction because the track was a spur line exempt under §10907(b), not because it was a “private line” serving only the shipper who proposed to build it.

In 1989 the ICC found that it had jurisdiction over a track built by an electric utility to provide alternative rail service to its coal fired generating facility. In Finance Docket No. 31498, *Southern Electric Generating Company- Petition for Exemption- Construction of a Rail Line in Shelby County Al.*, (served September 19, 1989) (“*SEGCO*”) the ICC not only found that it had jurisdiction over the track under §10901 but found that by constructing such a track *SEGCO* became a rail carrier and assumed a common carrier obligation to provide service. (*SEGCO* at note 1.) In finding that the “commodities clause” of 49 U.S.C., §10746 did not apply, the ICC noted:

A violation of section 10746 can only occur if the rail line will be operated as the alter ego of the shipper, and, as such, will cause injustice to others. *** In addition, there **would have to be other shippers** on the line served by the carrier. *** For several reasons we do not believe the commodities clause is an issue in this proceeding... **The possibility of other shippers using the line is speculative.** *SEGCO* at page 3 (emphasis added).

Thus, even though the track was built by a shipper and there would be no other shippers, the ICC asserted jurisdiction under 49 U.S.C., §10901.

In Finance Docket No. 31717, *Iowa Power, Inc.- Construction Exemption – Council Bluffs, Ia.*, 8 I.C.C. 2d 858 (1990) the ICC found jurisdiction over a track to be constructed by Iowa Power to create an alternative rail access for coal trains to its Council Bluffs Energy Center. The track was to be only 1.8 miles in length, adjoin and cross exclusively over lands dedicated to farming and serve only Iowa Power’s generating facility. **In other words, as in the case at bar, the track was to be built by a shipper to serve only its own facility and the ICC still found federal jurisdiction.**

The STB has been consistent with the prior decisions of the ICC with respect to track built by shippers to serve their own facilities.

Finance Docket No. 34020, *Fletcher Granite Company, LLC- Petition for Declaratory Order* (served June 29, 2001) dealt with a private track that only served the owning shipper and was not even used by a common carrier. The STB noted, “**Fletcher laid the rail track on its property and provided its own rail service to the B&M**

interchange.” Nonetheless, the STB made no claim that it lacked jurisdiction under a “so called” private track exemption but rather advised the parties that the STB had exclusive jurisdiction over the track.

In *Public Service Company of Colorado- Construction Exemption Pueblo County, Co.*, Finance Docket No. 33862 (served Aug. 23, 2000) the STB found a track segment to be constructed by an electric utility fell under its jurisdiction pursuant to 49 U.S.C., §10901(a). In the decision at bar the STB attempted to distinguish the decision because Public Service Company of Colorado “was holding out potential service to other shippers...” However, in that decision the STB found that the potential service to other shippers only had relevance to the right to cross BNSF’s track under §10901(d). **With respect to jurisdiction under §10901(a), the STB found that the only dispositive factor was that the track would change the competitive situation at the generating facility, as does the track at issue here.**

The decision by the STB at issue acknowledges that the Union Pacific Railroad Company formerly handled coal deliveries to the generating facility PSO. Therefore, the construction of the track across Willis’ land allowed the Burlington Northern and Santa Fe Railway Company (“BNSF”) to invade Union Pacific’s service area and change the competitive situation at the plant. **As a result, the STB’s assertion that it lacked jurisdiction over both the track and BNSF’s operations over that track directly contradicted multiple prior decisions of the both the ICC and the STB.**

In the months prior to the decision under appeal the STB repeatedly asserted that it had exclusive jurisdiction even in cases involving the construction of ancillary tracks and facilities, even though the Board does not have licensing authority over such matters. The STB further held that state or local bodies could not have the ability to block, veto or interfere with the construction or operation of interstate railroad facilities or operations. Finance Docket No. 33466, *Borough of Riverdale- Petition for Declaratory Order- The New York Susquehanna and Western Railway Corporation*, (served February 27, 2001), Finance Docket No. 33971, *Joint Petition for Declaratory Order- Boston and Maine Corporation and Town of Ayer, Ma.*, (served May 1, 2001), and Finance Docket No. 34020, *Fletcher Granite Company, LLC- Petition for Declaratory Order* (served June 29, 2001).

Moreover, the only "authority" cited by the STB in its decision were Hanson Natural Resources Company-Non Common Carrier Status-Petition for Declaratory Order, ICC Finance Docket No. 32248 (ICC served Dec. 5, 1994) and New York Cent. Ry. Co. v. Southern Ry., 226 F.Supp. 463 (N.D. Ill. 1964), aff'd 338 F.2d 667 (7th Cir. 1964), cert. denied, 380 U.S. 954 (1965), reh'g denied, 381 U.S. 907 (1965), both of which predate the ICCTA and **the language in Hanson that the STB relies on is dicta that is not controlling precedent.**

The *New York Central* decision was, in reality, a finding that the track at issue was a switching track exempt under what today is 49 U.S.C., § 10906. While the Court placed considerable emphasis on the fact that the track was private the Court also emphasized that the track was used to move cars from a mine to a junction with the main line and was not used for the actual line haul. The common carrier railroad did not even charge for the movement over the track at issue. The Court asserted:

And I perceive no reason for a rule that the carrier, under these conditions, need not obtain a certificate of convenience and necessity to serve the shipper at the point where the switch connection is made, but must do so if it sends its cars for loading or unloading to the mine over track owned and maintained by the shipper. Such service is frequently rendered over private track and is generally regarded as merely incidental to the road haul service. 266 F. Supp. at 474 (Emphasis added.)

However, this holding is in direct conflict with controlling D.C. Circuit precedent.

In the cases before us, for example, although the ICC may focus on the tenant railroads' use of the tracks solely for switching operations as the controlling factor in determining the tracks' character, if those switching operations have the effect of substantially extending the tenant railroads' lines into new territory, then the Commission may not decline jurisdiction. *Brotherhood of Locomotive Engineers v. U.S.*, 101 F.3d 718, 728 (D.C. Cir. 1996)

As a result, at the time Willis prepared its Petition For Declaratory Order and the supporting record, Willis had no reason to anticipate that PSO would deny that a common carrier obligation attached to the track or that the STB would adopt a position that contradicted the plain wording of 49 U.S.C., §10501 and all relevant prior decisions of both the I.C.C. and the STB that the only dispositive issue was whether the new track

would change the competitive situation for rail service at the location to be served, **even when the track was built by a shipper to serve only its own facilities.**

New Evidence

Willis desires to introduce the following new evidence before the Board:

1. The Oklahoma Official State Railroad Map (attached as Exhibit 3).
2. Diagram of track at issue showing six (6) public road crossings (attached as Exhibit 4).
3. Letter to Federal Railroad Administration reporting assignment of numbers with U.S. DOT-AAR CROSSING INVENTORY FORMS filed with Oklahoma Department of Transportation to register road crossing and obtain U.S. DOT number for crossings showing "Initiating Agency" was PSO as "Railroad Operating Company." (Attached as Exhibit 5).

The basis of the Board's decision herein was that there was no common carrier obligation attached to the track and that PSO had never held itself out as a common carrier. In its decision herein the Board stated:

But as long as rail track is constructed...in a manner that does not constitute common carriage, rail track can be built...in private status not subject to the Board's jurisdiction.

As shown on the attached Exhibit 4, the track at issue crosses six (6) public roads including (5) crossings at grade level. 74 C.J.S., Railroads § 141 states in part:

The legislature may authorize a railroad company to construct its road across public highways, turnpikes, or streets...In many jurisdictions the right to cross is given by statute. The right to cross may not be acquired by purchase or condemnation...

Nature and extent of rights acquired. Where a railroad crosses a highway, the company does not take the land of the highway as real estate of individuals is taken, and the railroad company acquires no exclusive right in the crossing, but only the right to use it in common with the public traveling on the highway, and it has no right to affect the public traffic over the highway.

In Oklahoma the right to condemn private property by eminent domain for a railroad right of way is set out at 66 O.S., §§51 to 60. The entirely different right to

cross a public road, street or highway with a railroad track is granted at 66 O.S., § 7 (5).

However, this grant of authority is only given to railroad companies not electric utility companies. In *Texas, Oklahoma and Eastern Railroad Company v. Campbell*, 477 P.2d 705, 707 (Okla. App. 1970) the Court noted:

Section 7(5) is merely a portion of a lengthy catalog of *powers* conferred upon railroad companies in general, and does not itself place any affirmative duties or liabilities upon the railroad to the motoring public. (Italics in original, bold underline added.)

The Oklahoma Supreme Court has defined “railroad companies” as follows:

“Railroad companies” are quasi public corporations, created to exercise functions and perform duties of common carriers; duties of common carriers are defined by law...railroad companies are required to supply patrons, similarly situated, equal facilities for transportation of all business offered, and to deal fairly and impartially with such patrons; railroad companies have no right to contract with corporation or individual to give exclusive rights to use any portion of general system of railway, which may be prejudicial to other patrons or public in general. *Bromide Crushed Rock Co. v. Dolese Bros. Co.* 247 P. 74 (Okla. 1926).

Since the construction of the track at issue necessitated the crossing of six (6) public roads and only common carrier railroad companies have the right to cross such public roads, the only way PSO could guarantee construction of the track at issue was as a common carrier railroad company. It was for this reason PSO always affirmatively asserted that it was constructing the track as a common carrier.

Under Oklahoma law when the owner of private property associates his property with another and leads the public to believe that a transportation system is tendered to the public for such services as is ordinarily and usually furnished by a common carrier, the property will become impressed with the public use, and such regulation as is usually applied by the state to common carriers. *Western Union Telegraph Co. v. Carter*, 220 P.

635 (Okla. 1923). Having held itself out as a common carrier⁴, having utilized Oklahoma's railroad eminent domain statutes to condemn private property for a railroad right of way⁵ and having exercised the right to cross public roads that the State of Oklahoma grants only to common carriers⁶, a common carrier obligation attaches to PSO's track as a matter of law. *Western Union Telegraph Co. v. Carter*, supra. As shown by the *Oklahoma Official State Railroad Map* (attached as Exhibit 3)⁷, the track is officially classified by the State of Oklahoma as a Class III Railroad. The Board should note that this official state map does not show spur lines, industrial tracks or private tracks, but just common carrier railroads.

In analyzing the jurisdiction of the STB and the Federal Railroad Administration, in *Tyrell v. Norfolk Southern Ry. Co.*, 248 F.3d 517 (6th Cir. 2001) the Court noted:

...the agencies' complementary exercise of their statutory authority accurately reflects Congress's intent for the ICCTA and FRSA to be construed *in pari material*.

49 CFR, §234.3(a)⁸ states:

This part applies to all railroads except:

- (a) A railroad that exclusively operates freight trains only on track which is not part of the general railroad system of transportation; (Emphasis added.)⁹

23 CFR, § 646.204 Definitions defines railroad as

Railroad shall mean all rail carriers...private, and common carriers, including line haul freight...railroads, switching and terminal railroads...

⁴ Exhibit 2.

⁵ Exhibit 1 to Petition For Declaratory Order.

⁶ 66 O.S., § 7; *Texas, Oklahoma and Eastern Railroad Company v. Campbell*, supra.

⁷ This map is published biannually by the Oklahoma Department of Transportation.

⁸ Part 234 is titled GRADE CROSSING SIGNAL SYSTEMS SAFETY.

⁹ As shown by Exhibit 3, the track at issue has always been considered part of the general railroad system of transportation.

Clearly, the Federal Railroad Administration has safety jurisdiction over the track, operated by BNSF under a track operating agreement for full complete unit trains traveling in interstate commerce as part of the general railroad system of transportation.

And if the STB doesn't have jurisdiction over the general railroad system of transportation, **what does the STB have jurisdiction over?**

In Finance Docket No. 34060, *Midwest Generation, LLC, Exemption from 49 U.S.C. 10901 For Construction in Will County, IL*. (Served March 21, 2002) the STB held:

In sum, because the line to be built would be a railroad line and Midwest would become a common carrier by railroad, Midwest must obtain authority for its construction from us.

Here, the track that has been constructed is a railroad line to which a common carrier obligation attaches **as a matter of law**¹⁰ no matter what PSO claims in its verified statements. As a result, authorization for its construction was required before it could be built and authorization is required before BNSF can conduct interstate operations over it. Moreover, since condemnation is construction, *Nicholson v. Missouri Pacific Railroad Company*, 366 ICC 69 at 71 (1982), the ongoing state condemnation action is a continuing violation of federal law that the STB is charged with enforcing.

Conclusion

The Board should make a determination that the new evidence offered is relevant, material and establishes that the prior decision of the Board herein was in material error, vacate its prior decision and issue a decision that the track at issue is a line of railroad under the Board's jurisdiction and that the construction of and interstate rail operations over the track are in violation of 49 U.S.C., § 10901.

¹⁰ *Western Union Telegraph Co. v. Carter*, *supra*

Respectfully submitted,



William T. Dickson

O.B.A. No. 10634

D.C. Cir. Bar No. 47712

1369 South Garnett

Tulsa, Oklahoma 74128

918-629-0449

CERTIFICATE OF SERVICE

I hereby certify that on June 19, 2002 I served a copy of the above and foregoing pleading by Federal Express on the following:

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SERVICE DATE - OCTOBER 3, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34013

B. WILLIS, C.P.A., INC. —
PETITION FOR DECLARATORY ORDER

Decided: October 1, 2001

On February 15, 2001, B. Willis, C.P.A., Inc. (petitioner), filed a petition seeking a declaratory order that certain railroad track — constructed across its property by Public Service Company of Oklahoma d/b/a American Electric Power Company (PSO) and used by The Burlington Northern and Santa Fe Railway Company (BNSF) — is a line of railroad and as such cannot lawfully be constructed or operated without first obtaining authority from the Board under 49 U.S.C. 10901. Replies to the petition have been submitted by BNSF and PSO. On August 30, 2001, and September 4, 2001, petitioner filed motions for expedited adjudication to which PSO and BNSF have jointly replied. For the reasons discussed below, the petition will be denied and a declaratory order proceeding will not be instituted.

Preliminary Matter. Petitioner has tendered responses to the PSO and BNSF pleadings, claiming that those pleadings are actually motions to dismiss its petition. BNSF and PSO have jointly moved to strike the petitioner's tendered replies, on the ground that they are nothing more than replies to the replies and as such are prohibited under the Board's Rules of Practice at 49 CFR 1104.13(c).

Under 49 CFR 1104.13(a), parties can file replies or motions within 20 days after a pleading is filed. PSO and BNSF timely filed what each termed a "reply." Petitioner claims that, because those pleadings use terms such as "summarily reject," "forthwith to dismiss," and "decline . . . to reach the merits," they are actually motions to dismiss. There is no need to resolve this issue because, given the decision reached here on the petition for declaratory order, no party will be prejudiced by acceptance of petitioner's replies. The joint motion to strike will thus be denied.

Background. Petitioner owns a tract of land in Rogers County, OK. In October 1992 PSO filed an eminent domain proceeding pursuant to State law to condemn, *inter alia*, a right-of-way across this tract of land, for the purpose of constructing railroad track over which BNSF would move unit coal trains to and from PSO's electric power generating facility at Oologah, OK. (This facility is located on or adjacent to a main line of the Union Pacific Railroad Company, which handled coal deliveries until the track connection to BNSF's line was constructed.) PSO took possession of the right-of-way in March 1994 and constructed the railroad track, which connects the Oologah plant to BNSF's main line. BNSF began using the track in March 1995.

Petitioner is challenging PSO's use of eminent domain power to condemn its property in the State courts, on grounds, *inter alia*, that the condemnation was not for a lawful public purpose. The Oklahoma Supreme Court has remanded that matter to the Rogers County District Court for hearing on this issue. Public Service Company v. B. Willis, C.P.A., Inc., 941 P.2d 995

EXHIBIT

1

(Okla. 1997). PSO maintains that a shipper can build a private track without Board approval. BNSF also takes the position that the track is either private track or a spur and that in either event construction and operation of this track do not require Board authorization.¹

Discussion. Under 5 U.S.C. 554(e), the Board has discretionary authority to issue a declaratory order to terminate a controversy or remove uncertainty where the Board has subject-matter jurisdiction.² Here, the request for a declaratory order will be denied because the record indicates that the track at issue is private track and thus does not require authorization by the Interstate Commerce Commission (ICC) (prior to January 1, 1996) or the Board (on or after that date) for its construction or operation.³

Under the statute, the Board has jurisdiction over "transportation by rail carrier," 49 U.S.C. 10501(a)(1), with the term "rail carrier" defined as "a person providing common carrier railroad transportation for compensation," 49 U.S.C. 10102(5). The agency's jurisdiction does not extend to private rail operations (those not operated for hire). This was also true of the ICC's jurisdiction over rail carriers before passage of ICCTA.⁴

In other words, there is a category of rail operations that falls outside the Board's statutory jurisdiction. It consists of private tracks, typically built and maintained by a shipper (or for a shipper at the shipper's expense) and operated by the shipper (or its contractor) to serve only that shipper, moving the shipper's own goods, so that there is no "holding out" to serve other shippers for compensation. Private tracks constitute a narrow, limited category of rail operations. But as long as rail track is constructed and operated in a manner that does not constitute common carriage, rail track can be built and operated in private status not subject to the Board's jurisdiction.

Under 49 U.S.C. 10901(a), an extension to a railroad line or an additional railroad line may be constructed only with Board authorization. However, this applies only to railroad lines that are subject to the agency's jurisdiction — not private tracks. See Hanson Natural Resources Company — Non-Common Carrier Status — Petition for Declaratory Order, ICC Finance Docket No. 32248 (ICC served Dec. 5, 1994) at 20-21 (Hanson).

¹ BNSF also argues that the petition filed with the Board is untimely, violating the doctrine of laches, and is a collateral attack on the State court condemnation proceeding. These arguments need not be reached in view of the substantive conclusions here regarding the status of the line.

² The responsibility of whether to institute requested declaratory order proceedings has been delegated by the Board to the Director of the Office of Proceedings. See 49 CFR 1011.8(c)(6).

³ In the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (ICCTA), Congress abolished the ICC and transferred the remaining rail regulatory responsibilities to the Board, effective January 1, 1996.

⁴ The ICCTA Conference Report explains, at 166: "To clarify that only providers of rail transportation for compensation are within the scope of the statute, the definition of 'rail carrier' is limited to persons providing *common carrier* rail transportation." H.R. Rep. No. 422, 104th Cong., 1st Sess. (1995) (Conference Report).

Operations over private tracks can be conducted by the shipper/owner itself, or the shipper/owner of the private track may arrange for a contractor to conduct operations over the track. As noted in Hanson, in New York Cent. R. Co. v. Southern Ry., 226 F. Supp. 463 (N.D. Ill. 1964), aff'd, 338 F.2d 667 (7th Cir. 1964), cert. denied, 380 U.S. 954 (1965), reh'g denied, 381 U.S. 907 (1965) (New York Central), the court indicated that a common carrier operating over private track would not fall under the statutory requirements of what is now section 10901 with respect to those operations, so long as it does not perform common carriage service on the private track and it does not maintain that track with its own funds.⁵

Here, PSO submitted a verified statement stating that it paid all of the construction cost of the track and owns it. It also asserts that it has not been, and has no intention of becoming, a common carrier, and it has not held out to, or granted BNSF rights to, provide service over the line to any other shipper. V.S. Cox at 4-5. Moreover, under the New York Central analysis, PSO states that BNSF does not own the line in fee or through an easement, does not spend its funds to maintain the line, and serves only PSO, which is the only shipper that is able to receive shipments on the line.

Petitioner asserts that, under the Supreme Court's decision in Texas & Pacific v. Gulf Colorado & Santa Fe Ry., 270 U.S. 266 (1926), the construction of an extension to a rail line, or an additional rail line, that enables a railroad to penetrate or invade new territory falls under the agency's jurisdiction under section 10901. The "invade new territory" test, however, is not applicable to private track, which is outside the agency's jurisdiction.

Petitioner cites Public Service Company of Colorado - Construction Exemption - Pueblo County, CO, STB Finance Docket No. 33862 (STB served Aug. 23, 2000), where track constructed by the Public Service Company of Colorado (PSCo) was found to come under the Board's section 10901 jurisdiction. In that proceeding, however, the Board noted, at 4, that "[w]hile PSCo will be the only shipper served by the line, PSCo states that other shippers would be permitted to use the rail line in the future should a demand arise." Thus, PSCo was holding out potential service to other shippers, and thus the track was not private track.

Finally, petitioner quotes Nicholson v. Missouri Pacific Railroad Company, 366 I.C.C. 69 (1982) (Nicholson), aff'd sub nom. Nicholson v. ICC, 711 F.2d 364 (D.C. Cir. 1983), cert. denied, 464 U.S. 1056 (1984), for the proposition that a condemnation proceeding triggers the

⁵ Petitioner cites United States v. B. & O. R. Co., 333 U.S. 169 (1947), for the proposition that the ICC/Board's jurisdiction applies even when noncarriers construct track that is used in interstate commerce. That case is distinguishable because the common carrier railroad served shippers other than the owner of the track, and thus the track could not be considered private. Also, petitioner claims, citing Staten Island Rapid Transit Op. Auth. v. ICC, 718 F.2d 533 (2d Cir. 1983) (SIRTOA), that, because BNSF controls the PSO track, it is a BNSF line under ICC/Board jurisdiction. SIRTOA is not on point. It involved a determination as to whether an entity providing passenger service was a carrier within the meaning of the Railway Labor Act. It did not involve the distinction between private track and common carrier lines.

licensing requirements of section 10901. However, the ICC in that proceeding was examining operations that were subject to its jurisdiction.⁶ Nicholson has no application to private track.

Fundamentally, the controversy between petitioner and PSO is a question of eminent domain powers under State law, and not an issue for the Board. The question of whether PSO, as a public utility, may exercise eminent domain powers under the laws of the State of Oklahoma to construct a private line to serve its own facility is a question that arises, and must be answered, under State law. But as far as this agency is concerned, if a shipper does not hold out to provide common carrier railroad service over a line it constructs and maintains to serve its own facility, and no other shippers are served by the line, then neither that construction, nor a railroad's operation over that track to reach the shipper's facility, requires ICC or Board authorization or approval.

Conclusion. Accordingly, the declaratory relief requested will not be granted and a proceeding will not be instituted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The petition for a declaratory order is denied.
2. The joint motion to strike is denied.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary

⁶ In Nicholson, the ICC ultimately concluded that its authorization was not needed for construction of the track because it was yard track, which came within the licensing exception of former 49 U.S.C. 10907 (now 49 U.S.C. 10906).

2

COPY SHOP LLC
Tulsa, OK
(918) 585-5876

PSOP

Public Service Company of Oklahoma

October 2, 1992

CERTIFIED MAIL: P 572-054-543
RETURN RECEIPT REQUESTED

B. Willis C.P.A., Inc.
758 Winter Lane
Claremore, Oklahoma 74017

RE: Final offer for Right-of-Way and Easement for Public Service Company of Oklahoma, for a Railroad Easement across your property in Rogers County, Oklahoma. Tract #11

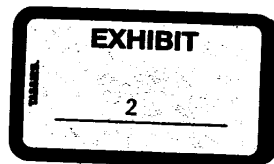
Dear Mr. Willis:

Public Service Company of Oklahoma has met with you in respect to the referenced Railroad spur across your property in Rogers County, Oklahoma. The Right-of-Way agreement attached hereto as Attachment "1" is the form of agreement that Public Service Company of Oklahoma offers, based on our meeting, including any additional construction requirements that have been discussed with you, for the sum of \$32,439.00 to be paid to you for your interest for Right of-Way, temporary construction damages and severance damages.

If you do not accept the sum offered, Public Service Company of Oklahoma, as a common carrier, will have no alternative but to seek, through condemnation, a Railroad Right-of-Way Easement across your property in Rogers County, Oklahoma. If Public Service Company of Oklahoma is forced to condemn, Public Service Company of Oklahoma will request in the condemnation action a standard Railroad Right-of-Way and Easement and no construction requirements will be considered.

If we have not heard from you with respect to this final offer for a negotiated Railroad Right-of-Way and Easement within seven (7) days of receipt of this letter, we will assume that you are not interested in completing a negotiated Railroad Right-of-Way and Easement with Public Service Company of Oklahoma. At that time, Public Service Company of Oklahoma will commence an action for condemnation for such Railroad Right of-Way and Easement, and you and your mortgage holders, if any, will be named condemnees.

We believe you will agree that a negotiated Railroad Right of-Way agreement is the most desirable alternative for both parties here because of the additional legal fees, court costs and appraisal fees that each party could have to bear.



Letter to B. Willis C.P.A., Inc.
October 2, 1992
Page Two

Your prompt response to this communication is requested if you wish to discuss the subject matter further.
You may contact either of the following persons to arrange a meeting regarding the matter:

Public Service Company of Oklahoma
Attn: Bryan Woods or Steve Wood
Post Office Box 201
Tulsa, Oklahoma 74102-0201
(918) 599-2220

- or -

Attorney John R. Carle
417 West First Street
Post Office Box 1267
Claremore, Oklahoma 74018
(918) 341-2131

Yours truly,



Russell D. Verba, Supervisor
Real Estate and Right-of-Way

RDV/BW/ml

Enclosure(s)

"Providing Quality Real Estate and Right-of-Way Services to our Customers."

3

COPY SHOP LLC
Tulsa, OK
(918) 585-5876

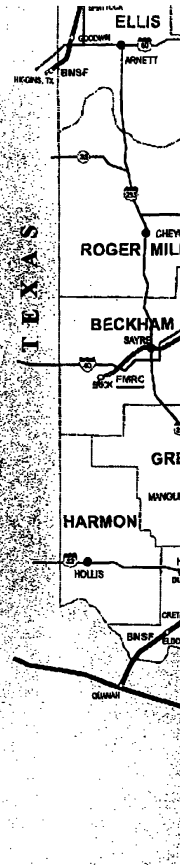
OKLAHOMA

2000 OFFICIAL STATE

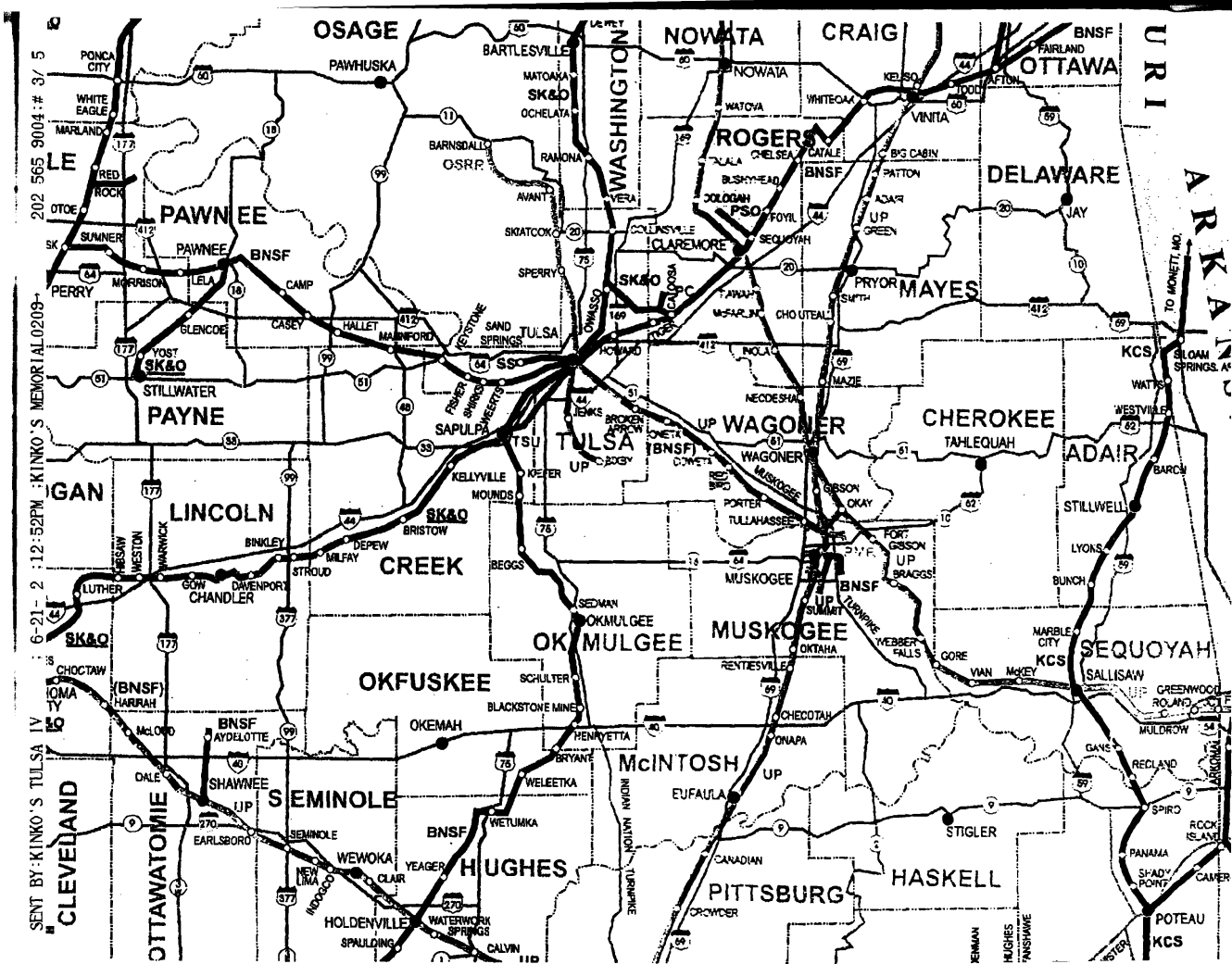
RAILROAD MAP

LEGEND

SYMBOL	CLASS I RAILROADS	MILEAGE #	SYMBOL	CLASS II RAILROADS	MILEAGE #
	BNSF BURLINGTON NORTHERN & SANTA FE	1,476		SK&O SOUTH KANSAS & OKLAHOMA N	210
	UP UNION PACIFIC	921		GMBC GRANBELT CORPORATION	136
	KCS KANSAS CITY SOUTHERN *	139		FMRC FARMRAIL CORPORATION	177
	CITIES AND STATIONS			KRR KANAWHI RAILROAD	157
	PRINCIPLE HIGHWAYS			WTLJ WICHITA, TILLAMAN & JACKSON	84
	COUNTY SEATS			ADK ARKANSAS-OKLAHOMA RAILROAD	70
	STATE STATE OWNED (Non-Operating)			AT&L AUSTIN, TODD & LADD	46
	UP LEASED FROM THE STATE OF OKLAHOMA			TO&E TEXAS, OKLAHOMA & EASTERN	40
	(BNSF) LEASED BY TRUCKAGE RIGHTS AGREEMENT			OSRR OSAGE RAILROAD COMPANY	35
	AMTRAK SERVICE- PASSENGER TRAIN STOPS			SEKA SOUTH EAST KANSAS RAILROAD	25
America's Heartland Flyer: travels Monday-Sunday from Oklahoma City to Fort Worth. Schedules available at 800-USA-8000, or at www.amtrak.com web site.				PC TULSA'S PORT OF CATOOSA	20
	Mileage figures indicate total miles operated-including miles owned, leased or under truckage rights agreement.			WFEC WESTERN FARMERS ELEC. COOP.	14
	Includes track usage by Fort Smith & Van Buren Railway and the Arkansas Western Railway.			H&E HOLLIS & EASTERN	14
	Includes track usage by Gilchrist Central Railroad.			PSO PUBLIC SERVICE OF OKLAHOMA	11
				SS SAND SPRINGS	10
				TSU TULSA SAPULPA UNION	10
				SWRR SOUTHWEST RAILWAY COMPANY	9
				PHR PORT OF MUSKOGEE RAILROAD	9
				NWO NORTHWESTERN OKLAHOMA	7



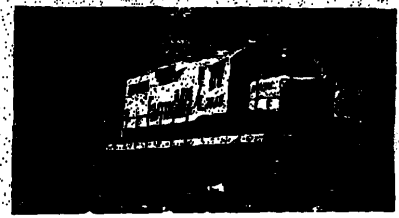
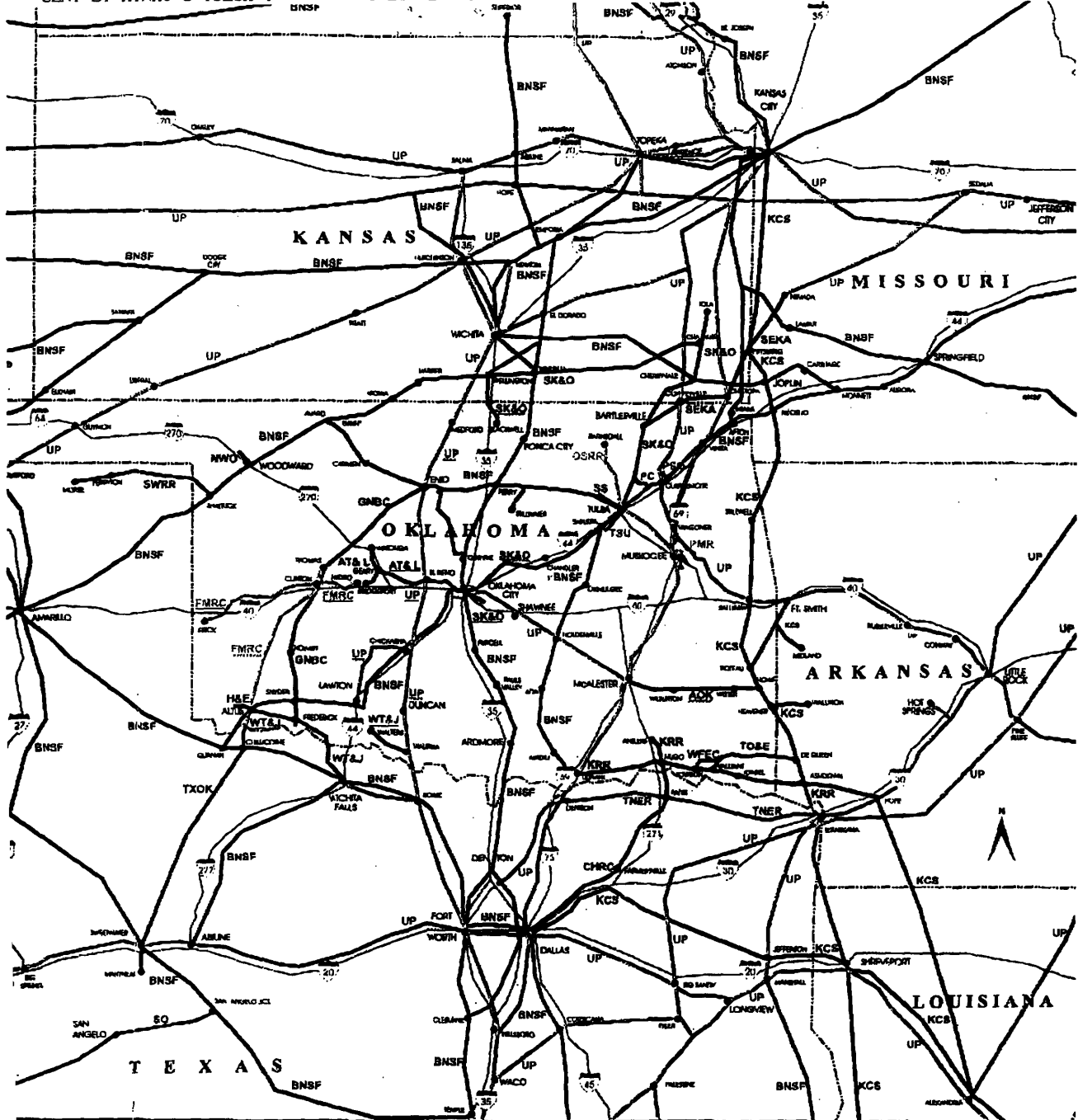
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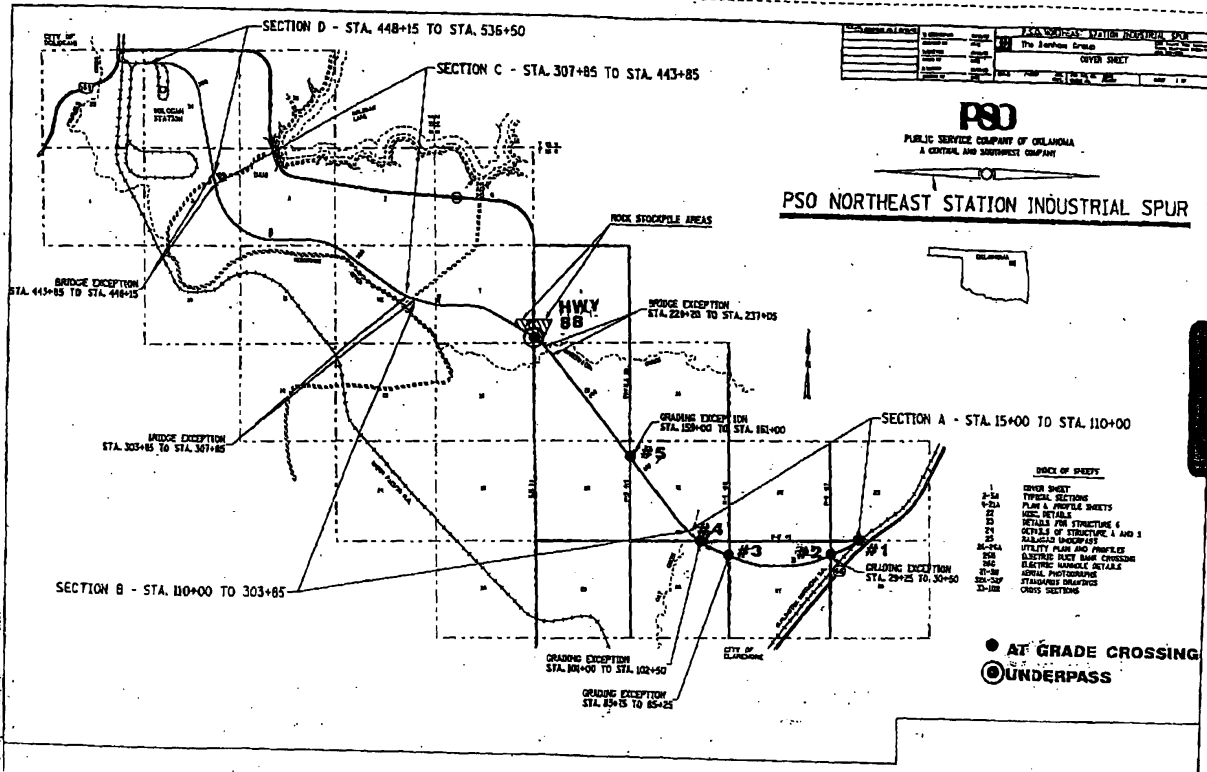


SENT BY KINKO'S TULSA IV

6-21- 2 :12:53PM KINKO'S MEMORIAL0209-

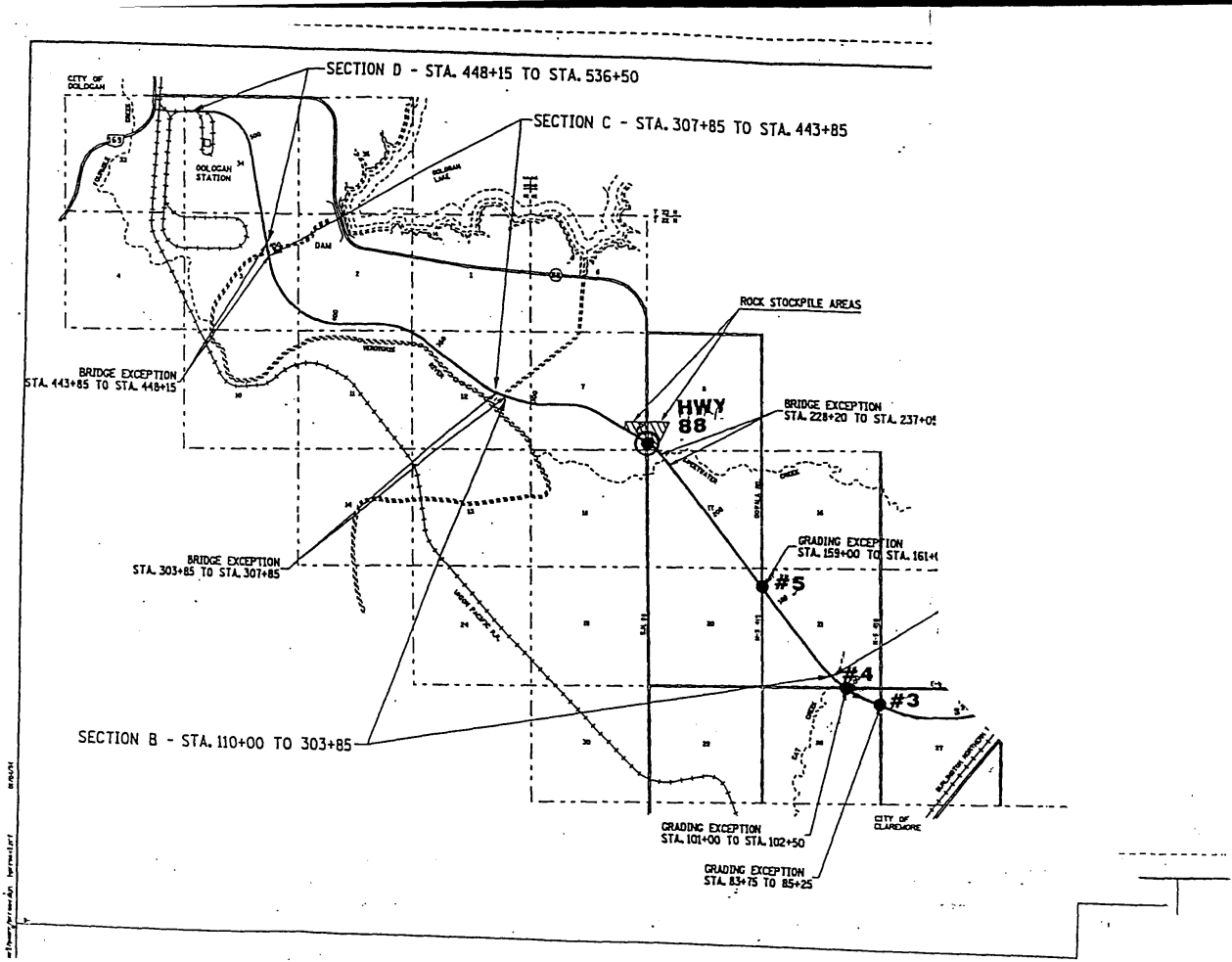
202 565 9004:# 4/ 5





4

COPY SHOP LLC
Tulsa, OK
(918) 585-5876



5

COPY SHOP LLC
Tulsa, OK
(918) 585-5876



STATE OF OKLAHOMA
DEPARTMENT OF
TRANSPORTATION
200 N. E. 21st Street
Oklahoma City, OK 73105-3204

August 4, 1995

Mr. Thomas P. Woll
U.S. Department of Transportation
Federal Railroad Administration
Office of Safety/Grade Crossing Inventory
400 Seventh Street, S.W. RRS-21
Washington, D.C. 20590

Dear Mr. Woll:

Enclosed are twelve (12) (green) copies of U.S. DOT/AAR crossing inventory forms for Oklahoma. The new crossing numbers are as follows:

675 167B
675 168H
675 169P
675 170J
675 171R
675 172X
675 173E
675 174L
675 175T
675 176A
675 177G
675 178N

If you have any questions please call me at (405) 521-2771.

Sincerely,

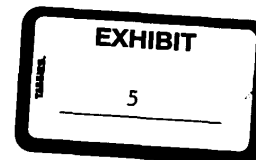

John Dougherty
Rail Coordinator

JD/jd

enclosures (12)

cc: Mr. E.A. Wilson, Burlington Northern, (pink copies)

AN EQUAL OPPORTUNITY EMPLOYER



OMB-2130-0011

U.S. DOT - AAR CROSSING INVENTORY FORM

INITIATING AGENCY
RAILROAD ☒ STATE

C. REASON FOR UPDATE:

☒ CHANGES IN EXISTING CROSSING DATA
☒ NEW CROSSING
☐ CLOSED CROSSING

D. EFFECTIVE DATE

03 21 95
M D Y

Part I Location and Classification of All Crossings (Must Be Completed)

1. Railroad Operating Company BNSF	2. Railroad Division or Region TULSA	3. Railroad Subdivision or District PSO
4. State OKLAHOMA	5. County ROGERS	6. County Map. Ref. No.
7. City WILLOUT	8. Nearest City CLAREMORE	9. Highway Type and No.
10. Street or Road Name CLAREMORE	11. RR Line No.	12. Nearest RR Timetable Station CLAREMORE
13. Branch Line Name PSO SPUR	14. Railroad Mile Post 1.29	15. Pedestrian Crossing ☐ 1. at grade ☐ 2. RR under ☐ 3. RR over
16. Private Vehicle Crossing ☐ 1. at grade ☐ 2. RR under ☐ 3. RR over	17. Public Vehicle Crossing ☐ 1. at grade ☐ 2. RR under ☐ 3. RR over	18. Industrial Crossing ☐ 1. at grade ☐ 2. RR under ☐ 3. RR over

COMPLETE REMAINDER OF FORM ONLY FOR PUBLIC VEHICLE CROSSINGS AT GRADE

Part II Detailed Information for Public Vehicle Grade Crossing

1A. Typical Number of Daily Train Movements Daylight (6 AM to 6 PM) Thru trains switching Night (6 PM to 6 AM) Thru trains switching	1B. Check if Less Than One Movement ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6	2. Speed of Train at Crossing A. Maximum table speed B. Typical Speed Range Over Crossing from _____ to _____ mph
3. Type and Number of Tracks main _____ other _____ If other specify _____	4. Does Another RR Operate Separate Track at Crossing? ☐ Yes ☐ No Specify: RR _____	5. Does Another RR Operate Over Your Track at Crossing? ☐ Yes ☐ No Specify: RR _____
6. Type of Warning Device at Crossing A. Signs Crossbucks reflectORIZED ☐ 01 Number non-reflectORIZED ☐ 02 Number Other Stop Signs ☐ 04 Number Other Signs Specify ☐ 05 Number ☐ 06 Number ☐ 07 Number ☐ 08 Number	B. Train Activated Device Gates red & white reflectORIZED ☐ 09 Number colored ☐ 10 Number Flashing Lights traffic ☐ 11 Number not over traffic ☐ 12 Number Mast Mounted Flashing Lights ☐ 13 Number Other Flashing Lights ☐ 14 Number Highway Traffic Signals ☐ 15 Number Wigwags ☐ 16 Number Bells ☐ 17 Number ☐ 18 Number	C. Specify Special Warning Device not Train Activated ☐ 19 Number D. No Signs or Signals ☐ 20
7. Is Commercial Power Available? ☒ Yes ☐ No	8. Does Crossing Signal Provide Speed Selection for Trains? ☐ Yes ☐ No ☐ N/A	9. Method of Signalling for Train Operation: Is Train Equipped with Signal? ☐ Yes ☐ No

Part III Physical Data

1. Type of Development ☐ 1. Open Space ☐ 2. Comm. ☐ 3. Comm. ☐ 4. Ind. ☐ 5. Inst.	2. Smallest Crossing Angle ☐ 0°-29° ☐ 30°-59° ☐ 60°-90°	3. Number of Traffic Lanes Crossing Railroad Number _____	4. Are Truck Pullout Lanes Present? ☐ Yes ☐ No	5. Is Highway Paved? ☐ Yes ☐ No	6. Pavement Markings ☐ Stoplines ☐ RR Xing Sym. ☐ None	7. Are RR Advance Warning Signs Present? ☐ Yes ☐ No	8. Crossing Surface ☐ 1. Sec. Timber ☐ 2. Full Width ☐ 3. Asphalt ☐ 4. Concrete Slab ☐ 5. Concrete Pave. ☐ 6. Rubber ☐ 7. Metal Sections ☐ 8. Other Metal ☐ 9. Unconsolidated ☐ 0. Other Specify	9. Does Track Run Down A Street? ☐ Yes ☐ No	10. Nearby Intersecting Highway? ☐ Yes ☐ No
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Part IV Highway Department Information

1. Highway System ☐ 1. State ☐ 2. Federal ☐ 3. Local	2. Is Crossing on State Highway System? ☐ Yes ☐ No	3. Functional Classification of Road over Crossing ☐ 1. Arterial ☐ 2. Collector ☐ 3. Local	4. Estimate AADT _____	5. Estimate Percent Trucks _____
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OMB 2130-0017

U.S. DOT - AAR CROSSING INVENTORY FORM

INITIATING AGENCY
☒ RAILROAD ☐ STATE

C. REASON FOR UPDATE:

☐ CHANGES IN EXISTING CROSSING DATA
☒ NEW CROSSING
☐ CLOSED CROSSING

D. EFFECTIVE DATE
03 21 95
M D Y

1. CROSSING NUMBER 675 168 H

Part I Location and Classification of All Crossings (Must be Completed)

1. Railroad Operating Company TULSA	2. Railroad Division or Region TULSA	3. Railroad Subdivision or District TULSA
4. State OKLAHOMA	5. County ROGERS	6. County Map. Ref. No.
7. City WILLIAMS	8. Nearest City CLAREMORE	9. Highway Type and No.
10. Street or Road Name WILLIAMS	11. RR D. No.	12. Railroad Mile Post 2.33
12. Nearest RR Timetable Station CLARE	13. Branch or Line Name	14. Railroad Mile Post
15. Pedestrian Crossing ☐ 1. at grade ☐ 2. RR under ☐ 3. RR over	16. Private Vehicle Crossing ☒ 1. at grade ☐ 2. RR under ☐ 3. RR over	17. Public Vehicle Crossing ☐ 1. at grade ☐ 2. RR under ☐ 3. RR over

COMPLETE REMAINDER OF FORM ONLY FOR PUBLIC VEHICLE CROSSINGS AT GRADE

1A. Typical Number of Daily Train Movements Daylight (6 AM to 6 PM) Thru trains switching Night (6 PM to 6 AM) Thru trains switching Per Day	2. Speed of Trains Crossing A. Maximum time table speed B. Typical Speed Range Over Crossing mph to mph
3. Type and Number of Tracks main other Does Another RR Operate a Separate Track at Crossing? Yes No Does Another RR Operate Over This Track at Crossing? Yes No	4. Type of Warning Devices at Crossing A. Signs Crossbucks reflectORIZED non-reflectORIZED B. Train Activated Devices Gates red & white reflectORIZED Cantilevered Flashing Lights Mast Mounted Flashing Lights Other Flashing Lights Highway Traffic Signals Wigwags Bells
5. Is Commercial Power Available? Yes No	6. Does Crossing Signal Provide Speed Selection for Trains? Yes No N/A
7. Method of Signaling for Train Operation: Equipped with Signals? Yes No	8. Does Crossing Signal Provide Speed Selection for Trains? Yes No N/A

Part III Physical Data

1. Type of Development ☐ 1. Open ☐ 2. Yes ☐ 3. Comm. ☐ 4. Ind. ☐ 5. Ind.	2. Smallest Crossing Angle ☐ 0°-29° ☐ 30°-59° ☐ 60°-90°	3. Number of Traffic Lanes Crossing Railroad Number	4. Are Truck Pullout Lanes Present? Yes No	5. Is Highway Paved? Yes No	6. Pavement Markings ☐ Stoplines ☐ RR Xing Sym. ☐ None	7. Are RR Advance Warning Signs Present? Yes No	8. Crossing Surface ☐ 1. Sec. Timber ☐ 2. Full Plank ☐ 3. Asphalt ☐ 4. Concrete Slab ☐ 5. Concrete Pave. ☐ 6. Rubber ☐ 7. Metal Sections ☐ 8. Other Metal ☐ 9. Unconsolidated ☐ 0. Other Specify	9. Does Track Run Down A Street? Yes No	10. Nearby Intersecting Highway? Yes No
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Part IV Highway Department Information

1. Highway System	2. Is Crossing on State Highway System? Yes No	3. Functional Classification of Road over Crossing	4. Estimate AADT	5. Estimate Percent Trucks
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Form FRA F 6180.71 (8-84)

SLSF
675 168 H

OMB 2130-0017

U.S. DOT - AAR CROSSING INVENTORY FORM

I. INITIATING AGENCY

☒ RAILROAD ☐ STATE

C. REASON FOR UPDATE:

☐ CHANGES IN EXISTING CROSSING DATA
☒ NEW CROSSING
☐ CLOSED CROSSING

D. EFFECTIVE DATE

06/21/02

3. CROSSING NUMBER 675169

Part I Location and Classification of All Crossings (Must Be Completed)

1. Railroad Operating Company

OKLAHOMA

2. Railroad Division or Region

TULSA

3. Railroad Subdivision or District

4. State

OKLAHOMA

5. County

ROGERS

6. County Map. Ref. No.

7. City

CLAREMORE

8. Nearest City

9. Highway Type and No.

10. Street or Road Name

WILLIAMS

11. RR D. No.

12. Nearest RR Timetable Station

CLAREMORE

13. Branch or Line Name

P50 SPOR

14. Railroad Mile Post

2.66

15. Pedestrian Crossing

☐ 1. at grade
☐ 2. RR under
☐ 3. RR over

16. Private Vehicle Crossing

☒ 1. Farm
☐ 2. Residential
☐ 3. Recreational
☐ 4. Industrial
☒ 5. at grade
☐ 6. RR under
☐ 7. RR over

17. Public Vehicle Crossing

☐ 1. at grade
☐ 2. RR under
☐ 3. RR over

COMPLETE REMINDER OF FORM ONLY FOR PUBLIC VEHICLE CROSSINGS AT GRADE

Part II Detailed Information on Public Vehicle at Grade Crossing

1A. Typical Number of Daily Train Movements

Daylight (6 AM to 6 PM) thru trains switching
Night (6 PM to 6 AM) thru trains switching

Check if Less Than One Movement Per Day ☐ 5

2. Speed of Train at Crossing

A. Maximum timetable speed from to mph
B. Typical Speed Range Over Crossing from to mph

3. Type and Number of Tracks

main other 1 2 3 4

4. Does Another RR Operate a Separate Track at Crossing?

☐ Yes ☐ No Specify

5. Does Another RR Operate Over Your Track at Crossing?

☐ Yes ☐ No Specify

6. Type of Warning Device at Crossing

A. Signs

Crossbucks reflectorized non-reflectorized Standard Highway
01 02 03
Number Number Number
Other Stop Signs 04
Number
Other Signs: Specify
05 06
Number Number
07 08
Number Number

B. Train Activated Devices

Gates red & white reflectorized other reflectorized
09 10
Number Number
Camouflaged Flashing Lights
11 12
Number Number
Mast Mounted Flashing Lights 13
Number
Other Flashing Lights 14
Number
Specify
15
Number
Highway Traffic Signals 16
Number
Wigwags 17
Number
Bells 18
Number

C. Specify Special Warning Device or Sign Activated

D. No Signs or Signals ☐ 20

7. Is Commercial Power Available? ☐ Yes ☐ No

8. Does Crossing Signal Provide Speed Selection for Trains? ☐ Yes ☐ No ☐ N/A

9. Method of Signaling for Train Operation: Is Track Equipped with Signals? ☐ Yes ☐ No

Part III Physical Data

1. Type of Development ☐ 1. Open Sp. ☐ 2. Res

☐ 3. Comm. ☐ 4. Ind. ☐ 5. Ind.

2. Smallest Crossing Angle

☐ 0°-29° ☐ 30°-59° ☐ 60°-90°

3. Number of Traffic Lanes Crossing Railroad

4. Are Truck Pullout Lanes Present? ☐ Yes ☐ No

5. Is Highway Paved? ☐ Yes ☐ No

6. Pavement Markings

☐ Stoplines ☐ RR Xing Sym. ☐ None

7. Are RR Advance Warning Signs Present?

☐ Yes ☐ No

8. Crossing Surface

☐ 1. Sec. Timber ☐ 2. Full Plank ☐ 3. Asphalt
☐ 4. Concrete Pave. ☐ 5. Concrete Slab
☐ 6. Rubber ☐ 7. Metal Sections
☐ 8. Other Metal
☐ 9. Unconsolidated ☐ 0. Other Specify

9. Does Track Run Down A Street?

☐ Yes ☐ No

10. Nearby Intersecting Highway?

☐ Yes ☐ No

Part IV Highway Department Information

1. Highway System

2. Is Crossing on State Highway System? ☐ Yes ☐ No

4. Estimate AADT

3. Functional Classification of Road over Crossing

5. Estimate Percent Trucks

OMB 2130-0017

U.S. DOT - AAR CROSSING INVENTORY FORM

INITIATING AGENCY
☒ RAILROAD ☐ STATE

C. REASON FOR UPDATE:

☐ CHANGES IN EXISTING CROSSING DATA
☒ NEW CROSSING
☐ CLOSED CROSSING

D. EFFECTIVE DATE

03 21 05
M D Y

1. CROSSING NUMBER 675170J

Part I Location and Classification of All Crossings (Must be Completed)

1. Railroad Operating Company TULSA	2. Railroad Division or Region TULSA	3. Railroad Subdivision or District TULSA
4. State OKLAHOMA	5. County ROGERS	6. County Map, Ref. No.
7. City CLAREMORE	8. Nearest City CLAREMORE	9. Highway Type and No.
10. Street or Road Name PERMIT AREA	11. RR I.D. No.	12. Nearest RR Timetable Station CLAREMORE
13. Branch or Line Name PSO SPUR	14. Railroad Mile Post 3.70	15. Pedestrian Crossing ☐ 1. at grade ☐ 2. RR under ☐ 3. RR over
16. Private Vehicle Crossing ☐ 1. at grade ☐ 2. RR under ☐ 3. RR over	17. Public Vehicle Crossing ☐ 1. at grade ☐ 2. RR under ☐ 3. RR over	DO NOT WRITE IN THIS SPACE

COMPLETE REMAINDER OF FORM ONLY FOR PUBLIC VEHICLE CROSSINGS AT GRADE

Part II Detailed Information for Public Vehicles at Grade Crossing

1A. Typical Number of Daily Train Movements Daylight (6 AM to 6 PM) thru trains switching Night (6 PM to 6 AM) thru trains switching	2. Speed of Train at Crossing A. Maximum time table speed B. Typical Speed Range Over Crossing table speed to mph
3. Type and Number of Tracks main other If other specify	4. Does Another RR Operate a Separate Track at Crossing? ☐ Yes ☐ No Specify
5. Does Another RR Operate Over Your Track at Crossing? ☐ Yes ☐ No Specify	6. Type of Warning Device at Crossing A. Signs Crossbucks reflectORIZED non-reflectORIZED Number 01 02 Standard Highway Signs Number 03 Other Stop Signs Number 04 Other Signs: Specify Number 05 06 07 08
B. Train Activated Devices Gates red & white reflectORIZED colored Number 09 10 Continued Flashing Lights not over traffic lane Number 11 12 Mast Mounted Flashing Lights Number 13 Other Flashing Signs: Specify Number 14 15 Highway Traffic Signals Number 16 Wigwags Number 17 Bells Number 18	C. Specify Special Warning Device Activated D. No Signs or Signals ☐ 20 7. Is Commercial Power Available? ☐ Yes ☐ No 8. Does Crossing Signal Provide Speed Selection for Trains? ☐ Yes ☐ No ☐ N/A 9. Method of Signaling for Train Operation: ☐ See Equipped with Signals? ☐ Yes ☐ No

Part III Physical Data

1. Type of Development ☐ 1. Open ☐ 2. Yes ☐ 3. Comm. ☐ 4. Ind. ☐ 5. Inst.	5. Is Highway Paved? ☐ Yes ☐ No	9. Does Track Run Down A Street? ☐ Yes ☐ No
2. Smallest Crossing Angle ☐ 0°-29° ☐ 30°-59° ☐ 60°-90°	6. Pavement Markings ☐ Stoplines ☐ RR Xing Sym. ☐ None	10. Nearby Intersecting Highway? ☐ Yes ☐ No
3. Number of Traffic Lanes Crossing Railroad Number	7. Are RR Advance Warning Signs Present? ☐ Yes ☐ No	
4. Are Truck Pullout Lanes Present? ☐ Yes ☐ No	8. Crossing Surface ☐ 1. Sec. Timber ☐ 2. Full Plank ☐ 3. Asphalt ☐ 4. Concrete Slab ☐ 5. Concrete Pave. ☐ 6. Rubber ☐ 7. Metal Sections ☐ 8. Other Metal ☐ 9. Unconsolidated ☐ 0. Other Specify	

Part IV Highway Department Information

1. Highway System	4. Estimate AADT
2. Is Crossing on State Highway System? ☐ Yes ☐ No	5. Estimate Percent Trucks
3. Functional Classification of Road over Crossing	

SLSF
675 170 J

OMB 2130-0017

U.S. DOT - AAR CROSSING INVENTORY FORM

A. INITIATING AGENCY
☒ RAILROAD ☐ STATE

C. REASON FOR UPDATE:

☐ CHANGES IN EXISTING CROSSING DATA
☒ NEW CROSSING
☐ CLOSED CROSSING

D. EFFECTIVE DATE

03 21 95
M D Y

B. CROSSING NUMBER 675 171 R

Part I Location and Classification of All Crossings (Must Be Completed)

1. Railroad Operating Company

2. Railroad Division or Region

3. Railroad Subdivision or District

4. State

5. County

6. County Map. Ref. No.

DO NOT WRITE IN THIS SPACE

OKLAHOMA

ROGERS

7. City

8. Nearest City

9. Highway Type and No.

State _____ County _____
City _____ Nearest City _____
RR Code _____ Timetable Station _____

10. Street or Road Name

11. R. I. D. No.

DICKLANDER

CLAREMORE

12. Nearest RR Timetable Station

13. Branch or Line Name

14. Railroad Mile Post

15. Pedestrian Crossing

16. Private Vehicle Crossing

17. Public Vehicle Crossing

☐ 1. at grade

☒ 2. RR under

☐ 3. RR over

☐ 4. at grade

☐ 5. at grade

☐ 6. RR under

☐ 7. RR over

☐ 8. signs-specify

☐ 9. signs-specify

☐ 10. signs-specify

☐ 11. signs-specify

☐ 12. signs-specify

☐ 13. signs-specify

☐ 14. signs-specify

☐ 15. signs-specify

☐ 16. signs-specify

☐ 17. signs-specify

☐ 18. signs-specify

☐ 19. signs-specify

☐ 20. signs-specify

☐ 1. at grade

☐ 2. RR under

☐ 3. RR over

COMPLETE REMINDER OF FORM ONLY FOR PUBLIC VEHICLE CROSSINGS AT GRADE

Part II Detailed Information for Public Vehicle at Grade Crossing

1A. Typical Number of Daily Train Movements

Daylight (6 AM to 6 PM) Night (6 PM to 6 AM)
thru trains switching thru trains switching
1 2 3 4

Check if Less Than One Movement Per Day ☐ 5

2. Speed of Train at Crossing

A. Maximum timetable speed _____ mph
B. Typical Speed Range Over Crossing _____ to _____ mph

3. Type and Number of Tracks

main _____ other _____ other special _____

4. Does Another RR Operate a Separate Track at Crossing?

☐ Yes ☒ No Specify _____

5. Does Another RR Operate Over Your Track at Crossing?

☐ Yes ☒ No Specify _____

6. Type of Warning Device at Crossing

A. Signs

Crossbucks		Standard Highway	Other Stop Signs	Other Signs: Specify
reflectORIZED	non-reflectORIZED	Number	Number	Number
01	02	03	04	05
06	07	08	09	10

B. Train Activated Devices

Gates	Cantilevered Flashing Lights	Mast Mounted Flashing Lights	Other Flashing Lights	Highway Traffic Signals	Wigwags	Bells
red & white reflectORIZED	other colored	over traffic lane	not over traffic lane	Specify	Number	Number
09	10	11	12	13	14	15
16	17	18	19	20	21	22

C. Specify Special Warning Device for Train Activated

D. No Signs or Signals ☐ 20

7. Is Commercial Power Available? ☐ Yes ☒ No

8. Does Crossing Signal Provide Speed Selection for Trains? ☐ Yes ☒ No ☐ N/A

9. Method of Signaling for Train Operation. ☐ Track Equipped with Signals? ☐ Yes ☒ No

Part III Physical Data

1. Type of Development ☐ 1. Open So. ☐ Res

☐ 3. Comm. ☐ 4. Ind. ☐ 5. Inst.

2. Smallest Crossing Angle

☐ 0°-29° ☐ 30°-59° ☐ 60°-90°

3. Number of Traffic Lanes Crossing Railroad

Number _____

4. Are Truck Pullout Lanes Present? ☐ Yes ☒ No

5. Is Highway Paved? ☐ Yes ☒ No

6. Pavement Markings

☐ Stoplines ☐ RR Xing Sym. ☐ No

7. Are RR Advance Warning Signs Present?

☐ Yes ☒ No

8. Crossing Surface

☐ 1. Sec. Timber ☐ 2. Full Plank ☐ 3. Asphalt

☐ 4. Concrete Slab ☐ 5. Concrete Pave.

☐ 6. Rubber ☐ 7. Metal Sections

☐ 8. Other Metal ☐ 9. Unconsolidated ☐ 10. Other Specify

9. Does Track Run Down A Street?

☐ Yes ☒ No

10. Nearby Intersecting Highway?

☐ Yes ☒ No

Part IV Highway Department Information

1. Highway System _____

2. Is Crossing on State Highway System? ☐ Yes ☒ No

4. Estimate AADT _____

3. Functional Classification of Road over Crossing _____

5. Estimate Percent Trucks _____

SLSF
675: 171: R

OMB 2130-0017

U.S. DOT - AAR CROSSING INVENTORY FORM

I. INITIATING AGENCY

☒ RAILROAD ☐ STATE

C. REASON FOR UPDATE:

☐ CHANGES IN EXISTING CROSSING DATA
☒ NEW CROSSING
☐ CROSSED CROSSING

D. EFFECTIVE DATE

03 2 95
M D Y

3. CROSSING NUMBER 675 172 X

Part I. Location and Classification of All Crossings (Must be Completed)

1. Railroad Operating Company PSO	2. Railroad Division or Region TULSA	3. Railroad Subdivision or District
4. State OKLAHOMA	5. County ROGERS	6. County Map. Ref. No.
7. City CLAREMORE	8. Nearest City	9. Highway Type and No.
10. Street or Road Name D CANDELERO	RR D. No.	DO NOT WRITE IN THIS SPACE
12. Nearest RR Timetable Station CLAREMORE	13. Branch or Line Name PSO SPOR	14. Railroad Mile Post 5.33
15. Pedestrian Crossing ☐ 1. at grade ☐ 2. RR under ☐ 3. RR over		16. Private Vehicle Crossing A. ☒ 1. Farm ☐ 2. Residential ☐ 3. Recreational ☐ 4. Industrial B. ☐ 5. at grade ☐ 6. RR under ☐ 7. RR over ☐ 8. signal specify ☐ 9. none
		17. Public Vehicle Crossing ☐ 1. at grade ☐ 2. RR under ☐ 3. RR over

COMPLETE REMAINDER OF FORM ONLY FOR PUBLIC VEHICLE CROSSINGS AT GRADE

Part II Detailed Information - Public Vehicle at Grade Crossing

1A. Typical Number of Daily Train Movements		2. Speed of Train at Crossing	
Daylight (6 AM to 6 PM)	Night (6 PM to 6 AM)	A. Maximum timetable speed	B. Typical Speed Range Over Crossing
thru trains switching	thru trains switching	table speed	to mph
1	3		2 3
3. Type and Number of Tracks main ☐ other ☐ If other specify			
4. Does Another RR Operate on a Separate Track at Crossing? ☐ Yes ☐ No Specify			
5. Does Another RR Operate Over Your Track at Crossing? ☐ Yes ☐ No Specify			
6. Type of Warning Device at Crossing			
A. Signs			
Crossbucks reflectORIZED ☐ 01 Number non-reflectORIZED ☐ 02 Number			
Other Stop Signs ☐ 04 Number			
Other Signs: Specify ☐ 05 Number ☐ 07 Number ☐ 08 Number			
B. Train Activated Devices			
Gates red & white reflectORIZED ☐ 09 Number other colored ☐ 10 Number			
Centered Flashing Lights not over traffic lane ☐ 11 Number over traffic lane ☐ 12 Number			
Mast Mounted Flashing Lights ☐ 13 Number			
Other Flashing Lights: Specify ☐ 14 Number			
Highway Traffic Signals ☐ 16 Number			
Wigwags ☐ 17 Number			
Bells ☐ 18 Number			
C. Specify Special Warning Device at Crossing			
D. No Signs or Signals ☐ 20			
7. Is Commercial Power Available? ☐ Yes ☐ No			
8. Does Crossing Signal Provide Speed Selection for Trains? ☐ Yes ☐ No ☐ N/A			
9. Method of Signaling for Train Operation: ☐ Track Equipped with Signals? ☐ Yes ☐ No			

Part III Physical Data

1. Type of Development ☐ 1. Open ☐ 2. Res ☐ 3. Comm. ☐ 4. Ind. ☐ 5. Inst.	5. Is Highway Paved? ☐ Yes ☐ No	9. Does Track Run Down A Street? ☐ Yes ☐ No
2. Smallest Crossing Angle ☐ 0°-29° ☐ 30°-59° ☐ 60°-90°	6. Pavement Markings ☐ Stoplines ☐ RR Xing Sym. ☐ None	10. Nearby Intersecting Highway? ☐ Yes ☐ No
3. Number of Traffic Lanes Crossing Railroad ☐ Number	7. Are RR Advance Warning Signs Present? ☐ Yes ☐ No	
4. Are Truck Pullout Lanes Present? ☐ Yes ☐ No	8. Crossing Surface ☐ 1. Sec. Timber ☐ 2. Full Plank ☐ 3. Asphalt ☐ 4. Concrete Slab ☐ 5. Concrete Pave. ☐ 6. Rubber ☐ 7. Metal Sections ☐ 8. Other Metal ☐ 9. Unconsolidated ☐ 0. Other Specify	

Part IV Highway Department Information

1. Highway System ☐	4. Estimate AADT ☐
2. Is Crossing on State Highway System? ☐ Yes ☐ No	5. Estimate Percent Trucks ☐
3. Functional Classification of Road over Crossing ☐	

OMB 2130-0017

U.S. DOT - AAR CROSSING INVENTORY FORM

A. INITIATING AGENCY

☒ RAILROAD ☐ STATE

C. REASON FOR UPDATE:

☐ CHANGES IN EXISTING CROSSING DATA
☒ NEW CROSSING
☐ CLOSED CROSSING

D. EFFECTIVE DATE

03 21 95
M D Y

B. CROSSING NUMBER 675173 E

Part I Location and Classification of All Crossings (Must Be Completed)

1. Railroad Operating Company Rocky Mountain	2. Railroad Division or Region USA	3. Railroad Subdivision or District
4. State OKLAHOMA	5. County ROCKY	6. County Map. Ref. No.
7. City CLAREMORE	8. Nearest City	9. Highway Type and No.
10. Street or Road Name DILLON	11. R.R. D. No.	12. Nearest RR Timetable Station CLAREMORE
13. Branch or Line Name P&O SPUR	14. Railroad Mile Post 6.67	15. Pedestrian Crossing ☐ 1. at grade ☐ 2. RR under ☐ 3. RR over
16. Private Vehicle Crossing ☒ 1. at grade ☐ 2. RR under ☐ 3. RR over	17. Public Vehicle Crossing ☐ 1. at grade ☐ 2. RR under ☐ 3. RR over	18. Recreational ☐ 1. at grade ☐ 2. RR under ☐ 3. RR over

COMPLETE REMINDER OF FORM ONLY FOR PUBLIC VEHICLE CROSSINGS AT GRADE

Part II Detailed Information of Public Vehicle at Grade Crossing

1A. Typical Number of Daily Train Movements Daylight (6 AM to 6 PM) thru trains switching Night (6 PM to 6 AM) thru trains switching	1B. Speed of Train at Crossing A. Maximum train speed B. Typical Speed Range Over Crossing
3. Type and Number of Tracks main other	4. Does Another RR Operate a Separate Track at Crossing? Yes No
5. Does Another RR Operate Over Your Track at Crossing? Yes No	6. Type of Warning Device at Crossing A. Signs B. Train Activated Devices
7. Is Commercial Power Available? Yes No	8. Does Crossing Signal Provide Speed Selection for Trains? Yes No N/A

Part III Physical Data

1. Type of Development ☐ 1. Open Sp. ☐ Res ☐ 3. Comm. ☐ 4. Ind. ☐ 5. Other	2. Smallest Crossing Angle ☐ 0°-29° ☐ 30°-59° ☐ 60°-90°	3. Number of Traffic Lanes Crossing Railroad Number	4. Are Truck Pullout Lanes Present? Yes No	5. Is Highway Paved Yes No	6. Pavement Markings ☐ Stoplines ☐ RR Xing Sign. ☐ None	7. Are RR Advance Warning Signs Present? Yes No	8. Crossing Surface ☐ 1. Sec. Timber ☐ 2. Full Plank ☐ 3. Asphalt ☐ 4. Concrete Slab ☐ 5. Concrete Pave. ☐ 6. Rubber ☐ 7. Metal Sections ☐ 8. Other Metal	9. Does Track Run Down A Street? Yes No	10. Nearby Intersecting Highway? Yes No
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Part IV Highway Department Information

1. Highway System	2. Is Crossing on State Highway System? Yes No	3. Functional Classification of Road over Crossing	4. Estimate AADT	5. Estimate Percent Trucks
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OMB 2130-0017

U.S. DOT - AAR CROSSING INVENTORY FORM

INITIATING AGENCY
☒ RAILROAD ☐ STATE

C. REASON FOR UPDATE:
☐ CHANGES IN EXISTING CROSSING DATA
☐ NEW CROSSING
☐ REPAIRED CROSSING

D. EFFECTIVE DATE
06 21 05
M D Y

1. CROSSING NUMBER 675174

Part I Location and Classification of All Crossings (Must be Completed)

1. Railroad Operating Company
TULSA

2. Railroad Division or Region
TULSA

3. Railroad Subdivision or District
TULSA

4. State
OKLAHOMA

5. County
ROGERS

6. County Map. Ref. No.

7. City
CLAREMORE

8. Nearest City
CLAREMORE

9. Highway Type and No.

10. Street or Road Name
SELMETER

11. RR ID. No.

12. Nearest RR Timetable Station
CLAREMORE

13. Branch or Line Name
P&O SPOR

14. Railroad Mile Post
6.20

15. Pedestrian Crossing
☐ 1. at grade
☐ 2. RR under
☐ 3. RR over

16. Private Vehicle Crossing
☐ 1. at grade
☐ 2. RR under
☐ 3. RR over

17. Public Vehicle Crossing
☐ 1. at grade
☐ 2. RR under
☐ 3. RR over

COMPLETE REMAINDER OF FORM ONLY FOR PUBLIC VEHICLE CROSSINGS AT GRADE

Part II Detailed Information for Public Vehicle at Grade Crossing

1A. Typical Number of Daily Train Movements
Daylight (6 AM to 6 PM) thru trains switching
Night (6 PM to 6 AM) thru trains switching

1B. Check if Less Than One Movement Per Day ☐ 5

2. Speed of Train Crossing
A. Maximum time over crossing
B. Typical Speed Range Over Crossing

3. Type and Number of Tracks
main ☐ other ☐ If over speed limit, specify

4. Does Another RR Operate on a Separate Track at Crossing?
☐ Yes ☐ No Specify

5. Does Another RR Operate Over Your Track at Crossing?
☐ Yes ☐ No Specify

6. Type of Warning Device at Crossing
A. Signs
Crossbucks
reflectORIZED ☐ 01 Number
non-reflectORIZED ☐ 02 Number
Standard Highway Stop Sign ☐ 03 Number
Other Stop Signs ☐ 04 Number
Other Signs Specify ☐ 05 Number ☐ 06 Number ☐ 07 Number ☐ 08 Number

B. Train Activated Devices
Gates
red & white reflectORIZED ☐ 09 Number
other reflectORIZED ☐ 10 Number
Centimeter Flashing Lights
not over traffic line ☐ 11 Number
not over traffic line ☐ 12 Number
Mast Mounted Flashing Lights ☐ 13 Number
Other Flashing Lights Specify ☐ 14 Number ☐ 15 Number
Highway Traffic Signals ☐ 16 Number
Wigwags ☐ 17 Number
Bells ☐ 18 Number

C. Specify Special Warning Device Activated ☐ 19

D. No Signs or Signals ☐ 20

7. Is Commercial Power Available? ☐ Yes ☐ No

8. Does Crossing Signal Provide Speed Selection for Trains? ☐ Yes ☐ No ☐ N/A

9. Method of Signalling for Train Operation: ☐ Track Equipped with Signals? ☐ Yes ☐ No

Part III Physical Data

1. Type of Development
☐ 1. Open Space ☐ 2. Yes
☐ 3. Comm. ☐ 4. Ind. ☐ 5. Inst.

2. Smallest Crossing Angle
☐ 0°-29° ☐ 30°-59° ☐ 60°-90°

3. Number of Traffic Lanes Crossing Railroad ☐ Number

4. Are Truck Pullout Lanes Present? ☐ Yes ☐ No

5. Is Highway Paved? ☐ Yes ☐ No

6. Pavement Markings
☐ Stoplines ☐ RR Xing Synt. ☐ None

7. Are RR Advance Warning Signs Present?
☐ Yes ☐ No

8. Crossing Surface
☐ 1. Sec. Timber ☐ 2. Full Plank ☐ 3. Asphalt ☐ 4. Concrete Slab
☐ 5. Concrete Pave. ☐ 6. Rubber ☐ 7. Metal Sections ☐ 8. Other Metal
☐ 9. Unconsolidated ☐ 0. Other Specify

9. Does Track Run Down A Street?
☐ Yes ☐ No

10. Nearby Intersecting Highway?
☐ Yes ☐ No

Part IV Highway Department Information

1. Highway System ☐

2. Is Crossing on State Highway System? ☐ Yes ☐ No

3. Functional Classification of Road over Crossing ☐

4. Estimate AADT ☐

5. Estimate Percent Trucks ☐

Form FRA F 6180.71 (8-84)

SLSF
675 174 L

OMB 2130-0017

U.S. DOT - AAR CROSSING INVENTORY FORM

A. INITIATING AGENCY
☒ RAILROAD ☐ STATE

C. REASON FOR UPDATE:

☐ CHANGES IN EXISTING CROSSING DATA
☒ NEW CROSSING
☐ CLOSED CROSSING

D. EFFECTIVE DATE

03 21 95
M D Y

B. CROSSING NUMBER 675 175

Part I Location and Classification of All Crossings (Must Be Completed)

1. Railroad Operating Company

2. Railroad Division or Region

3. Railroad Subdivision or District

4. State

5. County

6. County Map, Ref. No.

DO NOT WRITE IN THIS SPACE

7. City

8. Nearest City

9. Highway Type and No.

State _____ County _____
City _____ Nearest City _____
RR Code _____ Timetable Station _____

10. Street or Road Name

11. R. I. D. No.

12. Nearest RR Timetable Station

13. Branch or Line Name

14. Railroad Mile Post

15. Pedestrian Crossing

16. Private Vehicle Crossing

17. Public Vehicle Crossing

☐ 1. at grade

A. ☒ 1. at grade

☐ 2. RR under

☐ 3. Residential

☐ 3. Recreational

☐ 4. Industrial

☐ 1. at grade

☐ 2. RR over

B. ☐ 5. at grade

☐ 6. RR under

☐ 7. RR over

☐ 8. RR over

☐ 9. RR over

☐ 2. RR under

☐ 3. RR over

COMPLETE REMINDER OF FORM ONLY FOR PUBLIC VEHICLE CROSSINGS AT GRADE

Part II Detailed Information of Public Vehicle Crossings at Grade Crossing

1A. Typical Number of Daily Train Movements

Daylight (6 AM to 6 PM) Night (6 PM to 6 AM)
thru trains switching thru trains switching
1 2 3 4

1B. Check if Less Than One Movement Per Day ☐ 5

2. Speed of Train Crossing

A. Maximum time table speed _____ mph
B. Typical Speed Range Over Crossing
_____ to _____ mph

3. Type and Number of Tracks

main _____ other _____ Other special _____

4. Does Another RR Operate a Separate Track at Crossing?

☐ Yes ☐ No Specify: _____

5. Does Another RR Operate Over Your Track at Crossing?

☐ Yes ☐ No Specify: _____

6. Type of Warning Devices at Crossing

A. Signs

Crossbucks: reflectorized ☐ 01 Number, non-reflectorized ☐ 02 Number, Standard Highway ☐ 03 Number
Other Stop Signs: ☐ 04 Number, Other signs: Specify _____
Number _____

B. Train Activated Devices

Gates: red & white reflectorized ☐ 09 Number, other colored ☐ 10 Number
Covered Flashing Lights: over traffic lane ☐ 11 Number, not over traffic lane ☐ 12 Number
Mast Mounted Flashing Lights: ☐ 13 Number
Other Flashing Lights: Specify _____
Number _____
Highway Traffic Signals: ☐ 16 Number
Wignags: ☐ 17 Number
Bells: ☐ 18 Number

C. Specify Special Warning Devices for Train Activated

D. No Signs or Signals ☐ 20

7. Is Commercial Power Available? ☐ Yes ☐ No

8. Does Crossing Signal Provide Speed Selection for Trains? ☐ Yes ☐ No ☐ N/A

9. Method of Signaling for Train Operation: ☐ Track Equipped with Signals? ☐ Yes ☐ No

Part III Physical Data

1. Type of Development ☐ 1. Open Co. ☐ 2. Res
☐ 3. Comm. ☐ 4. Ind. ☐ 5. Inst.

2. Smallest Crossing Angle

☐ 0°-29° ☐ 30°-59° ☐ 60°-90°

3. Number of Traffic Lanes Crossing Railroad _____

4. Are Truck Pullout Lanes Present? ☐ Yes ☐ No

5. Is Highway Paved? ☐ Yes ☐ No

6. Pavement Markings

☐ Stoplines ☐ RR Xing Sym. ☐ No

7. Are RR Advance Warning Signs Present?

☐ Yes ☐ No

8. Crossing Surface

☐ 1. Sec. Timber ☐ 2. Full Plank ☐ 3. Asphalt ☐ 4. Concrete Slab
☐ 5. Concrete Pave. ☐ 6. Rubber ☐ 7. Metal Sections ☐ 8. Other Metal

☐ 9. Unconsolidated ☐ 0. Other Specify _____

9. Does Track Run Down A Street?

☐ Yes ☐ No

10. Nearby Intersecting Highway?

☐ Yes ☐ No

Part IV Highway Department Information

1. Highway System _____

2. Is Crossing on State Highway System? ☐ Yes ☐ No

4. Estimate AADT _____

3. Functional Classification of Road over Crossing _____

5. Estimate Percent Trucks _____

OMB 2130-0017

U.S. DOT - AAR CROSSING INVENTORY FORM

INITIATING AGENCY
☒ RAILROAD ☐ STATE

C. REASON FOR UPDATE:

☐ CHANGES IN EXISTING CROSSING DATA
☒ NEW CROSSING
☐ CLOSED CROSSING

D. EFFECTIVE DATE
03/21/02
M D Y

I. CROSSING NUMBER 675176A

Part I Location and Classification of All Crossings (Must be Completed)

1. Railroad Operating Company

2. Railroad Division or Region

3. Railroad Subdivision or District

4. State
OKLAHOMA

5. County

6. County Map. Ref. No.

DO NOT WRITE IN THIS SPACE

7. City

8. Nearest City

9. Highway Type and No.

State _____ County _____
City _____ Nearest City _____
RR Code _____ Timetable Station _____

10. Street or Road Name

11. RR D. No.

12. Nearest RR Timetable Station

13. Branch or Line Name

14. Railroad Mile Post

15. Pedestrian Crossing

16. Private Vehicle Crossing

17. Public Vehicle Crossing

☐ 1. at grade ☒ 2. RR under ☐ 3. RR over
☐ 4. at grade ☐ 5. at grade ☐ 6. at grade ☐ 7. at grade ☐ 8. at grade ☐ 9. at grade ☐ 10. at grade ☐ 11. at grade ☐ 12. at grade ☐ 13. at grade ☐ 14. at grade ☐ 15. at grade ☐ 16. at grade ☐ 17. at grade ☐ 18. at grade ☐ 19. at grade ☐ 20. at grade ☐ 21. at grade ☐ 22. at grade ☐ 23. at grade ☐ 24. at grade ☐ 25. at grade ☐ 26. at grade ☐ 27. at grade ☐ 28. at grade ☐ 29. at grade ☐ 30. at grade ☐ 31. at grade ☐ 32. at grade ☐ 33. at grade ☐ 34. at grade ☐ 35. at grade ☐ 36. at grade ☐ 37. at grade ☐ 38. at grade ☐ 39. at grade ☐ 40. at grade ☐ 41. at grade ☐ 42. at grade ☐ 43. at grade ☐ 44. at grade ☐ 45. at grade ☐ 46. at grade ☐ 47. at grade ☐ 48. at grade ☐ 49. at grade ☐ 50. at grade ☐ 51. at grade ☐ 52. at grade ☐ 53. at grade ☐ 54. at grade ☐ 55. at grade ☐ 56. at grade ☐ 57. at grade ☐ 58. at grade ☐ 59. at grade ☐ 60. at grade ☐ 61. at grade ☐ 62. at grade ☐ 63. at grade ☐ 64. at grade ☐ 65. at grade ☐ 66. at grade ☐ 67. at grade ☐ 68. at grade ☐ 69. at grade ☐ 70. at grade ☐ 71. at grade ☐ 72. at grade ☐ 73. at grade ☐ 74. at grade ☐ 75. at grade ☐ 76. at grade ☐ 77. at grade ☐ 78. at grade ☐ 79. at grade ☐ 80. at grade ☐ 81. at grade ☐ 82. at grade ☐ 83. at grade ☐ 84. at grade ☐ 85. at grade ☐ 86. at grade ☐ 87. at grade ☐ 88. at grade ☐ 89. at grade ☐ 90. at grade ☐ 91. at grade ☐ 92. at grade ☐ 93. at grade ☐ 94. at grade ☐ 95. at grade ☐ 96. at grade ☐ 97. at grade ☐ 98. at grade ☐ 99. at grade ☐ 100. at grade

COMPLETE REMAINDER OF FORM ONLY FOR PUBLIC VEHICLE CROSSINGS AT GRADE

Part II Detailed Information - Public Vehicle at Grade Crossing

1A. Typical Number of Daily Train Movements

2. Speed of Train Crossing

Daylight (6 AM to 6 PM) _____
Night (6 PM to 6 AM) _____
thru trains switching thru trains switching

1B. Check if Less Than One Movement Per Day ☐ 5

A. Maximum time table speed _____ mph
B. Typical Speed Range Over Crossing _____ to _____ mph

3. Type and Number of Tracks

main ☐ other ☐ If other specify _____

4. Does Another RR Operate on a Separate Track at Crossing?

☐ Yes ☐ No Specify: RR _____

5. Does Another RR Operate Over Your Track at Crossing?

☐ Yes ☐ No Specify: RR _____

6. Type of Warning Device at Crossing

A. Signs

Crossbucks: reflectorized ☐ 01 Number _____ non-reflectorized ☐ 02 Number _____
Highway Stop Sign ☐ 03 Number _____
Other Stop Signs ☐ 04 Number _____
Other Signs Specify: _____ ☐ 05 Number _____ ☐ 06 Number _____ ☐ 07 Number _____ ☐ 08 Number _____

B. Train Activated Devices

Gates: red & white reflectorized ☐ 09 Number _____ other color ☐ 10 Number _____
Continuously Flashing Lights: over traffic lane ☐ 11 Number _____
Mast Mounted Flashing Lights ☐ 13 Number _____
Other Flashing Lights Specify: _____ ☐ 14 Number _____ ☐ 15 Number _____
Highway Traffic Signals ☐ 16 Number _____
Wigwags ☐ 17 Number _____
Bells ☐ 18 Number _____

C. Specify Special Warning Devices not Train Activated

D. No Signs or Signals ☐ 20

7. Is Commercial Power Available? ☐ Yes ☐ No

8. Does Crossing Signal Provide Speed Selection for Trains? ☐ Yes ☐ No ☐ N/A

9. Method of Signaling for Train Operation: ☐ Track Equipped with Signals ☐ Yes ☐ No

Part III Physical Data

1. Type of Development ☐ 1. Open ☐ 2. Yes ☐ 3. Comm. ☐ 4. Ind. ☐ 5. Inst.

5. Is Highway Paved ☐ Yes ☐ No

9. Does Track Run Down A Street? ☐ Yes ☐ No

2. Smallest Crossing Angle ☐ 0°-29° ☐ 30°-59° ☐ 60°-90°

6. Pavement Markings ☐ Stoplines ☐ RR Xing Syms ☐ None

10. Nearby Intersecting Highway? ☐ Yes ☐ No

3. Number of Traffic Lanes Crossing Railroad ☐ Number _____

7. Are RR Advance Warning Signs Present? ☐ Yes ☐ No

8. Crossing Surface ☐ 1. Sec. Timber ☐ 2. Full Plank ☐ 3. Asphalt ☐ 4. Concrete Slab ☐ 5. Concrete Pave. ☐ 6. Rubber ☐ 7. Metal Sections ☐ 8. Other Metal ☐ 9. Unconsolidated ☐ 0. Other Specify _____

4. Are Truck Pullout Lanes Present? ☐ Yes ☐ No

Part IV Highway Department Information

1. Highway System ☐

2. Is Crossing on State Highway System? ☐ Yes ☐ No

4. Estimate AADT _____

3. Functional Classification of Road over Crossing ☐

5. Estimate Percent Trucks _____

OMB 2130-0017

U.S. DOT - AAR CROSSING INVENTORY FORM

I. INITIATING AGENCY

☒ RAILROAD ☐ STATE

C. REASON FOR UPDATE:

☐ CHANGES IN EXISTING CROSSING DATA
☒ NEW CROSSING
☐ CLOSED CROSSING

D. EFFECTIVE DATE

03 21 95
M D Y

1. CROSSING NUMBER 675 177

Part I Location and Classification of All Crossings (Must be Completed)

1. Railroad Operating Company

2. Railroad Division or Region

3. Railroad Subdivision or District

4. State

5. County

6. County Map. Ref. No.

DO NOT WRITE IN THIS SPACE

DISHONOMA

ROGERS

7. City

8. Nearest City

9. Highway Type and No.

State County

City Nearest City

10. Street or Road Name

RR D. No.

BELLMONT

CLAREMORE

13. Branch or Line Name

14. Railroad Mile Post

PSO SPOR

7.58

15. Pedestrian Crossing

16. Private Vehicle Crossing

17. Public Vehicle Crossing

- ☐ 1. at grade ☒ 1. at grade ☐ 2. Residential ☐ 3. Recreational ☐ 4. Industrial
☐ 2. RR under ☒ 5. at grade ☐ 6. RR over ☐ 7. RR over
☐ 3. RR over ☐ 6. RR over ☐ 7. RR over

- ☐ 1. at grade
☐ 2. RR under
☐ 3. RR over

COMPLETE REMAINDER OF FORM ONLY FOR PUBLIC VEHICLE CROSSINGS AT GRADE

Part II Detailed Information

1A. Typical Number of Daily Movements

2. Speed of Train Crossing

Daylight (6 AM to 6 PM)

Night (6 PM to 6 AM)

15. Check if Less Than One Movement Per Day ☐ 5

A. Maximum time table speed B. Typical Speed Range Over Crossing
to mph

thru trains switching

thru trains switching

16. Type and Number of Tracks

main other If other specify

4. Does Another RR Operate a Separate Track at Crossing?

☐ Yes ☒ No Specify: RR

5. Does Another RR Operate Over Your Track at Crossing?

☐ Yes ☒ No Specify: RR

6. Type of Warning Device at Crossing

A. Signs

Crossbucks
reflectORIZED non-reflectORIZED
01 02
Number Number

Highway Stop Sign
03
Number

Other Stop Signs
04
Number

Other Signs Specify
06 08
Number Number

B. Train Activated Devices

Gates
red & white reflectORIZED colored
09 10
Number Number

Camouflaged Flashing Lights
train over traffic lane
11
Number

Mast Mounted Flashing Lights
13
Number

Other Flashing Lights Specify
14 15
Number Number

Highway Traffic Signals
16
Number

Wigwags
17
Number

Bells
18
Number

C. Specify Special Warning Devices and Train Activation

D. No Signs or Signals ☐ 20

7. Is Commercial Power Available? ☐ Yes ☒ No

8. Does Crossing Signal Provide Speed Selection for Trains? ☐ Yes ☒ No ☐ N/A

9. Method of Signalling for Train Operation: Is Track Equipped with Signals? ☐ Yes ☒ No

Part III Physical Data

1. Type of Development ☐ 1. Open ☒ 2. Res

☐ 3. Comm. ☐ 4. Ind. ☐ 5. Inst.

2. Smallest Crossing Angle

☐ 0°-29° ☐ 30°-59° ☒ 60°-90°

3. Number of Traffic Lanes Crossing Railroad

Number

4. Are Truck Pullout Lanes Present? ☐ Yes ☒ No

5. Is Highway Paved ☐ Yes ☒ No

6. Pavement Markings

☐ Stoplines ☐ RR Xing Syms ☐ None

7. Are RR Advance Warning Signs Present?

☐ Yes ☒ No

8. Crossing Surface

☐ 1. Sec. Timber ☐ 2. Full Plank ☐ 3. Asphalt ☐ 4. Concrete Slab

☐ 5. Concrete Pave. ☐ 6. Rubber ☐ 7. Metal Sections ☐ 8. Other Metal

☐ 9. Unconsolidated ☐ 0. Other Specify

9. Does Track Run Down A Street?

☐ Yes ☒ No

10. Nearby Intersecting Highway?

☐ Yes ☒ No

Part IV Highway Department Information

1. Highway System

2. Is Crossing on State Highway System? ☐ Yes ☒ No

3. Functional Classification of Road over Crossing

4. Estimate AADT

5. Estimate Percent Trucks

SLSF
675 177 G

Cmd 2130-0017

U.S. DOT - AAR CROSSING INVENTORY FORM

A. INITIATING AGENCY

☒ RAILROAD ☐ STATE

C. REASON FOR UPDATE:

☐ CHANGES IN EXISTING CROSSING DATA
☒ NEW CROSSING
☐ CLOSED CROSSING

D. EFFECTIVE DATE

03 21 02
M D Y

B. CROSSING NUMBER 675178

Part I Location and Classification of All Crossings (Must be Completed)

1. Railroad Operating Company

2. Railroad Division or Region

3. Railroad Subdivision or District

4. State

5. County

6. County Map. Ref. No.

DO NOT WRITE IN THIS SPACE

7. City

8. Nearest City

9. Highway Type and No.

State

County

City

Nearest City

10. Street or Road Name

11. R.R. D. No.

12. Nearest RR Timetable Station

13. Branch or Line Name

14. Railroad Mile Post

RR Code

Timetable Station

15. Pedestrian Crossing

16. Private Vehicle Crossing

17. Public Vehicle Crossing

☐ 1. at grade
☐ 2. RR under
☐ 3. RR over

☒ 1. at grade
☐ 2. RR under
☐ 3. RR over

☐ 1. at grade
☐ 2. RR under
☐ 3. RR over

☐ 1. at grade
☐ 2. RR under
☐ 3. RR over

☐ 1. at grade
☐ 2. RR under
☐ 3. RR over

☐ 1. at grade
☐ 2. RR under
☐ 3. RR over

☐ 1. at grade
☐ 2. RR under
☐ 3. RR over

COMPLETE REMAINDER OF FORM ONLY FOR PUBLIC VEHICLE CROSSINGS AT GRADE

Part II Detailed Information for Public Vehicle at Grade Crossing

1A. Typical Number of Daily Movements

2. Speed of Train Crossing

Daylight (6 AM to 6 PM)

Night (6 PM to 6 AM)

1B. Check if Less Than One Movement per Day ☐

A. Maximum time Typical Speed Range Over Crossing

thru trains switching

thru trains switching

table speed

mph

3. Type and Number of Tracks

main ☐ other ☐

4. Does Another RR Operate a Separate Track at Crossing?

☐ Yes ☐ No Specify: RR

5. Does Another RR Operate Over Your Track at Crossing?

☐ Yes ☐ No Specify: RR

6. Type of Warning Device at Crossing

A. Signs

Crossbucks

reflectorized

non-reflectorized

Number

Number

Number

Number

Number

Number

Number

Number

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☐ 3. Comm. ☐ 4. Ind. ☐ 5. Inst.

2. Smallest Crossing Angle

☐ 0°-29° ☐ 30°-59° ☐ 60°-90°

3. Number of Traffic Lanes Crossing Railroad

4. Are Truck Pullout Lanes Present? ☐ Yes ☐ No

5. Is Highway Paved ☐ Yes ☐ No

6. Pavement Markings

☐ Stoplines ☐ RR-Xing Sym. ☐ None

7. Are RR Advance Warning Signs Present?

☐ Yes ☐ No

8. Crossing Surface

☐ 1. Sec. Timber ☐ 2. Full Plank ☐ 3. Asphalt ☐ 4. Concrete Slab

☐ 5. Concrete Pave. ☐ 6. Rubber ☐ 7. Metal Sections ☐ 8. Other Metal

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Part IV Highway Department Information

1. Highway System

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4. Estimate AADT

3. Functional Classification of Road over Crossing

5. Estimate Percent Trucks

SLSF
675 178 NI