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VIA ELECTRONIC FILING

Hon. Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street SW
Washington, DC 20024

August 4, 2008

Re: BNSF Railway Company – Petition for Declaratory Order
STB Finance Docket No. 35164

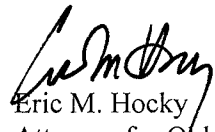
Dear Secretary Quinlan:

I am enclosing on behalf of the Oklahoma Department of Transportation, a duplicate copy of a letter supporting the relief requested by BNSF in the above-referenced proceeding. The original letter was sent directly to the Board; however it is not yet reflected on the Board's web site as being received in this proceeding. We are filing this duplicate to make sure that the letter is properly posted to the correct proceeding in a timely fashion.

We understand that letters of support have also been submitted by the Mayor of Oklahoma City (dated July 30, 2008), and the Greater Oklahoma City Chamber (dated July 22, 2008), to be filed in this proceeding. These letters have not yet been posted, perhaps because they did not reflect the docket number of the proceeding. We are attaching copies of the letters for the Board's reference, and request that the Board review its records for these letters so that they can be considered in this proceeding.

Please let me know if you need any additional information.

Respectfully,


Eric M. Hocky
Attorney for Oklahoma
Department of Transportation

Pittsburgh

Philadelphia

Princeton

Wheeling

cc: Kristy D. Clark, BNSF Railway (w/enc.; by email)

EMH/e

Thorp Reed & Armstrong, LLP
One Commerce Square
2005 Market Street
Suite 1910
Philadelphia, PA 19103
215 640 8500
215 640 8501 Fax



OKLAHOMA DEPARTMENT OF TRANSPORTATION

Gary M. Ridley, Director

200 N. E. 21st Street

Oklahoma City, OK 73105-3204

(405) 522-1800

July 31, 2008

Anne K. Quinlan
Acting Secretary
Surface Transportation Board
Case Control Unit
395 E Street S.W.
Washington, DC 20423-0001

Dear Ms. Quinlan:

Ref : BNSF Abandonment Request Associated with the I-40 Crosstown Expressway in Oklahoma City, OK

The Oklahoma Department of Transportation (ODOT) would like to express support for the expedited declaratory ruling and order that BNSF Railway Company filed with the Surface Transportation Board on July 15, 2008 regarding the Chickasha Subdivision in Oklahoma City, Oklahoma.

Please allow ODOT to inform the Surface Transportation Board of the existing situation related to the I-40 Crosstown Expressway. Interstate 40 is the primary east-west route in the state of Oklahoma and one of the only all-weather routes in the nation from coast to coast. This interstate also provides the primary access into downtown Oklahoma City, as well as Tinker Air Force Base. The existing I-40 Crosstown Expressway was constructed in the early 1960s. Designs at the time were created with the anticipation that the facility would carry approximately 76,000 vehicles per day. Today, over 119,400 vehicles per day use the facility. The centerpieces of this problem facility are the longest bridges in the state of Oklahoma at just over 8,880 feet. These twin bridges contain 286 fracture critical members which, if one were to fail, could cause a collapse of a portion of the structure. Additionally, the structure contains 1098 pins which are components in the pin and strap hangers utilized as expansion devices. These pins can also be considered fracture critical in regards to the type of failure that can occur when frozen in place due to rust and subjected to thermal expansion forces. Stranded motorists are not afforded the opportunity to fully pull off of the roadway since the existing facility does not have adequate shoulders to provide refuge. The existing ramp spacing and lengths do not meet standards and do not provide adequate acceleration opportunity for vehicles entering the traffic stream. Six of seven I-40 Crosstown Expressway roadway sections are rated as critically high crash sections. Reinforcing steel is exposed on numerous pier caps and leaking deck joints allow for corrosive conditions at the pin and strap hanger locations. Multiple deck patches are evident and the Department is forced to close lanes to traffic when holes develop through the deck or expansion devices break free from the concrete deck.

"The mission of the Oklahoma Department of Transportation is to provide a safe, economical, and effective transportation network for the people, commerce and communities of Oklahoma."

AN EQUAL OPPORTUNITY EMPLOYER

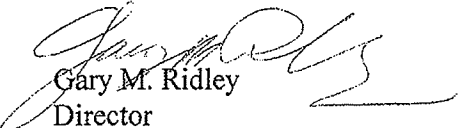
ODOT has been engaged in an exhaustive process to address the existing I-40 Crosstown Expressway since October, 1995. As part of the environmental clearance process, the Department conducted a Major Investment Study/Environmental Impact Statement during which a Citizens Advisory Committee and a Technical Advisory Committee were established. These committees included a broad spectrum of interests including representatives of BNSF Railway Company, Central Oklahoma Transportation and Parking Authority, City of Oklahoma City, Federal Highway Administration, Federal Railroad Administration, Federal Transit Administration, ODOT Transit Programs, ODOT Rail Planning, Oklahoma Railroad Association, Union Pacific Railroad, OKC Urban Renewal Authority, MAPS Transportation Committee and Producers Cooperative Oil Mill to list but a few. These committees assisted ODOT in evaluating the potential alternatives to address the I-40 Crosstown Expressway problems. ODOT and the committees investigated the following alternatives for addressing the issues associated with the Crosstown: No-Build Alternative, Transportation System Management alternative, Mass Transit Alternative and Build Alternatives A through F. Each of these alternatives were evaluated by the committees in a two tier evaluation process and in December 1998, ODOT announced that Alternative D was the locally preferred alternative. After producing the Draft and Final Environmental Impact Statements and undergoing a legal sufficiency review by the Federal Highway Administration, the Record of Decision, which serves as the environmental clearance for the project, was issued by the Federal Highway Administration on May 1, 2002. The community stands behind the completion of this project. Testimony to the need and consensus within the community is seen in the fact that only 64 comments were received by the Department on the Draft Environmental Impact Statement over the public comment period which the Department extended from a two month requirement to ten months.

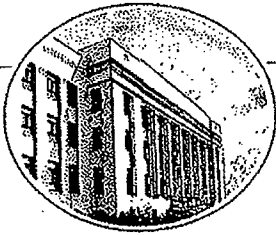
Upon receipt of the Record of Decision, the Department began moving forward with design, right-of-way acquisition, utility relocation and construction efforts. To date, approximately 220 of 265 parcels of property have been acquired and the majority of the utility relocations necessary for the project have been completed. The Department has divided the interstate and associated boulevard to be constructed on the existing interstate alignment into 23 separate construction projects. Two of these construction projects are complete, four are underway and another is preparing to start. Approximately \$267 million has been encumbered for completing the engineering, right-of-way acquisition and clearance, utility relocation and construction efforts. Just over \$323 million in earmark funds have been designated by Congress for use specifically on the I-40 Crosstown Expressway and can not be utilized for other projects. The State of Oklahoma has thus far received approximately \$274 million of those earmark funds for the realignment and has committed an additional \$194 million in formula federal funds for use on the Crosstown.

The BNSF Chickasha Subdivision, currently under consideration by the Surface Transportation Board, is located in the planned path of the I-40 Crosstown Expressway. As part of the preparation of the corridor for construction of the interstate, the Packingtown Lead, a BNSF east-west companion to the Chickasha Lead, has been upgraded by the BNSF, through funding provided by ODOT. The Packingtown Lead is located south of the project area and was upgraded specifically to allow for the construction of the interstate. Rail traffic that formerly utilized the Chickasha Subdivision has been relocated to the Packingtown Lead. Plans to serve the local traffic to the Producers Cooperative Oil Seed Mill and MidStates Lumber have been developed and are in the process of being implemented. These businesses will continue to be served by the BNSF, with service from the BNSF north-south Red Rock Subdivision onto a loop track around the businesses. Thus, all existing BNSF rail customers have been, and will continue to be, served by the BNSF. MidStates Lumber, through a transload agreement between ODOT, BNSF and MidStates, is temporarily being served by truck from the existing BNSF North Yard. Their service was unable to be continued through direct connection via the BNSF due to the need to remove a crossing diamond shared by the UPRR and BNSF as part of realigning the UPRR. Upon completion of all of the aspects of the project, both the Producers Cooperative Oil Seed Mill and MidStates Lumber will be fully served by the BNSF operations.

As you can see from the above information, the I-40 Crosstown Expressway realignment is a critically needed project that has been through all of the required stages of project development. The project is currently proceeding towards completion of the mainline interstate in 2012 which will remove traffic from the aging problem facility. Because of the nature and condition of the existing interstate facility and the critical need for traffic to be removed from the bridge as soon as possible, there is an overwhelming need and urgency to proceed with this realignment project that has received all necessary clearances and authorizations to date.

Sincerely,


Gary M. Ridley
Director



OFFICE OF THE MAYOR

MICK CORNETT, MAYOR
MUNICIPAL BUILDING
200 NORTH WALKER
OKLAHOMA CITY, OKLAHOMA 73102

July 30, 2008

Anne K. Quinlan
Acting Secretary
Surface Transportation Board
Case Control Unit
395 E Street S.W.
Washington, DC 20423-0001

Dear Ms. Quinlan:

This letter is being written to express the viewpoints of Oklahoma City regarding the need for the expeditious abandonment of the east-west BNSF rail line and subsequent completion of the realignment of the I-40 Crosstown Expressway in Oklahoma City.

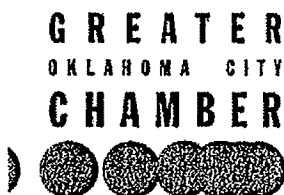
Please know that the existing I-40 Crosstown Expressway runs along the south edge of downtown Oklahoma City. The east-west BNSF line lies immediately in the path selected for the I-40 Crosstown Expressway realignment. The existing I-40 Crosstown Expressway represents a danger to the citizens of Oklahoma City with frequent lane closures due to emergency bridge repairs to holes in the deck. Any accident closes lanes of the interstate since the shoulders do not accommodate wrecked or disabled vehicles. Access into the downtown area is compromised during rush periods for commuters in the mornings as well as those coming to experience the many events held in downtown and the adjacent Bricktown area. Evening traffic on I-40 Crosstown Expressway slows as commuters try to reach other areas of Oklahoma City or other surrounding communities.

Additionally, until this critical interstate reconstruction is completed, the aging elevated interstate creates a major barrier to the plan for redevelopment that will transform Oklahoma City. Part of this redevelopment will incorporate the changes of the new interstate alignment and world-class boulevard on the existing interstate alignment.

Therefore, it is the City's position that the expeditious abandonment of the east-west BNSF rail line be achieved in order for the realignment of the I-40 Crosstown Expressway to be completed in a timely manner.

Sincerely,

Mick Cornett
Mayor



July 22, 2008

Anne K. Quinlan
Acting Secretary
Surface Transportation Board
Case Control Unit
395 E Street S.W.
Washington, DC 20423-0001

Dear Ms. Quinlan:

Re: STB Finance Docket no. 35164, BNSF Railway Company – Petition for
Declaratory Order (Expedited) –

The Greater Oklahoma City Chamber wishes to express its support of the BNSF Railroad's expedited declaratory ruling now before the Surface Transportation Board relative to the Chickasha Subdivision in Oklahoma City, Ok.

The Greater Oklahoma City Chamber (representing over 4500 business members in the Oklahoma City area) has long been a supporter of the I-40 Realignment Project calling for a major upgrade and realignment of the present elevated I-40 facility which was opened in the mid-1960s with a design load of 76,000 vehicles a day and which now carries some 120,000 vehicles today. It is the longest such elevated inland bridge of its type in America and one that cries out for immediate action in bringing about a solution. That solution is described in detail in the Highway Project Background sent to you in a July 14, 2008 letter by Kristy D. Clark, General Attorney for the BNSF Railway.

The Greater Oklahoma City Chamber served on the I-40 Mitigation Committee for some 10 years in coming up with the realignment corridor that brought about the solution and location for the four and a half mile corridor through the core area of our city. Extensive and exhaustive efforts went into the mitigation efforts in bringing about the final realignment corridor that is now under construction.

Rail service to the businesses in the targeted area are NOT and will NOT be hampered by the present construction/alignment solution and as outlined by the above letter by BNSF will not in the future be impacted in any way negative for future rail service.

123 Park Ave.
Oklahoma City, OK
73102

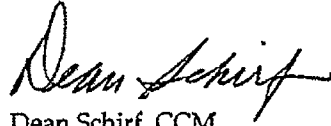
405.297.8900 phone
405.297.8916 fax

www.okcchamber.com
www.greateroklahomacity.com

The Greater Oklahoma City Chamber respectfully requests an expedited handling of the BNSF proceeding.

Many thanks, Ms. Quinlan, for the opportunity to respond to this matter.

Respectfully,

A handwritten signature in cursive script, appearing to read "Dean Schirf".

Dean Schirf, CCM
Vice President
Government Relations