



**OKLAHOMANS
FOR NEW
TRANSPORTATION
ALTERNATIVES
COALITION**

***Ensuring Oklahoma's
Rail Transit Future***

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August 8, 2008

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

223155

Re: BNSF Railway Co. Petition for Declaratory Order Surface Transportation Board Finance Docket No. 35164

Dear Ms. Quinlan:

OnTrac is writing to strongly oppose the referenced BNFS petition and to counter certain claims made by the Oklahoma Department of Transportation (ODOT) in their July 31, 2008 letter to the Surface Transportation Board.

OnTrac is a non-profit citizen organization formed to ensure rail transportation opportunities in the State of Oklahoma. We are currently involved in the effort to protect the rail infrastructure at Union Station in Oklahoma City from destruction by a proposed 4-mile section of Interstate 40. Contrary to ODOT's claim, this decision, made some nine years ago, was controversial then and it is even more controversial today considering the steep rise in motor fuel prices and the obvious need for efficient, railway based alternatives. We want to be clear that OnTrac does not oppose the expressway, only the alignment chosen by ODOT that would essentially wipe out most of the rail assets, which serve an important public function that will be increasingly important in the coming years.

There were, and there remain, several reasonable alternatives to the chosen alignment for the new highway that would have avoided the Union Station rail yard. These were rejected by ODOT planners in a biased and disingenuous process in order to justify a predetermined outcome. ODOT grossly underestimated costs while assigning no value – zero - to the loss of an obviously very valuable railroad asset. Unfortunately, under the applicable law, this decision was immune to review by any court. Otherwise it would not have withstood judicial scrutiny in our opinion.

The heedless expenditure of public funds by ODOT before they had even secured the right-of-way is a serious error and should raise questions in your mind as to the nature of that agency. Now, this misspent money is presented as a reason to influence the deliberations of the Surface Transportation Board. This heavy handed and cynical attempt to govern by fiat accomplishes only to undermine the integrity of democratic institutions and the public trust. Nevertheless, not all of that money would be wasted since construction to date could be incorporated in an alignment that was moved approximately 400ft to the south to avoid the rail yard. This shift would be onto land that is already

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owned by the Oklahoma Department of Transportation. This is only one of several options. The reality is that the Union Station rail yard - 200 feet wide and 8 blocks long – has so far remained uninjured by these parties.

The ODOT description of an urgent need to replace a crumbling and dangerous section of elevated highway has to be questioned. To date ODOT has not diverted heavy commercial truck traffic to existing superior bypass routes. This would be a prudent measure if indeed the highway were in desperate condition as ODOT alludes

We urge the Board to reject the BNSF petition on the merits.

Sincerely,

Charles R. Wesner, Chairman,
OnTrac

Cc: Oklahoma Governor Brad Henry
Oklahoma Lieutenant Governor Jeri Askins
Oklahoma State Representative Wallace Collins
Oklahoma State Representative Bill Nations
Oklahoma City Mayor Mick Cornett