

223915

CAROL PRICE DILLINGHAM, LLC
Attorney and Counselor at Law
1711 S. Pickard Avenue
Norman, OK 73072
Phone (405) 826-7160
Fax (405) 292-5465



November 5, 2008

VIA ELECTRONIC FILING and FEDEX

Hon Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

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

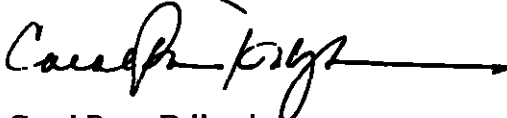
Dear Secretary Quinlan:

Attached for filing in the above-referenced case are the Comments of Oklahomans for New Transportation Alternatives Coalition (ONTRAC)

Service upon the parties has been made as noted in the Certificate of Service

If you have any questions concerning the Comments, please let me know

Respectfully,


Carol Price Dillingham

Att
Cc Kristy D. Clark
Michael D. Clover
Mary Francis
Eric M. Hocky
Fritz R. Kahn
Edwin Kessler
Cindy S. Rosenthal
Robert M. Waldrop

ENTERED
Office of Proceedings
NOV 06 2008
Part of
Public Record



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 35164

PETITION OF BNSF FOR DECLARATORY ORDER

**COMMENTS
OF
OKLAHOMANS FOR NEW TRANSPORTATION ALTERNATIVES COALITION
(ONTRAC)**

Carol Price Dillingham, LLC
Attorney and Counselor at Law
1711 S Pickard Avenue
Norman, OK 73072
Phone (405) 826-7160
Fax (405) 292-5465
OBA #11078
Attorney for ONTRAC

Dated November 5, 2008

STB FINANCE DOCKET NO. 35164

BNSF RAILWAY COMPANY - PETITION FOR DECLARATORY ORDER

**COMMENTS
OF
OKLAHOMANS FOR NEW TRANSPORTATION ALTERNATIVES COALITION
(ONTRAC)**

Notice is hereby given that Oklahomans for New Transportation Alternatives Coalition ("ONTRAC") intends to participate as a party of record in this proceeding. Please direct all matters pertaining to this proceeding to ONTRAC counsel of record: Carol Price Dillingham, Attorney at Law, 1711 S. Pickard Avenue, Norman, OK 73072.

COMMENTS AND AUTHORITIES

1 By its Decision (STB Docket No. 35164) served October 2, 2008, the Board invited public comments from interested parties in response to filings by BNSF Railway Company ("BNSF") of its petition to relocate a portion of railroad line. Accordingly, ONTRAC submits the following comments and authorities:

2 As a not-for-profit public interest organization representing more than 1000 members throughout Oklahoma whose mission seeks to ensure the future of intermodal rail transportation opportunities, both passenger and freight, for the citizens of Oklahoma, ONTRAC is clearly an interested party to these proceedings.

3 ONTRAC has sponsored and secured formal resolutions supporting rail transit in Oklahoma from the following Oklahoma municipalities: Norman (3rd largest city), Shawnee, El Reno, Chickasha and Lawton (4th largest city), and from the following organizations: Oklahoma Democratic Party and Oklahoma Chapter of the Sierra Club. All of the resolutions declare that the rail assets to, from and at Oklahoma City Union Station, located near MP 540.5 on the Chickasha Line, which line is the subject of this proceeding, are necessary and critical for current and future rail service. A copy of those resolutions are attached hereto and made a part hereof.

4 On June 5, 2008 the board issued its first decision arising from these facts. In this ruling, (BNSF Railway Company – Abandonment Exemption – In Oklahoma County, OK (STB Docket No AB-6 (Sub-No 430X)), BNSF failed to succeed because the Board rejected BNSF's two-year out-of-service class exemption notice for being false and misleading

5 After having its initial theory rejected, BNSF now contends that its filing of the notice of abandonment related to the earlier abandonment exemption proceeding was an error on its part and that what BNSF is actually doing in regards to the 1.54-mile segment of its Chickasha Subdivision between Milepost 540.15 and Milepost 541.69, referred to as the Middle Segment, is simply relocating its railroad line and that such relocation does not require Board approval. Relocation has been determined to be the destruction of an old line and the new construction of a replacement line. See, Sacramento Regional Transit District -- Petition for Declaratory Order Regarding Carrier Status, STB Finance Docket No. 33796, (citing 49 U.S.C. 10901), City of Detroit vs. Canadian National Ry., et al., 91 C.C2d 1208 (1993), *aff'd sub nom Detroit/Wayne County Port Authority vs. ICC*, 49 F.3d 1314 (D.C. Cir. 1995), Missouri Pac. R. Co. Trustee Construction, 282 I.C.C. 388 (1952).

6 In those prior relocation proceedings, both the Board and the Interstate Commerce Commission (ICC) have ruled that abandonment authorization was not required when a new railroad line was constructed to replace an existing railroad line being abandoned and not when traffic is simply rerouted from a railroad line being abandoned to another existing railroad line. *Id.*

7 Clearly then, BNSF's proposal is not a relocation of the subject railroad line, but rather the rerouting of traffic from one BNSF line to another. The traffic which currently moves over the Middle Segment of the Chickasha Subdivision would simply be diverted by BNSF to its existing, unabandoned Packingtown Lead line.

8 Neither BNSF, the entity providing rail service, nor the Oklahoma Department of Transportation, the entity seeking the right-of-way of the Middle Segment, has constructed a new railroad line to replace the railroad line being abandoned. Instead, BNSF is simply rerouting the traffic previously carried over its Chickasha Subdivision to its Packingtown Lead, which is an existing, unabandoned railroad line.

9 Allowing BNSF to abandon a railroad line without Board authority by simply diverting the traffic that was previously handled by that line to another of the railroad's existing lines undermines the integrity of the Board's abandonment process and takes away the rights normally afforded to those affected by such abandonment to participate in the public abandonment process

CONCLUSION

In its first filings, BNSF attempted to avoid the public process with false and misleading documents. At present, it seeks to render meaningless the clear provisions of the abandonment process over which this Board has jurisdiction. One of the most basic tenets of statutory or regulatory construction requires that all words of any law or regulation have meaning. Only through strict adherence to the abandonment regulations and process will the applicable rules retain their intended meaning.

Therefore, ONTRAC respectfully requests the Board to find that BNSF Railway Company's proposed diversion of traffic from the Middle Segment to the Packingtown Lead is not a line relocation, but an effort to cause an abandonment without the Board's authorization and enter its decision requiring BNSF to participate in the full abandonment process.

Respectfully submitted,
ONTRAC
By its attorney,

A handwritten signature in black ink, appearing to read "Carol Price Dillingham", with a long horizontal flourish extending to the right.

Carol Price Dillingham
OBA #11078

Carol Price Dillingham, LLC
1711 South Pickard Avenue
Norman, Oklahoma 73072
Phone (405) 826-7160
Fax (405) 292-5465

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of November, 2008, a copy of the foregoing Comments of Oklahomans for New Transportation Alternatives Coalition (ONTRAC) was mailed by first class mail, postage prepaid, to the following parties of record

Kristy D Clark
BNSF Railway Company
P O Box 961039
Fort Worth, TX 76131-2828

Michael D Clover
Shawnee Economic Development Foundation
128 N Broadway
Shawnee, OK 74801

Mary Francis
850-C Cardinal Creek Condos
Norman, OK 73072-8016

Eric M Hocky
Thorp Reed & Armstrong, LLP
One Commerce Square
2005 Market Street, Suite 1910
Philadelphia, PA 19103

Fritz R Kahn
Fritz R Kahn PC
1920 N Street NW, 8th Floor
Washington, DC 20036-1601

Edwin Kessler
1510 Rosemont Drive
Norman, OK 73072

CERTIFICATE OF SERVICE (Continued)

Cindy S Rosenthal
The City Of Norman
P O Box 370
Norman, OK 73069

Robert M Waldrop
Oscar Romero Catholic Worker House
1524 NW 21st
Oklahoma City, OK 73106

A handwritten signature in black ink, appearing to read "Carol Price Dillingham", written over a horizontal line.

Carol Price Dillingham

EXHIBIT A
RESOLUTIONS

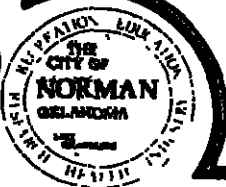
.

Resolution

R-0809-33

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, REQUESTING THE GOVERNOR OF THE STATE OF OKLAHOMA TO APPOINT A SPECIAL COMMISSION TO CONSIDER FUTURE RAIL TRANSIT OPTIONS IN THE OKLAHOMA CITY METROPOLITAN AREA; FUTURE USES OF UNION STATION AND ITS ASSOCIATED RAIL LINES TO ENHANCE FUTURE RAIL TRANSIT FOR THE STATE OF OKLAHOMA; AND ALTERNATE ROUTES FOR THE INTERSTATE 40 CROSSTOWN EXPRESSWAY.

- § 1 WHEREAS, the replacement of the I-40 Crosstown Expressway through downtown Oklahoma City is critically necessary due to its deteriorated condition, and
- § 2 WHEREAS, rail transit can stimulate economic development, provide dependable, safe and inexpensive transportation for all, reduce vehicular traffic and congestion, lower carbon dioxide emissions that contribute to global warming, provide an important means of transportation for military facilities, and greatly improve air quality in metropolitan areas, and
- § 3 WHEREAS, the Oklahoma City metropolitan area ranks high nationally among other large cities in terms of its widespread geographic area and commuting population, ranks 40th out of 100 as most traffic congested, and ranks last out of 50 as best prepared for \$4 per gallon gasoline, according to "Major US Cities Preparedness for an Oil Crisis", a study by Warren Karlenzig, Common Current, March 2008, and
- § 4 WHEREAS, citizens of the central Oklahoma metropolitan area are in need of safe, efficient, and affordable transportation alternatives as opposed to reliance upon personal automobiles in face of rising gasoline prices, and
- § 5 WHEREAS, the Environmental Protection Agency has recently established stricter standards for ozone concentrations which are directly related to automobile usage and in 2006, Central Oklahoma exceeded the maximum allowed ozone level 11 times, almost twice as many times as the previous four years combined and before the new federal standards of the Clean Air Act became law, and
- § 6 WHEREAS, the City of Norman is a signatory of the U S Conference of Mayors climate protection agreement and is committed to supporting transportation alternatives which reduce vehicular traffic and congestion and lower carbon dioxide emissions that contribute to global warming, and
- § 7 WHEREAS, the central Oklahoma metropolitan area is behind many other large cities in transportation efficiencies, including Denver, Salt Lake City and Dallas, whose Union Stations are the foundation for their vibrant rail and bus systems, have been successful beyond expectations, and have received enthusiastic public support and demand for wider availability; and
- § 8 WHEREAS, the historic and strategically valuable Union Station rail yard in Oklahoma City lies at the center of the state's unique railway network linking the state's major towns, Tinker Air Force Base, and Will Rogers World Airport and is the last grand urban passenger rail yard in the west that remains virtually unused today, with all of its original space and much of its essential infrastructure intact, including numerous tracks connecting every corner of the state, and



- § 9 WHEREAS, the future of rail service in central Oklahoma depends upon having a hub that allows rapid and cost-effective development of a safe, convenient, fuel-efficient and environmentally friendly rail transit system for linking the economic engines of Oklahoma's towns, cities and military bases, and
- § 10 WHEREAS, recent rulings by the Federal Surface Transportation Board provide an important opportunity to expeditiously reconsider viable route alternatives for the new Crosstown Expressway that do not require the destruction of Union Station's invaluable rail yard; and
- § 11 WHEREAS, experience shows that any major public infrastructure project requires years, sometimes decades, of planning and foresight, which translates into millions of dollars in additional costs to taxpayers, before opening for service, as well as millions of dollars of additional costs to taxpayers while citizens now urgently seek alternatives to traditional highway travel; and
- § 12 WHEREAS, government at all levels cannot procure adequate funding for new roads and bridges and are years behind on maintenance in many cases, and
- § 13 WHEREAS, pending petroleum shortfalls coupled with the rising cost of auto fuels threaten the economy and security of the state and the nation, and change the assumptions made previously concerning the value of rail travel in the state and the country, and
- § 14 WHEREAS, accommodation of the need for an intermodal transportation hub for the Oklahoma City metropolitan area located in downtown Oklahoma City and the need for highway replacement through downtown Oklahoma City can be met if the proposed alignment of the Crosstown Expressway be moved 400 feet south of the present planned alignment through the Union Station rail yard

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA

- § 15 WHEREAS, the City of Norman, Oklahoma, supports the efforts of ONTRAC to further investigate cost effective rail options for the State of Oklahoma and encourages the Association of Central Oklahoma Governments and its member cities to give due consideration to joining in the adoption of this resolution
- § 16 BE IT FURTHER RESOLVED THAT, the City of Norman, Oklahoma, respectfully requests that the Honorable Brad Henry, Governor of Oklahoma, convene a Special Commission of citizens, public officials, and transportation experts to consider immediately and expeditiously the future of rail transit options in the Oklahoma City metropolitan area, to study future uses of Union Station and its associated rail lines to enhance future rail transit for the state, to weigh the short and long term benefits of alternative routings of the Crosstown Expressway that would not jeopardize any future use of the Union Station rail yard, and that the commission report to the Governor and to the public its finding and recommendations in an expedient manner; and that until such time, the Governor direct the Oklahoma Department of Transportation to proceed with only those aspects of the Crosstown Expressway that do not affect Union Station's rail yard or connecting rail lines or that limit the State's ability, either materially or financially, to implement any alternative routings recommended by the Special Commission

PASSED AND ADOPTED THIS 23rd day of September, 2008

ATTEST


Brenda Hall
City Clerk


Cindy Smith
Mayor

RESOLUTION 08-143

A RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF OKLAHOMA TO APPOINT A SPECIAL COMMISSION TO CONSIDER FUTURE RAIL TRANSIT OPTIONS IN THE OKLAHOMA CITY METROPOLITAN AREA; FUTURE USES OF UNION STATION AND ITS ASSOCIATED RAIL LINES TO ENHANCE FUTURE RAIL TRANSIT FOR MAJOR CITIES IN THE STATE OF OKLAHOMA; AND ALTERNATE ROUTES FOR THE INTERSTATE 40 CROSSTOWN EXPRESSWAY.

WHEREAS, the replacement of the 1-40 Crosstown Expressway through downtown Oklahoma City is critically necessary due to its deteriorated condition; and

WHEREAS, rail transit can stimulate economic development; provide dependable, safe and inexpensive transportation for all; reduce vehicular traffic and congestion; lower carbon dioxide emissions that contribute to global warming; provide an important means of transportation for military facilities; and greatly improve air quality in metropolitan areas; and

WHEREAS, citizens of the City of Lawton and Fort Sill are in need of safe, efficient, and affordable transportation alternatives as opposed to reliance upon personal automobiles during this time of high gasoline prices; and

WHEREAS, the Environmental Protection Agency has recently established stricter standards for ozone concentrations which are directly related to automobile usage; and

WHEREAS, it is imperative to the citizens of the City of Lawton to support transportation alternatives which reduce vehicular traffic and congestion, and lower carbon dioxide emissions that contribute to global warming; and

WHEREAS, the central Oklahoma metropolitan area is behind many other large cities in transportation efficiencies, including Denver, Salt Lake City and Dallas, whose Union Stations are the foundation for their vibrant rail and bus systems, have been successful beyond expectations, and have received enthusiastic public support and demand for wider availability; and

WHEREAS, the historic and strategically valuable Union Station rail yard in Oklahoma City lies at the center of the state's unique railway network linking the state's major towns, including Lawton and Fort Sill, and is the last grand urban passenger rail yard in the west that remains virtually unused today, with all of its original space and much of its essential infrastructure intact, including numerous tracks connecting every corner of the state; and

WHEREAS, the future of rail service in central Oklahoma depends upon having a hub that allows rapid and cost-effective development of a safe, convenient, fuel-efficient and environmentally friendly rail transit system for linking the economic engines of Oklahoma's towns, cities and military bases; and

WHEREAS, recent rulings by the Federal Surface Transportation Board provide an important opportunity to expeditiously reconsider viable route alternatives for the new Crosstown Expressway that do not require the destruction of Union Station's invaluable rail yard; and

WHEREAS, experience shows that any major public infrastructure project requires years, sometimes decades, of planning and foresight, which translates into millions of dollars in additional costs to taxpayers, before opening for service, as well as millions of dollars of additional costs to taxpayers while citizens now urgently seek alternatives to traditional highway travel; and

WHEREAS, government at all levels cannot procure adequate funding for new roads and bridges and are years behind on maintenance in many cases; and

WHEREAS, pending petroleum shortfalls coupled with the rising cost of auto fuels threaten the economy and security of the state and the nation, and change the assumptions made previously concerning the value of rail travel in the state and the country; and

WHEREAS, accommodation of the need for an inter-modal transportation hub in downtown Oklahoma City and the need for highway replacement through downtown Oklahoma City can be met if the proposed alignment of the Crosstown Expressway be moved 400 feet south of the present planned alignment through the Union Station rail yard.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LAWTON, OKLAHOMA.

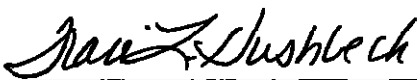
WHEREAS, the City of Lawton, Oklahoma, supports the efforts of OnTrac to further investigate cost effective rail options for the State of Oklahoma and encourages the Association of Central Oklahoma Governments and its member cities to give due consideration to joining in the adoption of this resolution.

BE IT FURTHER RESOLVED THAT, the City of Lawton, Oklahoma, respectfully requests that the Honorable Brad Henry, Governor of Oklahoma, convene a Special Commission of citizens, public officials, and transportation experts to consider immediately and expeditiously the future of rail transit options in the Oklahoma City metropolitan area, to study future uses of Union Station and its associated rail lines to enhance future rail transit for the state, to weigh the short and long term benefits of alternative routings of the Crosstown Expressway that would not jeopardize any future use of the Union Station rail yard, and that the commission report to the Governor and to the public its funding and recommendations in an expedient manner; and that until such time, the Governor direct the Oklahoma Department of Transportation to proceed with only those aspects of the Crosstown Expressway that do not affect Union Station's rail yard or connecting rail lines or that limit the State's ability, either materially or financially, to implement any alternative routings recommended by the Special Commission.

PASSED AND ADOPTED by the Mayor and Council of the City of Lawton, Oklahoma this 28th day of October, 2008.


John P. Purcell, Jr., Mayor

ATTEST.


Traci L. Hushbeck, City Clerk

APPROVED as to form and legality this 23rd day of October 2008.


John H. Vincent, City Attorney

RESOLUTION NO. 6334

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA, REQUESTING THE GOVERNOR OF THE STATE OF OKLAHOMA TO APPOINT A SPECIAL COMMISSION TO CONSIDER FUTURE RAIL TRANSIT OPTIONS IN THE OKLAHOMA CITY METROPOLITAN AREA; FUTURE USE OF UNION STATION AND ITS ASSOCIATED RAIL LINES TO ENHANCE FUTURE RAIL TRANSIT FOR THE STATE OF OKLAHOMA; AND ALTERNATE ROUTES FOR THE INTERSTATE 40 CROSSTOWN EXPRESSWAY.

WHEREAS, the replacement of the I-40 Crosstown Expressway through downtown Oklahoma City is critically necessary due to its deteriorated condition, and

WHEREAS, rail transit can stimulate economic development, provide dependable, safe and inexpensive transportation for all, reduce vehicular traffic and congestion, lower carbon dioxide emissions that contribute to global warming, provide an important means of transportation for military facilities, and greatly improve air quality in metropolitan areas, and

WHEREAS, the Oklahoma City metropolitan area ranks high nationally among other large cities in terms of its widespread geographic area and commuting population, ranks 40th out of 100 as most traffic congested, and ranks last out of 50 as best prepared for \$4 per gallon gasoline, according to "Major US Cities Preparedness for an Oil Crisis, a study by Warren Karienzig, common Current, March 2008, and

WHEREAS, citizens of the central Oklahoma metropolitan area are in need of safe, efficient, and affordable transportation alternatives as opposed to reliance upon personal automobiles in face of rising gasoline prices, and

WHEREAS, the Environmental Protection Agency has recently established stricter standards for ozone concentrations which are directly related to automobile usage and in 2006, Central Oklahoma exceeded the maximum allowed ozone level 11 times, almost twice as many times as the previous four years combined and before the new federal standards of the Clean Air Act became law, and

WHEREAS, the Oklahoma City metropolitan area is behind many other large cities in transportation efficiencies, including Denver, Salt Lake City and Dallas, whose Union Stations are the foundation for their vibrant rail and bus systems and have been successful beyond expectations and have received enthusiastic public support and demand for wider availability, and

WHEREAS, the historic and strategically valuable Union Station rail yard in Oklahoma City lies at the center of the state's unique railway network linking the state's major towns, Tinker Air Force Base, and Will Rogers World Airport and is the last grand urban passenger rail yard in the west that remains virtually unused today, with all of its original space and much of its essential infrastructure intact, including numerous tracks connecting every corner of the state, and

WHEREAS, the future of rail service in central Oklahoma depends upon having a hub that allows rapid and cost-effective development of a safe, convenient, fuel-efficient and environmentally friendly rail transit system for linking the economic engines of Oklahoma towns, cities and military bases, and

WHEREAS, recent rulings by the Federal Surface Transportation Board provide an important opportunity to expeditiously reconsider viable route alternatives for the new Crosstown Expressway that do not require the destruction of Union Station's invaluable rail yard, and

WHEREAS, experience shows that any major public infrastructure project requires years, sometimes decades, of planning and foresight, which translates into millions of dollars in additional costs to taxpayers, before opening for service, as well as millions of dollars of additional costs to taxpayers while citizens now urgently seek alternatives to traditional highway travel, and

WHEREAS, government at all levels cannot procure adequate funding for new roads and bridges and are years behind on maintenance in many cases, and

WHEREAS, pending petroleum shortfalls coupled with the rising cost of auto fuels threaten the economy and security of the state and the nation, change the assumptions made previously concerning the value of rail travel in the state and the country, and

WHEREAS, accommodation of the need for an intermodal transportation hub for the Oklahoma City metropolitan area located in downtown Oklahoma City and the need for Highway replacement through downtown Oklahoma City can be met if the proposed alignment of the Crosstown Expressway be moved 400 feet south of the present planned alignment through the Union Station rail yard

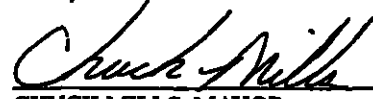
WHEREAS, the City of Shawnee recognizes that in order for this area to have economic growth and to provide for the common good of our people, we must have access to this fast, fuel efficient railroad as part of our transportation options in order to serve the industries and the citizens

NOW, THEREFORE, BE IT RESOLVED:

WHEREAS, the City of Shawnee, Oklahoma, supports the efforts of ONTRAC to further investigate cost effective rail options for the State of Oklahoma and encourages the Association of Central Oklahoma Governments and its member cities to give due consideration to joining in the adoption of this resolution

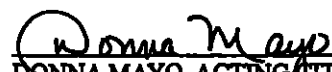
BE IT FURTHER RESOLVED THAT, the City of Shawnee, Oklahoma respectfully requests that The Honorable Brad Henry, Governor of Oklahoma, convene a Special Commission of citizens, public officials, and transportation experts to consider immediately and expeditiously the future of rail transit options in the Oklahoma City metropolitan area, to study future use of Union Station and its associated rail lines to enhance future rail transit for the state, to weigh the short and long term benefits of alternative routings of the Crosstown Expressway that would not jeopardize any future use of the Union Station rail yard, and that the commission report to the Governor and to the public its finding and recommendation in an expedient manner, and that until such time, the Governor direct the Oklahoma Department of Transportation to proceed with only those aspects of the Crosstown Expressway that do not affect Union Station's rail yard or connecting rail lines or that limit the State's ability, either materially or financially, to implement any alternative routings recommended by the Special Commission

PASSED AND ADOPTED this 6th day of October, 2008


CHUCK MILLS, MAYOR

SEAL

ATTEST


DONNA MAYO, ACTING CITY CLERK

RESOLUTION No. 09-005
THE CITY OF EL RENO, OKLAHOMA

WHEREAS, rail transit stimulates economic development, provides dependable, safe and inexpensive transportation for all, reduces vehicular traffic and congestion, lowers carbon dioxide emissions that contribute to global warming, provides an important means of transportation for military facilities, and greatly improves air quality in metropolitan areas; and

WHEREAS, the Oklahoma City metropolitan area ranks high nationally among other large cities in terms of its widespread geographic area and commuting population and ranks 40th out of 100 as most traffic congested and ranks last out of 50 as best prepared for \$4 per gallon gasoline, and

WHEREAS, the Environmental Protection Agency has recently established stricter standards for ozone concentrations, and Central Oklahoma frequently experiences periods of high ozone levels and will now likely exceed the new federal standards of the Clean Air Act; and

WHEREAS, the Oklahoma City metropolitan area is far behind many other large cities in transportation efficiencies, including Denver, Salt Lake City and Dallas, whose Union Stations are the foundation for their vibrant rail and bus systems and have been successful beyond expectations and have received enthusiastic public support and demand for wider availability, and

WHEREAS, the irreplaceable Union Station rail yard in Oklahoma City lies at the center of the state's unique railway network and is the last grand urban passenger rail yard in the West that remains virtually unused today, with all of its original space and much of its essential infrastructure intact, including numerous tracks connecting every corner of the state; and

WHEREAS, the elegantly designed Union Station and its rail yard are a crucial hub to any future public transportation system and are essential to rapid and cost-effective development of a safe, convenient, fuel-efficient and environmentally friendly rail transit system for linking of the state's major towns and cities and Will Rogers World Airport; and

WHEREAS, Union Station's rail yard offers critical linkage and important rail transportation opportunities on existing rail lines for Oklahoma's military bases, including Tinker Air Force Base, whose economic engine is vital to Oklahoma and which the state cannot afford to lose; and

WHEREAS, Union Station's invaluable rail yard is still set for destruction in order to make way for the relocation of the Crosstown Expressway even though other viable route alternatives exist that do not require its destruction; and

WHEREAS, recent rulings by the Federal Surface Transportation Board have cast serious doubt on the suitability of the proposed route of the new Crosstown Expressway; and

Resolution No. 09-005

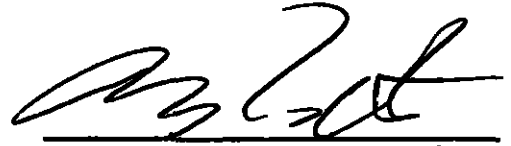
WHEREAS, pending petroleum shortfalls coupled with the rising cost of auto fuels threaten the economy and security of the state and the nation, and the assumptions made previously concerning the value of the Union Station rail yard and the decision to destroy it are no longer valid or in the best interest of Oklahoma and the country

NOW, THEREFORE, BE IT RESOLVED:

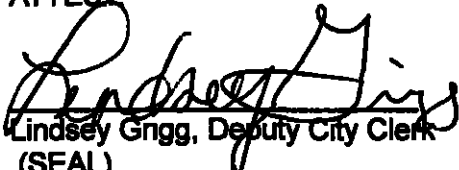
THAT, the City of El Reno, Oklahoma respectfully requests that The Honorable Brad Henry, Governor of Oklahoma, declare a moratorium on any further work on the relocation of the Crosstown Expressway that could jeopardize any future use of the Union Station rail yard and its associated rail lines, and that the Governor appoint a Special Commission of citizens, public officials, and transportation experts to consider alternative routing for the Crosstown Expressway that preserves the entirety of the Union Station rail yard and its associated rail lines, and that the commission report to the Governor and to the public its findings and recommendations in an expedient manner, and

THAT, the City of El Reno, Oklahoma requests that the Association of Central Oklahoma Governments officially adopt this resolution.

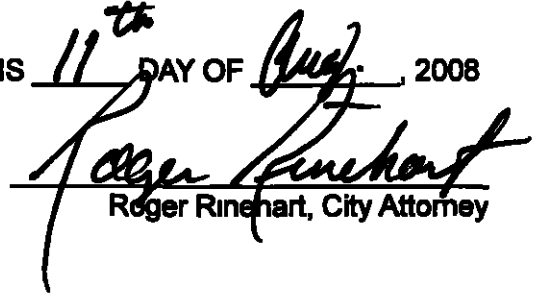
ADOPTED this 5th day of August, 2008


Matt White, Mayor

ATTEST


Lindsey Grgg, Deputy City Clerk
(SEAL)

APPROVED AS TO LEGAL FORM THIS 11th DAY OF Aug., 2008


Roger Rinehart, City Attorney

RESOLUTION No. 2008-12R

**A Resolution of the Mayor and Council of the City of Chickasha, Grady
County, State of Oklahoma**

WHEREAS, rail transit stimulates economic development, provides dependable, safe and inexpensive transportation for all, reduces vehicular traffic and congestion, lowers carbon dioxide emissions that contribute to global warming, provides an important means of transportation for military facilities, and greatly improves air quality in metropolitan areas, and

WHEREAS, the Oklahoma City metropolitan area ranks high nationally among other large cities in terms of its widespread geographic area and commuting population and ranks 40th out of 100 as most traffic congested and ranks last out of 50 as best prepared for \$4 per gallon gasoline, and

WHEREAS, the Environmental Protection Agency has recently established stricter standards for ozone concentrations, and Central Oklahoma frequently experiences periods of high ozone levels and will now likely exceed the new federal standards of the Clean Air Act, and

WHEREAS, the Oklahoma City metropolitan area is far behind many other large cities in transportation efficiencies, including Denver, Salt Lake City and Dallas, whose Union Stations are the foundation for their vibrant rail and bus systems and have been successful beyond expectations and have received enthusiastic public support and demand for wider availability, and

WHEREAS, the irreplaceable Union Station rail yard in Oklahoma City lies at the center of the state's unique railway network and is the last grand urban passenger rail yard in the West that remains virtually unused today, with all of its original space and much of its essential infrastructure intact, including numerous tracks connecting every corner of the state; and

WHEREAS, the elegantly designed Union Station and its rail yard are a crucial hub to any future public transportation system and are essential to rapid and cost-effective development of a safe, convenient, fuel-efficient and environmentally friendly rail transit system for linking of the state's major towns and cities and Will Rogers World Airport, and

WHEREAS, Union Station's rail yard offers critical linkage and important rail transportation opportunities on existing rail lines for Oklahoma's military bases, including Tinker Air Force Base, whose economic engine is vital to Oklahoma and which the state cannot afford to lose, and

WHEREAS, Union Station's invaluable rail yard is still set for destruction in order to make way for the relocation of the Crosstown Expressway even though other viable route alternatives exist that do not require its destruction, and

WHEREAS, recent rulings by the Federal Surface Transportation Board have cast serious doubt on the suitability of the proposed route of the new Crosstown Expressway, and

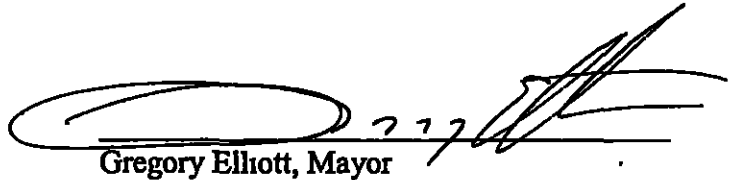
WHEREAS, pending petroleum shortfalls coupled with the rising cost of auto fuels threaten the economy and security of the state and the nation, and the assumptions made previously concerning the value of the Union Station rail yard and the decision to destroy it are no longer valid or in the best interest of Oklahoma and the country

NOW, THEREFORE, BE IT RESOLVED:

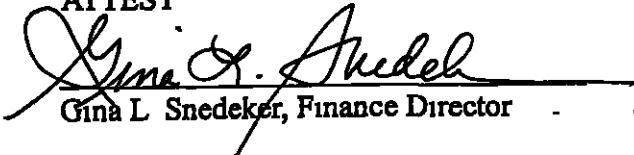
THAT, the City of Chickasha, Oklahoma respectfully requests that The Honorable Brad Henry, Governor of Oklahoma, declare a moratorium on any further work on the relocation of the Crosstown Expressway that could jeopardize any future use of the Union Station rail yard and its associated rail lines, and that the Governor appoint a Special Commission of citizens, public officials, and transportation experts to consider alternative routing for the Crosstown Expressway that preserves the entirety of the Union Station rail yard and its associated rail lines, and that the commission report to the Governor and to the public its findings and recommendations in an expedient manner, and

THAT, the City of Chickasha, Oklahoma requests that the Association of Central Oklahoma Governments officially adopt this resolution

ADOPTED this 15th day of September, 2008

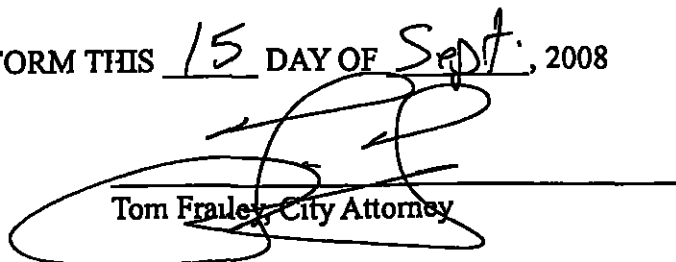

Gregory Elliott, Mayor

ATTEST


Gina L. Snedeker, Finance Director



APPROVED AS TO LEGAL FORM THIS 15 DAY OF Sept., 2008


Tom Fraley, City Attorney



**Resolution of the Oklahoma Chapter of the Sierra Club
Adopted August, 2008**

Whereas, Global Warming and climate change as a result of CO₂ and green house gases produced by the combustion of fossil fuels is overwhelmingly accepted by the scientific community and demands immediate attention at every level of government, and

Whereas, ozone levels in central Oklahoma are already exceeding maximum levels permissible under the new limits set by EPA Clean Air Act standards based on the most recent scientific evidence about health effects of ozone, and

Whereas, automobiles and trucks are a major source of CO₂, greenhouse gases, ozone and other pollutants and public transportation options that are clean, efficient and reliable are essential elements in significantly reducing these pollutants and our dependence on fossil fuels, and

Whereas, a passenger rail system is the foundation of the most successful and efficient, multimodal transportation systems and they rely on an interconnecting central hub provided by their restored grand Union Stations that progressive cities have had the good sense to preserve (examples are Salt Lake City, Denver and Dallas), and

Whereas, the elegantly designed Union Station rail facility at 300 SW 7th in Oklahoma City lies at the center of the state's unique railway network and is the last grand urban rail passenger yard in the West remaining unused today with all its original space and much of it essential engineering intact comprised of numerous tracks connecting every corner of the state and, its irreplaceable destruction is still planned to make way for a 10 lane cross-town expressway for through traffic including 70 mph truck traffic, and

Whereas, the Union Station rail yard is essential to the most efficient and reasonably economical future system of public transportation serving the entire state, and its reduction to one track would effectively cripple this priceless public resource and would foreclose the option to rapidly and economically develop safe, convenient, fuel efficient and environmentally friendly rail transit for the region and linking the state's major cities airport and key military installations on existing rail lines, and

Whereas, this destruction is unnecessary to the reconstruction or rehabilitation of the I-40 cross-town and there are several reasonable alternatives that should be reconsidered, and

Whereas, the rising price of fuels and their impending short falls threaten to seriously constrain the state's economy, and decisions and assumptions that were made ten years ago are no longer valid including major underestimation of the cost of the cross-town, and

Whereas, recent decisions by the Federal Surface Transportation Board has cast doubts on the inevitability of the proposed route of the new Cross-town,

Now therefore be it resolved, that the Oklahoma Chapter of the Sierra Club respectfully requests the Honorable Brad Henry, Governor of the state of Oklahoma, to demonstrate visionary leadership for the long term success of Oklahoma's economy and environment, to declare a moratorium on the Cross-town project, appoint a Special Commission of citizens and transportation experts to reconsider alternatives to the destruction of the Union Station rail yard and report to the Governor and to the public its findings and recommendation before proceeding any further on this project

Signed

A handwritten signature in black ink, appearing to read "Charles R. Wesner", written in a cursive style.

Charles R. Wesner, Chair
Oklahoma Chapter Sierra Club