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SEC

SERVICE DATE – LATE RELEASE JULY 22, 2009

SURFACE TRANSPORTATION BOARD

NOTICE

STB Finance Docket No. 35164

BNSF RAILWAY COMPANY—PETITION FOR DECLARATORY ORDER

STB Docket No. AB-6 (Sub-No. 430X)

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

The following court action was instituted, on or about June 11, 2009, in the United States Court of Appeals for the District of Columbia Circuit, seeking judicial review of the Board's decision in the above-titled proceeding:

No. 09-1161

Edwin Kessler and James Riffin

v.

Surface Transportation Board and United States of America

Anne K. Quinlan
Acting Secretary