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Office of the City Manager

Wayne Gilley City Hall
103 SW Fourth Street
Lawton, OK 73501
(580) 581-3301 (580) 581-3536 fax
www.cityof.lawton.ok.us

August 13, 2009

Honorable Anne K. Quinlan
Surface Transportation Board
395 E Street SW
Washington, D.C. 20423



Re: Union Pacific Railroad Company Abandonment in Comanche County, Oklahoma
STB Docket No. AB-33 (Sub-No. 267X)

Dear Ms. Quinlan:

The purpose of this correspondence is the City of Lawton's receipt of a copy of a "Refusal to Negotiate" filed with the Surface Transportation Board, dated February 10, 2009, by the Union Pacific Railroad Company. The filing references a request by the City of Lawton to acquire certain sections of abandoned right-of-way known as the Lawton Industrial Lead from M.P. 50.75 near Fort Sill to M.P. 54.60 south of Lawton. The City of Lawton is interested in acquiring this abandoned right-of-way as it has been unused for some time, is unsightly, and bisects our downtown area which we are in the process of revitalizing. However, it was our understanding that this right-of-way was owned by the State of Oklahoma, and as such, our request was addressed to the Oklahoma Department of Transportation and not the Union Pacific Railroad. While I am not certain what the implications of your filing of said "Refusal to Negotiate", I want to be clear that the request for right-of-way acquisition was not intended to fall under 49 CFR §1152.29, and not for the purposes of "rail banking" or a "Rails-to-Trails" program per se.

I apologize for this misunderstanding; should you have any further questions or comments please give me a call at my office, (580) 581-3301.

Respectfully,

Larry Mitchell
City Manager

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Office of Proceedings

AUG 20 2009

Part of
Public Record

Enclosure (1)

Cc: John Dougherty, Asst. Div. Manager, ODOT Rail Programs Division
Doug Feagan, Manager of Real Estate, Union Pacific Railroad Company
Mayor John P. Purcell, Jr. & Lawton City Council Members



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May 20, 2009

Mr. Doug Feagan
Manager of Real Estate
Union Pacific Railroad Company
1400 Douglas St Stop 1690
Omaha, Nebraska 68179-1690



Re: Union Pacific Railroad Company Abandonment in Comanche County, Oklahoma

Dear Mr. Feagan:

First, I would like to thank the Union Pacific Railroad Company, as well as the Oklahoma Department of Transportation for working with and helping the City of Lawton in our desire to develop alternative means of transportation within our community. I specifically want to let you know how much I appreciated the joint meeting that you scheduled on March 11th for my personal benefit. We have a long way to go, and it is only through the cooperation and assistance from our State, Federal, and private sector partners that we will be able to realize our long term goals and vision.

The primary reason for this correspondence is due to the City's receipt of a copy of a "Refusal to Negotiate" filed by the Union Pacific Railroad Company with the Surface Transportation Board, dated February 10, 2009. The filing references a request, by the City of Lawton, to acquire a certain section of abandoned right-of-way known as the Lawton Industrial Lead from M.P. 50.75 near Fort Sill to M.P. 54.60 south of Lawton. The City of Lawton is interested in acquiring this abandoned right-of-way, as it has been unused for some time, is unsightly, and bisects our downtown area which we are in the process of revitalizing. However, it was our understanding that this right-of-way was owned by the State of Oklahoma, and as such, our request was addressed to the Oklahoma Department of Transportation and not the Union Pacific Railroad. While I am not certain of the implications of your filing of said "Refusal to Negotiate", I want to be clear that the request for right-of-way acquisition was not intended to fall under 49 CFR §1152.29, and not for the purposes of a "rails-to-trails" program.

I apologize for this misunderstanding; should you have any further questions or comments please give me a call.

Respectfully,

A handwritten signature in cursive script that reads "Larry Mitchell".

Larry Mitchell
City Manager

Cc: John Dougherty – Assistant Division Manager, ODOT Rail Programs Division