

Before the Surface Transportation Board

The Burlington Northern and )  
Santa Fe Railway Company - )  
Abandonment Exemption - ) AB 6 (sub-no. 379X)  
Garfield and Logan Counties, )  
Oklahoma )

Status Report and Request Concerning  
Pending Motion to Substitute Interim Trail Manager

Oklahoma Department of Transportation ("ODOT") and Montoff Transportation Company LLC ("Montoff") have previously filed a joint motion for substitution of trail managers in this proceeding pursuant to 49 C.F.R. 1152.29(f). BNSF Railway Company opposed substitution on two grounds. Both ODOT and Montoff replied. In Montoff's reply, Montoff with consent of ODOT stated no objection to a delay until October 15 in issuance of a substitute NITU.

Montoff, with the consent of ODOT, hereby moves that the request for NITU substitution be held in abeyance pending completion of Montoff's discussions with BNSF.

Montoff is authorized by BNSF counsel to represent that Montoff and BNSF have reached an agreement in principle under which BNSF would consent to the substitution, provided Montoff take certain actions, which Montoff is prepared to take. The parties are reducing this to a written agreement. Montoff expects the agreement to be completed shortly. That agreement is currently expected to require an additional proceeding related to the property. The parties anticipate that substitution of trail

managers would be coordinated with the additional proceeding. In the interim, it is appropriate to hold the motion for substitution in abeyance.

Respectfully submitted,

S/

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Certificate of Service

I hereby certify service this 14th day of October, 2009, upon Karl Morell, Esq., Ball Janik, 1455 F Street, N.W., Suite 225, Washington, D.C. 2005, and by courtesy email addressed to Kmorell@dc.bjllp.com, and upon Eric Hocky, counsel for ODOT, at Thorp Reed & Armstrong, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103, with courtesy email to ehocky@thorpreed.com.

Charles H. Montange