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223908

August 17, 2008

Honorable Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
Case Control Unit  
395 E. Street SW  
Washington, DC 20423-0001

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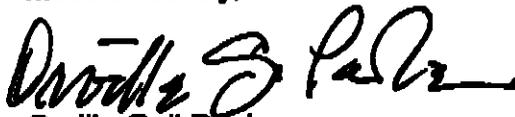
Re: Finance Docket-35164-0 – BNSF Railway Company – Petition for Petition for Declaratory Order

I write in opposition to the motion for an expedited declaratory ruling and order filed with the Surface Transportation Board on July 15, 2008 by BNSF Railway Company, regarding the Chickasha Subdivision in Oklahoma City, Oklahoma

The proposed railyard destruction of Oklahoma City's Union Station by ODOT would be a serious detriment to the nation's rail system at a time when an expansion of our railways is sorely needed. The railyard is a necessary and expeditious connection for four important national defense installations in Oklahoma. Tinker Air Force Base, Enid Air Force Base, Fort Sill Army Post and the McAlester Munitions manufacturing installation

Oklahoma's agriculture is being negatively effected by a lack of rail cars and suffers from too few rail lines. There should be no ripping up of rails in Oklahoma. Instead we should be about urgent double-tracking and major repair of existing lines

Most Sincerely,



Orville Gail Poole  
Board Member,  
Common Cause Oklahoma

Encl Oklahoma Gazette Article, Page 10, August 13, 2008

*I certify that copies of this correspondence have been sent to.*

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City and state officials are beseeching a federal board to eliminate some of OKC's rail lines for the new Crosstown Expressway.

BY BEN FEINBERG

In a move that has seen a steady decline in manufacturing companies, Boardman Inc. still resides in Oklahoma City — but for how long?

Founded in 1910, the company makes industrial equipment in the same 8-acre site in south Oklahoma City where it has for almost a century. The site developed good highway access and even has access to the old Pennzoil tank yard, just south of Oklahoma City's main rail hub at Union Station.

This should be a profitable time for Boardman, which manufactures both oil field heavy equipment and defense-related products.

However, this year, the Oklahoma Department of Transportation (ODOT) and Burlington Northern Santa Fe Railroad (BNSF) cut Boardman's rail line in preparation for the relocation of the Interstate 40 Crosstown Expressway — leaving Boardman unable to ship by rail.

In the wake of a recession and skyrocketing fuel prices, the loss is significant, according to Boardman vice president Joseph Merry; it can be five times as expensive to ship by truck as by rail, he said.

"I have a piece that's going to the Houston area," Merry said. "The truck rate is \$150,000. If it could go by rail, you're probably looking in the neighborhood of \$20,000 to \$30,000."

That's why Merry, along with others, have filed paperwork with the federal Surface Transportation Board in opposition to the proposed relocation of the I-40 Crosstown Expressway.

### Any substantial delays in the removal of the BNSF tracks will likely result in millions of dollars of cost overruns.

— Kristy Clark, an attorney for Burlington Northern Santa Fe Railroad

"Here these folks are mentioning the next occupational shipping horizon," Merry said. "We have several customers that require us to ship by rail."

However, Merry and others are facing big-name opposition, including Mayor Mick Connor and ODOT director Gary Ridley.

They, along with representatives of BNSF filed a motion Aug. 4 with Anne K. Quinlan, acting secretary with the federal Surface Transportation Board, to throw out a recent judgment by the board to require their decision, effectively stopping construction on the proposed Crosstown.

Instead of considering the rail lines going into central Oklahoma City to be vital, Connor said in a letter to the board that the highway and land development in downtown Oklahoma City are more important.

"Until this critical interstate reconstruction is completed, the aging elevated interstate creates a major barrier to the plan for redevelopment that will transform Oklahoma City. Part of this redevelopment will incorporate the changes of the new interstate alignment and world-class boulevard on the east-west interstate alignment."

Therefore, concludes Connor's letter, "it is the City's position that the expedient abandonment of the east-west BNSF rail line be achieved in order for the realignment of the I-40 Crosstown Expressway to be completed in a timely manner."

The filing by city and state officials follows the June 2008 decision from the Surface Transportation Board that threw out an earlier plan by BNSF to abandon a critical rail line that was to be cut by the proposed Crosstown relocation. The board ruled that BNSF failed to document that the rail line was unused.

Connor, ODOT, BNSF and the Greater Oklahoma City Chamber of Commerce are asking now that Quinlan simply throw out the case so construction can proceed. In a motion filed July 14, BNSF asked the board for a "declaratory order" declaring any more public hearings.

"Any substantial delays in the removal of the BNSF tracks located on the corridor to be used for the Highway Project will cause construction delays and will likely result in millions of dollars of cost overruns. Expedited processing of this proceeding will limit such wasteful and unnecessary spending by ODOT," wrote Kristy Clark, an attorney for BNSF in the motion.

Connor Cause community activist Eileen Kesler, whose original filing to the board highlighted the false documents that resulted in the June decision, said in a response that a new highway is the last thing Oklahoma City needs when gasoline and diesel are in short supply. He said Oklahoma City's rail infrastructure is critical to its future.

"If ODOT and its fellow road builders close to build a highway, Kesler simply asks that it not be done at the expense of rail infrastructure. It is also true that it is prudent to consider that the new Crosstown should not be done without further recognition of the reality that more vehicle traffic offers only a short-term solution to a world that will be pulled up short by depleting energy supplies," the filing reads.

BNSF called Kesler and his associates, which include state Rep. Al Lindley, D-Oklahoma City, the Bio-Energy Wellness Center, and North American Transportation Institute, "zealots" who want commuter trains for Oklahoma City at the expense of the proposed Crosstown relocation. The comment reads, unless changed, will give over the Union Station rail yard, according to Kesler.

"The board should not allow its good offices to be abused by a small group of zealots who believe they know how to improve the highway infrastructure in Oklahoma City," Clark wrote.

To view the U.S. Surface Transportation Board case filings, visit [OK3news.com](http://OK3news.com)