



Mack H. Shumate, Jr.
Senior General Attorney, Law Department

February 10, 2009

VIA E-FILING

The Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: Abandonment Exemption of the Lawton Industrial Lead from M. P. 50.75 near Fort Sill to M. P. 54.60 south of Lawton, a distance of 3.85 miles in Comanche County, Oklahoma; STB Docket No. AB-33 (Sub-No. 267X)

REFUSAL TO NEGOTIATE

Dear Ms. Quinlan:

The Union Pacific Railroad Company ("Union Pacific") has received a letter from the City of Lawton, Oklahoma indicating that the City of Lawton is most interested in acquiring the right-of-way of the subject discontinuance of operations for use as a recreational trail/bike path area. A copy of the request is attached hereto as Exhibit A and hereby made a part hereof. While not specific in the request, it appears that the filing would fall within 49 CFR §1152.29.

As specifically noted in the Notice of Exemption filed with the Board in this matter, the Line is currently leased by the Union Pacific for railroad operations from the state of Oklahoma. Therefore, Union Pacific does not believe that it is the appropriate party to discuss use of the right-of-way for recreational trail purposes. Rather, it appears that the City of Lawton should discuss this matter with the owner of the underlying right-of-way, the state of Oklahoma.

For the reasons outlined above, the Union Pacific respectfully must refuse to negotiate with the City of Lawton for the requested trail use under 49 CFR §1152.29(e)(1).

Sincerely,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", written over a horizontal line.

Attachment

cc: All Concerned Parties



Office of the Mayor

Wayne Gilley City Hall
 103 S 4th Street
 Lawton, OK 73501
 (580) 581-3301 (580) 581-3536 fax
 www.cityof.lawton.ok.us

January 21, 2009

ODOT Railroad Program Division
 Attn: Joe Kyle, Division Manager
 200 NE 21st Street
 Oklahoma City, Oklahoma 73105

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

Dear Sir:

The referenced section of right-of-way to be abandoned is within the City Limits of the City of Lawton and is located as shown on the attached drawing. The City of Lawton is most interested in acquiring this right of way for use as a recreational trail/bikepath area. Toward this aim, we request that you advise us of the necessary actions to accomplish this goal. The City has received inquiries as to the ownership and disposition of this right of way and are advised that securing title to the property is a possibility. This right of way would certainly be a benefit to the citizens of Lawton and others who might utilize the facility.

We request that you consider transfer of ownership to the City of Lawton for the purposes indicated and for the general benefit of the public. Please advise of any actions that might be necessary on our part and/or if we need to meet to discuss this matter further. We look forward to hearing from you in the near future.

Sincerely,


 John P. Purcell Jr., Mayor
 City of Lawton, Oklahoma

RECEIVED

JAN 28 2009

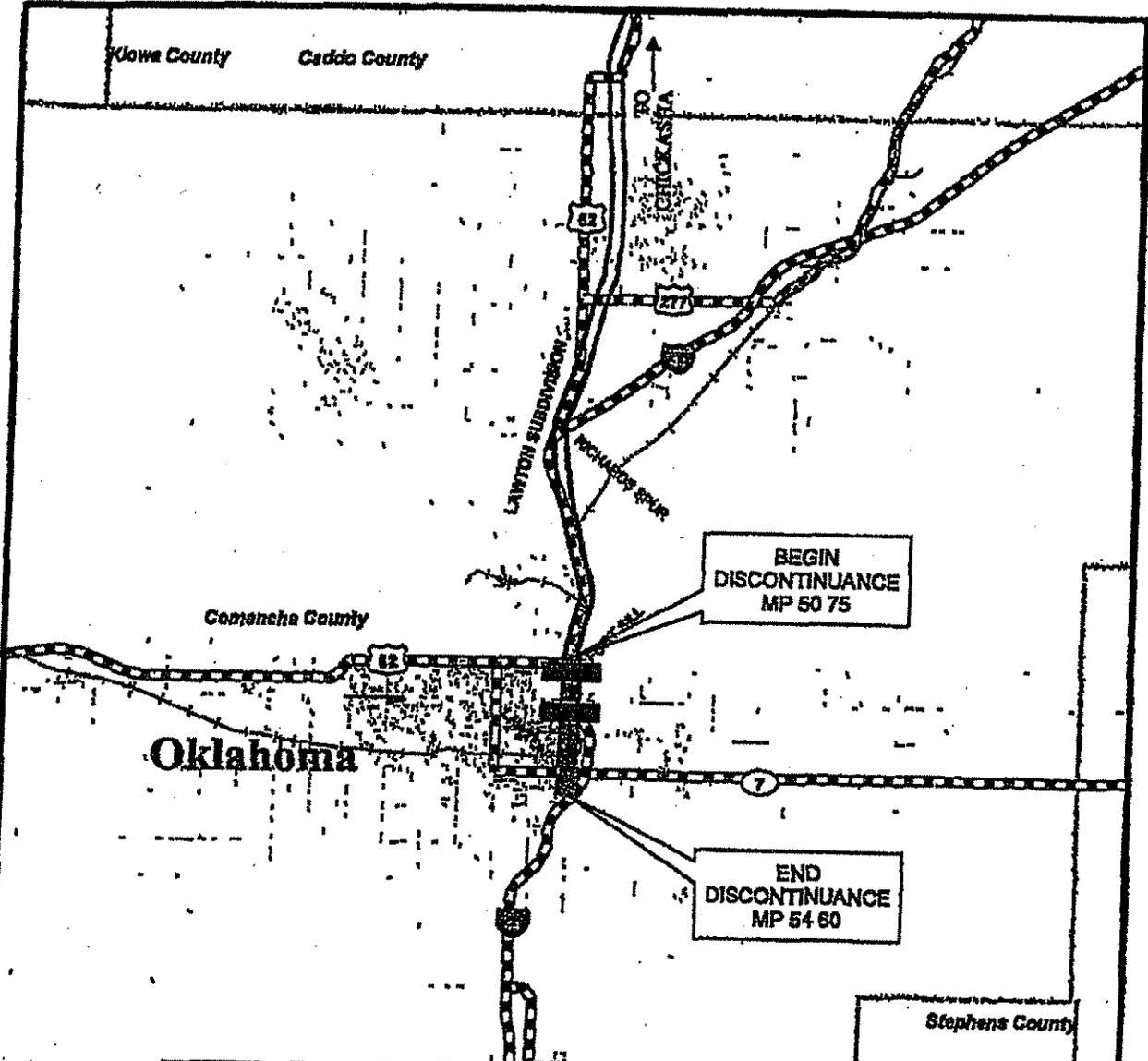
LAW DEPARTMENT
 UNION PACIFIC RR CO.

Attachment

Cc: Doug Feagan, Union Pacific Railroad Co., Manager of Real Estate
 Mack H. Shumate, Jr., Union Pacific Railroad Company, Senior General Attorney
 Bob Rose, ODOT Division VII Engineer

Providing efficient, effective and responsive service. Promoting a quality of life based on harmony and cooperation. Creating leadership and opportunity for Southwest Oklahoma

EXHIBIT A



RIDGE NO	BRIDGE TYPE	TOTAL LENGTH	DATE
51.21	8-SPAN TIMBER PILE TRESTLE - OPEN DECK	110'	1948
52.3	8-SPAN TIMBER PILE TRESTLE - OPEN DECK	84'	1918

Legend

- UPRR LINES TO BE DISCONTINUED
- OTHER UPRR LINES
- OTHER RAILROADS
- PRINCIPAL HIGHWAYS
- OTHER ROADS
- 50+ YEAR OLD STRUCTURES

LAWTON INDUSTRIAL LEAD
 MP 50.75 TO MP 54.80
 TOTAL OF 3.85 MILES
 IN COMANCHE COUNTY, OKLAHOMA
UNION PACIFIC RAILROAD CO.
LAWTON INDUSTRIAL LEAD
OKLAHOMA
 INCLUDING 50+ YEAR OLD STRUCTURES

