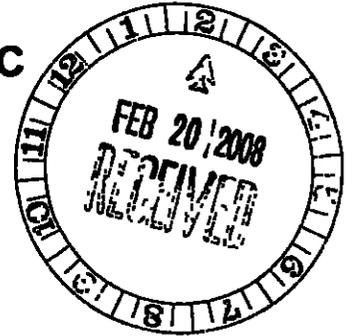


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SIDNEY L. STRICKLAND, JR
SIDNEY_STRICKLAND@STRICKLANDPLLCC.COM

February 20, 2008

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

*Re: STB Docket No. AB-6 (Sub-No. 430X) BNSF Railway Company—
Abandonment Exemption—in Oklahoma County, OK*

Dear Acting Secretary Quinlan:

Enclosed for filing in the above referenced docket are an original and ten copies of a Reply to February 15, 2008 Edwin Kessler Comments.

Please acknowledge receipt of this material by date stamping the enclosed copy of this letter and returning it to me in the enclosed self-addressed stamped envelope.

Sincerely,

Sidney L. Strickland, Jr.

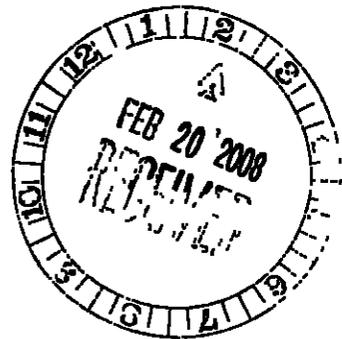
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Encs.

cc: John Sims

BEFORE THE
SURFACE TRANSPORTATION BOARD



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

STB DOCKET NO. AB-6
(SUB-NO. 430X)

REPLY TO FEBRUARY 15, 2008 EDWIN KESSLER COMMENTS

BNSF RAILWAY COMPANY
2650 Lou Menk Drive
P.O. Box 96157
Fort Worth, TX 76161-0057

By: SIDNEY L. STRICKLAND, JR
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Attorneys for BNSF Railway Company

DATED: February 20, 2008

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN OKLAHOMA COUNTY, OK**

**STB DOCKET NO. AB-6
(SUB-NO. 430X)**

REPLY TO FEBRUARY 15, 2008 EDWIN KESSLER COMMENTS

BNSF RAILWAY COMPANY ("BNSF") hereby replies to the February 15, 2008 Edwin Kessler Comments. In his comments, Mr. Kessler states:

"Notwithstanding the Board's decision, BNSF Railway Company has engaged J.B.F. Tie and Rail Co. to begin dismantling the line. Attached are photographs taken at 3:30 p.m. yesterday, Thursday, February 14, 2008, by Mr. Tom Elmore of North American Transportation Institute, a party in this proceeding, who witnessed the cutting of the line between S. Robinson Avenue and S. Shields Boulevard."

BNSF has investigated Mr. Kessler's assertions and has found them to be false. In this regard, Susan L. Odom has prepared a verified statement which states that BNSF forces had cut the line on January 25, 2008, during a time in which BNSF had authority to seek to consummate the abandonment and has not conducted any salvage work since that time. Ms. Odom adds that BNSF has not issued a signed contract for the salvage work and does not intend to do so until receiving this Board's permission to move forward on consummating the abandonment. Importantly, Ms. Odom adds that any salvage activity on the line on

February 14, 2008, was done without BNSF permission or direction. Indeed, Ms. Odom emphasizes her office has no knowledge or information on a company by the name of J.B.F. Tie and Rail Co. Ms. Odom adds that Mr. Kessler's statement that BNSF has engaged J.B.F. Tie and Rail Co to begin dismantling the line is simply false. Finally, Ms. Odom states BNSF has contacted local personnel operating in the area and instructed them not to do anything related to salvaging the line. See attached verified statement of Susan L. Odom.

BNSF respectfully urges the Board to accept the present Reply to February 15, 2008 Edwin Kessler Comments.

Respectfully submitted,

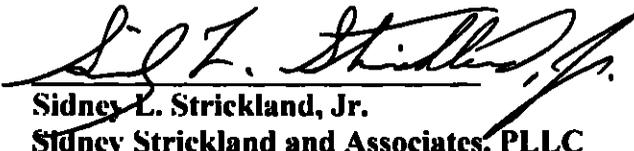


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ATTORNEYS FOR BNSF RAILWAY
COMPANY

CERTIFICATE OF SERVICE

BNSF Railway Company by and through its counsel, Sidney L. Strickland, Jr., certifies that on February 20, 2008, BNSF served a copy of the foregoing “REPLY TO FEBRUARY 15, 2008 EDWIN KESSLER COMMENTS” by mailing copies thereof by first-class mail to Edwin Kessler at: Common Cause *Oklahoma*, 1510 Rosemont Drive, Norman, Oklahoma, 73072, and to Karl Morell at: Ball Janik LLP, 1455 F Street N.W., Suite 225, Washington, D.C. 20005, and to Fritz Kahn, 8th Floor 1920 N Street, NW, Washington, DC 20036-1601.



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**Attorneys for:
BNSF RAILWAY COMPANY**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

BNSF RAILWAY COMPANY — §
ABANDONMENT EXEMPTION IN § DOCKET NO. AB-6 (SUB-NO 430X)
OKLAHOMA COUNTY, OKLAHOMA §

VERIFIED STATEMENT OF SUSAN L. ODOM

My name is Susan L. Odom, and I am a manager in the Network Development department of BNSF RAILWAY COMPANY (BNSF). BNSF's business address is 2650 Lou Menk Drive, Fort Worth, Texas 76131-0052. I have been employed in my current position as Manager – Network Strategy for 14 months. My primary responsibility in that role is to oversee the abandonment process. I have been directly involved in the search for a salvage contractor for the referenced abandonment and have personal knowledge of the chronology of events outlined below

BNSF began its search for a qualified rail salvager in October 2007 at which time BNSF had Board authority to abandon the subject line. The line was cut by BNSF forces on January 25, 2008. At this time BNSF still had Board authority to abandon the subject line. The Board's direction to BNSF not to consummate was filed some 13 days later on February 7, 2008.

No additional salvage work has since been performed by BNSF or any BNSF-authorized contractor. As of today, February 19, 2008, BNSF has not issued a signed contract for the salvage work, nor does it intend to do so until receiving a decision permitting abandonment from the Board.

Any salvage activity performed on the subject line on February 14, 2008 was done so without the permission of and without direction from this office, which is responsible for doing so. Further, this office has no knowledge of or information on a company by the name of J.B.F. Tie and Rail Co. Mr. Kessler's speculative statement that BNSF has engaged J B F. Tie and Rail Co to begin dismantling the line is false.

Notwithstanding, in an effort to ensure compliance with the Board's direction, BNSF has contacted local personnel operating in the area and instructed not to do anything related to salvaging the line

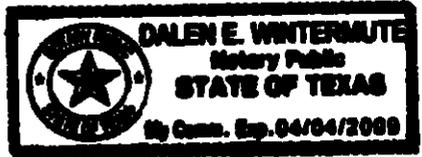
STATE OF TEXAS §
 §
COUNTY OF TARRANT §

Susan L. Odom makes oath and says she is Manager – Network Strategy in the Network Development department of BNSF Railway Company; that she has been authorized by the Applicant BNSF Railway Company to verify and file with the Surface Transportation Board the foregoing Verified Statement in AB-6 (Sub-No. 430X); and that all representations set forth therein are true and correct to her current actual knowledge, information, and belief.



Susan L. Odom
Manager – Network Strategy

Subscribed and sworn to before me
this 19th day of February, 2008.





Notary Public