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City of Lawton, Engineering Division

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January 14, 2009

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

ENTERED
Office of Proceedings
JAN 30 2009
Part of
Public Record



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

Dear Ms. Quinlan

This request is filed on behalf of the City of Lawton, Oklahoma, which is a *municipality interested in conservation and/or recreation, etc.*, which is hereinafter referred to as "proponent"

While not taking a position on the merits of this abandonment, proponent requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between *M P 50 75 near Fort Sill to M P 54 60 south of Lawton, a distance of 3.85 miles*

A Public Use Condition

Proponent requests the STB to find that this property is suitable for other public use, specifically trail use and to place the following conditions on the abandonment:

1 An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment *except of public use on reasonable terms*. The justification for this condition is *that the corridor would make an excellent recreational trail/bikepath and conversion of the property to trail use is desired by the community. In addition the corridor provides important wildlife habitat and greenspace and its preservation as a recreational trail/bikepath is consistent with that end.* The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time because we have not had an opportunity to assemble or to review title information or complete a trail/bikepath plan.

2 An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

To provide efficient, effective and responsive customer oriented service delivery To provide a quality of life based on harmony and cooperation. To provide leadership and opportunity for southwest Oklahoma.

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U S C 81247(d) and 49 C F R 81152.29, City of Lawton is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by *Union Pacific Railroad Company* and operated by same

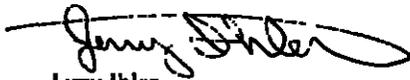
The property, known as the Lawton Industrial Lead extends from railroad milepost 50.75 near Fort Sill to railroad milepost 54.60 south of Lawton, a distance of 3.85 miles in Comanche County, Oklahoma. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-33 (Sub-No. 267X)

A map depicting the right-of-way is attached

The *City of Lawton* acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service

By my signature below, I certify service upon *Union Pacific Railroad Company, 101 N Wacker Drive, Room 19020, Chicago, Illinois 60606-17-18*, by U S Mail, postage prepaid, first class, on January 15, 2009

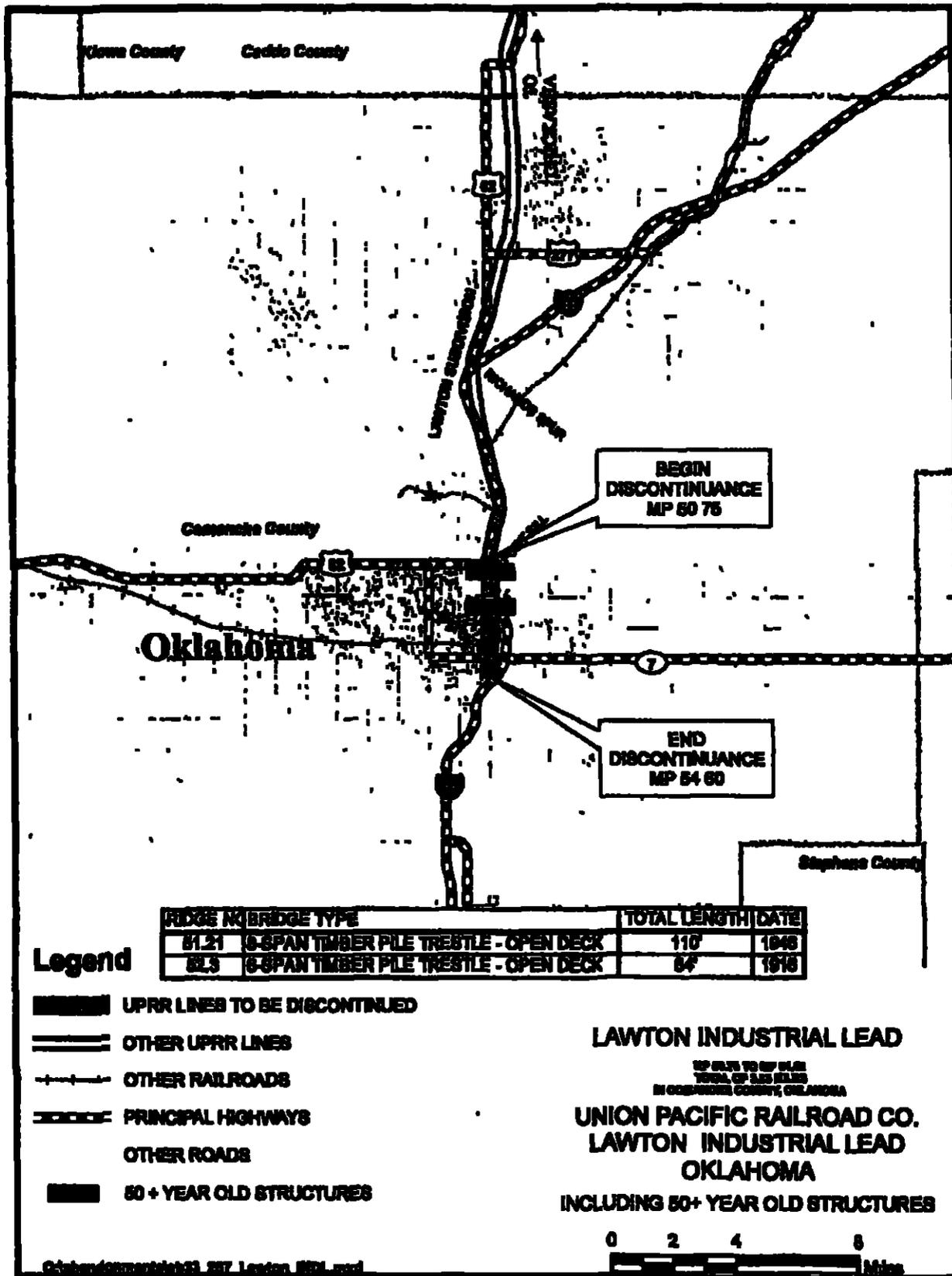
Respectfully submitted on behalf of the City of Lawton.



Jerry Ihler,
Public Works Director/City Engineer

Attachment

EXHIBIT A



Oklahoma

Down County Caddo County

Comanche County

Stephens County

BEGIN DISCONTINUANCE MP 60 75

END DISCONTINUANCE MP 54 60

BRIDGE NO	BRIDGE TYPE	TOTAL LENGTH	DATE
8121	6-SPAN TIMBER PILE TREXLE - OPEN DECK	110'	1948
813	6-SPAN TIMBER PILE TREXLE - 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 54 60 TO MP 61 61
 TOTAL OF 245 FEET
 IN COMANCHE COUNTY, OKLAHOMA
 UNION PACIFIC RAILROAD CO.
 LAWTON INDUSTRIAL LEAD
 OKLAHOMA
 INCLUDING 50+ YEAR OLD STRUCTURES

