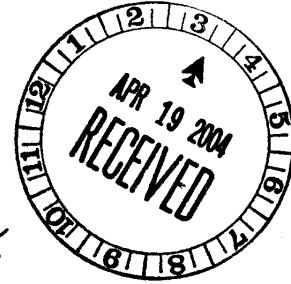


April 15, 2004

Victoria Rutson
Chief, SEA
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001



210635

**Re: Surface Transportation Board Docket No. AB-6 (Sub-No. 412X);
The Burlington Northern and Santa Fe Railway Company
Abandonment in Ponca City, Oklahoma**

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Michael A. Smith
Senior Counsel
Direct 312.360.6724
Fax 312.360.6598
msmith@
freebornpeters.com

Dear Ms. Rutson:

On or after May 5, 2004, we are filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon railroad line Milepost 138.00 and Milepost 142.14 in Ponca City, Oklahoma, which traverses through United States Postal ZIP Code 74601 in Kay County, Oklahoma. Attached are Environmental and Historic Reports describing the proposed action and any expected environmental or historic effects, as well as a map of the affected area. Attached are ten copies plus the original of the Environmental and Historic Report describing the proposed action and any expected environmental or historic effects.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Smith".

Michael A. Smith

ENTERED
Office of Proceedings

APR 19 2004

Part of
Public Record

Enclosures

Chicago

Springfield

BEFORE THE
SURFACE TRANSPORTATION BOARD

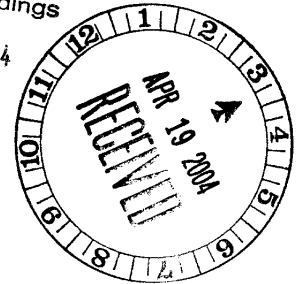
In the Matter of The
Burlington Northern and Santa Fe
Railway Company Notice of Exemption
to Abandon Its Line of Railroad
Between M.P. 138.00 and M.P. 142.14
in Ponca City, Oklahoma

ENTERED
Office of Proceedings

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Public Record

210635



Docket No. AB-6
(Sub No. 412X)

ENVIRONMENTAL REPORT

The following information is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's Notice of Exemption for abandonment of its line between M.P. 138.00 and M.P. 142.14 Ponca City, Kay County, Oklahoma, total distance of 4.14 miles.

(1) Proposed action and Alternatives: Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF seeks to abandon and discontinue service of the line. A map of the line is attached as Exhibit A.

(2) Transportation system: Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed abandonment will have no effect on existing transportation systems or patterns as the line is out of service.

(3) Land Use:

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

The abandonment is consistent with local land use plans. See Exhibit B, letter from the Board of Commissioners, Kay County, Oklahoma.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agriculture land.

The proposed abandonment will have no negative effect on prime agricultural lands. See Exhibit C, letter from the Natural Resources Conservation Service.

(iii) If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9

N/A

(iv) If the proposed action is abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

Kay County, Oklahoma has no plans to use the land for any public purposes. See Exhibit B, letter to the Board of Commissioners, Kay County, Oklahoma.

(4) Energy:

(i) Describe the effect of the proposed action on transportation of energy.

To the best of BNSF's knowledge there are no undeveloped energy resources such as oil, natural gas or coal in the vicinity of this line.

(ii) Describe the effect of the proposed action on recyclable commodities.

This abandonment and discontinuance will not adversely affect movement or recovery of recyclable commodities as the line is out of service.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

This abandonment will not result in an increase or decrease in overall energy efficiency as the line is out of service.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy consumption and show the data and methodology used to arrive at the figure given.

There will be no diversions of traffic because the line is out of service.

(5) Air:

(i) If the proposed action will result in either:

(A). An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

No.

(B). An increase in rail yard activity of at least 100% (measured by carload activity), or

No.

(C). An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The action will not involve an increase in truck traffic of more than 10% or 50 vehicles a day on any affected road segment as the line is out of service.

(ii) If the proposed action affects a Class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three train a day on any segment of rail line, or

(B) An increase in rail yard activity of at least 20% (measured by carload activity), or

(C) An average increase in truck traffic or more than 10-% of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and from) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(6) Noise: If any of the thresholds identified in item (5)(c) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more,

N/A

(ii) An increase to a noise level of 76 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for those receptors if the thresholds are surpassed.

N/A

(7) Safety:

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).

This abandonment should have no adverse effect on health or public safety. There are 3 public crossings and no private crossings.

During salvage operations on the line, if any may be required, precautions will be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of and accidental release of hazardous materials.

Abandonment will not result in transportation of hazardous materials.

(iii) If there are any known hazardous waste site or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

BNSF is not aware of any evidence of known hazardous waste site or sites where there have been known hazardous materials spills on the right of way.

(8) Biological resources:

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

The proposed abandonment is not likely to adversely affect federally listed or proposed species or their habitats. See Exhibit D, response from the U.S. Fish and Wildlife Service. There are no state threatened and endangered species occurring within the area defined. See Exhibit E, letter from the Oklahoma Department of Wildlife Conservation.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

The proposed project will have no adverse impact on any federally funded park or recreation area or state park. See Exhibit F, response from the Oklahoma Tourism and Recreation Department. There are no wildlife sanctuaries, refuges or critical habitats present. See Exhibit D, response from the U.S. Fish and Wildlife Service.

(9) Water:

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

BNSF believes that the proposed exemption will be consistent with applicable Federal, State or local water quality standards. Any unpermitted discharge of pollutants to waters of the State has some potential to violate Water Quality Standards. See Exhibit G, letter from the Oklahoma

Department of Environmental Quality. However no discharge of pollutants to the waters of the State of Oklahoma is anticipated.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year floodplains will be affected. Describe the effects.

Based on BNSF's past experience with similar out of service abandonments, BNSF believes that permits under Section 404 of the Clean Water Act are not required for the proposed exemption. The Army Corps of Engineers has been notified by letter dated August 1, 2003. See Exhibit H, letter to the Army Corps of Engineers. As of the date of this report, the Army Corps of Engineers has not responded. BNSF will provide the Board copies of any response it may receive. The proposed exemption will not affect the 100-year floodplain. See Exhibit B, letter from the Kay County Emergency Management and Exhibit I, letter from the City of Ponca City, Oklahoma.

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.

Based on BNSF's past experience with similar out of service abandonments, BNSF believes that permits under 402 of the Clean Water Act should not be required for the proposed exemption. Construction and soil disturbing activities that disturb or have the potential to disturb more than one acre, cumulative over the entire common plan of development, will require a Storm Water Construction General Permit from the

Department of Environmental Quality. See Exhibit G, Letter from the
Oklahoma Department of Environmental Quality.

(10) Proposed Mitigation: Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Any salvage operations that may result will be in accordance with BNSF's general practice of requiring its private contractors to comply with all federal, state and local laws and regulations pertaining to the environment, including, but not limited to noise, air quality, water quality, and items of archaeological significance. The project itself should mitigate the environmental effects of reinstating active rail operations.

Respectfully Submitted,



Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: April 13, 2004

BEFORE THE
SURFACE TRANSPORTATION BOARD

In the Matter of The
Burlington Northern and Santa Fe
Railway Company Notice of Exemption
to Abandon Its Line of Railroad
Between M.P. 138.00 and M.P. 142.14
in and near Ponca City, Oklahoma

Docket No. AB-6
(Sub No. 412X)

HISTORICAL REPORT

The following is submitted to the Surface Transportation Board by The
Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the
Board's reporting requirements set forth in 49 C.F.R. § 1105.8 for the purpose of assisting
the Board's environmental and historical assessment regarding BNSF's Notice of
Exemption to abandon its line of railroad between M.P. 138.00 in to M.P. 142.14 in and
near Ponca City, Oklahoma, a total distance of 4.14 miles.

(1) A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently
detailed to show buildings and other structures in the vicinity of the proposed action)
showing the location of the proposed action, and the locations and approximate
dimensions of the railroad structures that are 50 years old or older and are part of the
proposed action;

One copy of a U.S.G.S. Topographical map has been provided to the Oklahoma
State Historical Society and one copy is being provided to the Surface Transportation
Board's Section of the Environmental Analysis upon filing of this Report.

(2) A written description of the right-of-way (including approximate widths, to
the extent known) and the topography and urban and/or rural characteristics of the
surrounding area:

The Ponca City, Oklahoma Trackage goes through the western portion of Ponca City and then continues westerly a few miles into a rural area of Kay County, Oklahoma. The population of Ponca City is 25,919. The rail line corridor varies from 100 to 200 feet in width.

(3) Good quality photographs (actual photographic prints, not photocopies) or railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

There are four bridges that are 50 years or older in the immediate area of the abandonment. Photographs of the four bridges are attached to this report. See Exhibit J.

(4) The date(s) of construction of the structures, and the date(s) and extent of any major alterations, to the extent such information is known;

The dates of construction of the bridges are included with the photographs. See Exhibit J.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

The right of way was acquired by the Hutchinson & Southern Railway Company (H&S) between 1899 and 1900. The H&S was a predecessor to The Atchison Topeka and Santa Fe Railway Company (ATSF). In 1995 the ATSF merged with the Burlington Northern Railroad Company (BN) to become The Burlington Northern and Santa Fe Railway Company (BNSF).

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is to be historic;

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. Such documents are too

large for practical reproduction in this report, but can be furnished upon request, if they are available.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archaeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

To the best of BNSF's knowledge, the proposed abandonment should have no appreciable effects on any known sites or properties listed, or eligible for listing in the National Register of Historic Places. BNSF is not aware of any unique sites or structures with significant historical associations. There are no historic properties affected by the proposed abandonment. See Exhibit K, letter from the Oklahoma Historical Society.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

BNSF is not aware of any known prior subsurface ground disturbance or fill or any other environmental conditions (naturally occurring or man-made) that might affect the recovery of archaeological resources.

Respectfully submitted,



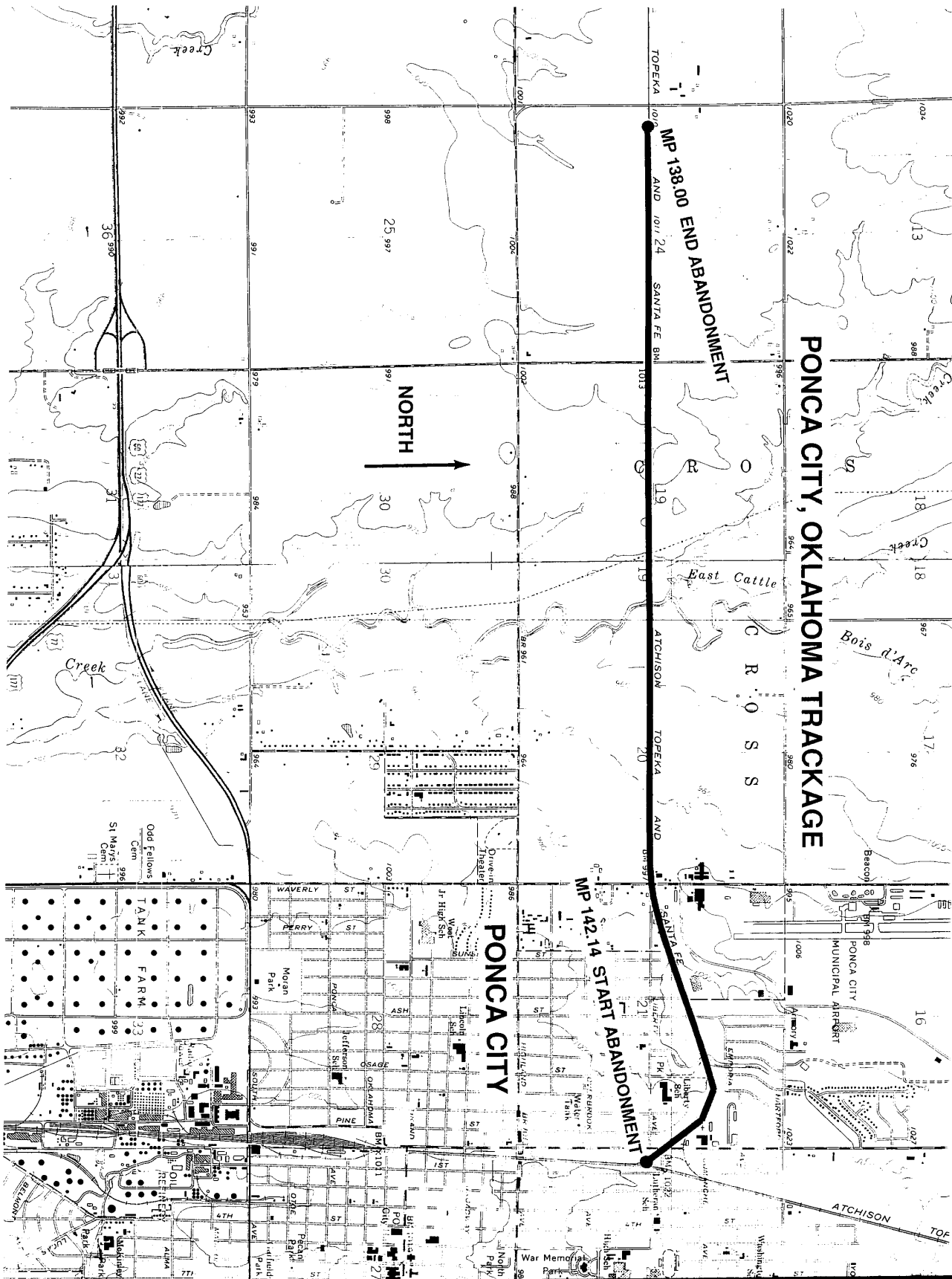
Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598
Date: April 13, 2004

A

o

o

PONCA CITY, OKLAHOMA TRACKAGE



B

DEE SCHIEBER
2026 East Coleman Road
Ponca City, Oklahoma 74604
District #1
(580) 765-3237

WAYNE LEVEN
1125 West Dry Road
Newkirk, Oklahoma 74647
District #2
(580) 362-2231

LAILE WILSON
1814 West Dewey
Blackwell, Oklahoma 74631
District #3
(580) 363-0160

BOARD OF COUNTY COMMISSIONERS
KAY COUNTY, OKLAHOMA

August 11, 2003

Brian Nettles
Freeborn & Peters LLP
Attorneys at Law
311 S. Wacker Drive
Suite 3000
Chicago, IL 60606-6677

Dear Sir:

We received your letter of August 1, 2003 concerning the abandonment of a part of the Burlington Northern and Santa Fe Railway located in Kay County. The issues you have requested to be addressed are as follows:

- The Abandonment's affect to the 100-year floodplain
- The Abandonment is consistent with local land use plans
- Any alternate public uses for the corridor

The information you provided to Dennis Bonewell, Emergency Management Director, has been determined that the abandonment will not affect the 100-year floodplain. Kay County does not have any zoning and therefore, use of the land that is situated in the county is not restricted. At this time, there are no plans to use the land for any public purposes.

It is our request that as you provide for the removal of track materials you also remove the bridge over Bois d'Arc Creek.

Any questions or concerns on this project can be addressed to Dee Schieber, County Commissioner District #1 at 580-765-3237.

Sincerely,

Board of County Commissioners of Kay County, Oklahoma



Wayne Leven, Chairman
Board of County Commissioners
County of Kay, State of Oklahoma

C

United States Department of Agriculture



Natural Resources Conservation Service
Newkirk Field Office
115 South Maple
Newkirk, OK 74647
Telephone (580) 362-3362

November 28, 2003

Brian Nettles
Freeborn & Peters LLP
311 South Wacker Drive
Suite 3000
Chicago, IL 60606-6677

RE: BNSF Line Abandonment near Ponca City, Oklahoma

Dear Brian Nettles,

The proposed abandonment of the BNSF lines will have no negative effect on prime agricultural lands.

Sincerely,

A handwritten signature in cursive script that reads "Richard Zetterberg".

Richard Zetterberg
District Conservationist

D

02-14-03-1 1114 R
ADM 8/E

Freeborn & Peters LLP

August 1, 2003

David Yazzie
Assistant Regional Director
U.S. Fish & Wildlife Service
Region 2
P.O. Box 1306
500 Gold Ave., S.W.
Albuquerque, NM 87103

TO: ES



Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

**Re: The Burlington Northern and Santa Fe Railway Company Abandonment
of Ponca City, Oklahoma**

Dear Mr. Yazzie:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 4.14 miles of railroad line between Milepost 138.00 and Milepost 142.14 in Ponca City, Oklahoma.

As part of the environmental report BNSF needs to know whether or not there are any endangered or threatened species, wildlife sanctuaries or refuges or areas designated as critical habitat adjacent or near the line and if so, what effects the proposed action may have.

Chicago

Springfield

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information by September 1, 2003. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,

Brian Nettles

NOT LIKELY TO ADVERSELY AFFECT FINDING	
The proposed action is not likely to adversely affect federally-listed or proposed species or their habitats.	
Date:	16 Sept. 2003
Consultation #:	02-14-03-I-1190
Approved by:	David Martinez
U.S. FISH and WILDLIFE SERVICE, TULSA, OK	
No T-E species, sanctuaries/refuges, or critical habitat present	
FWS	

/bn
Enclosure

RECEIVED - ENVIRONMENTAL

Rcv'd Region 2

AUG 8 2003

ARD-Budget & Admin.

E

WILDLIFE CONSERVATION COMMISSION

Lewis Stiles
CHAIRMAN
Mac Maguire
VICE CHAIRMAN
Douglas Schones
SECRETARY
John D. Groendyke
MEMBER

John S. "Jack" Zink
MEMBER
Harland Stonecipher
MEMBER
Bruce Mabrey
MEMBER
Bill Phelps
MEMBER



FRANK KEATING, GOVERNOR
GREG D. DUFFY, DIRECTOR

DEPARTMENT OF WILDLIFE CONSERVATION

1801 N. Lincoln

P.O. Box 53465

Oklahoma City, OK 73152

PH. 521-3851

August 21, 2003

Mr. Brian Nettles
Freeborn & Peters LLP
311 South Wacker Drive
Chicago, IL 60606-6677

Dear Mr. Nettles:

This letter is in response to your letter of August 4, 2003 regarding the following:

Location: Railroad Line between Milepost 138.00 and Milepost 142.14, Ponca City, OK

Project: Burlington Northern and Santa Fe Railway Company Abandonment

Based on our database, there are no State threatened and endangered species occurring within the area defined. However, please note that we have not conducted an on-site survey in this area. Please also note that our response only concerns State listed species. We recommend you contact the US Fish and Wildlife Services regarding federally-listed species.

We appreciate the opportunity to comment. Please do not hesitate to contact me if you have any questions at 405-424-0099 or mahickman@odwc.state.ok.us.

Sincerely,

Melynda Hickman
Biologist



F

Susan Henry

Freeborn & Peters LLP

August 1, 2003

Oklahoma Tourism and Recreation Dept.
Oklahoma State Parks
15 N. Robinson, Suite 100
Oklahoma City, OK 73102

Attorneys at Law

314 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

Chicago

Springfield

Re: *The Burlington Northern and Santa Fe Railway Company Abandonment of Ponca City, Oklahoma*

Dear Sir or Madam:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 4.14 miles of railroad line between Milepost 138.00 and Milepost 142.14 in Ponca City, Oklahoma.

As part of the environmental report BNSF needs to know whether or not there are any wildlife sanctuaries or refuges, National or State parks or forests in the proposed project impact area and if so, what effects would occur as a result of the abandonment.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

Please provide this information by September 1, 2003. Thank you for your cooperation.

For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

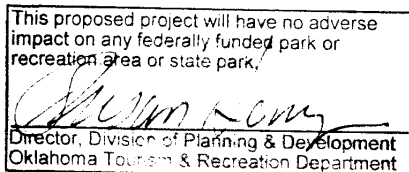
Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure



G



STEVEN A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

BRAD HENRY
Governor

August 11, 2003

Mr. Brian Nettle
Freeborn & Peters LLP
311 South Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677

RE: Burlington Northern and Santa Fe Railway Company Abandonment of Ponca City,
Oklahoma

The DEQ received your letter of August 1, 2003 in which you requested information pertaining to requirements of Oklahoma's Water Quality Standards and possible applicability of Clean Water Act Section 402 permits.

This project would require NPDES discharge permits only if a discharge of pollutants occurs to waters of the State. Any discharge of pollutants to waters of the State has the some potential to violate the Water Quality Standards. The information provided in your letter implies that there will be no discharge to waters of the State. Construction and soil disturbing activities that disturb or have the potential to disturb more than one acre, cumulative over the entire common plan of development, will require a Storm Water Construction General Permit from the DEQ. Information and forms regarding the Oklahoma stormwater program are available on the Internet at www.deq.state.ok.us/WQDnew/stormwater/index.html.

Additional information regarding the Oklahoma's Water Quality Standards can be obtained from the Oklahoma Water Resources Board. Copies of the Oklahoma Water Quality Standards can be obtained by calling (405) 530-8800 or on the Internet at www.owrb.state.ok.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Derichsweiler", is written over a horizontal line.

Mark Derichsweiler, P.E.
Engineering Manager
Watershed Planning and Storm Water Permitting Section



H

Freeborn & Peters LLP

August 1, 2003

US Army Corps of Engineers
Tulsa District
1645 S. 101st E. Ave.
Tulsa, OK 74128-4629

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettlies@
freebornpeters.com

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of Ponca City, Oklahoma***

Dear Sir or Madam:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 4.14 miles of railroad line between Milepost 138.00 and Milepost 142.14 in Ponca City, Oklahoma.

As part of the environmental report BNSF needs to know whether or not 404 permits are required as a result of the proposed abandonment.

Chicago

Springfield

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact. No placement of dredge or fill material in any inland waterways is anticipated to result from abandonment and/or salvage.

For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure



CITY OF PONCA CITY

Community Development Department

400 E. Central, Suite 305 P.O. Box 1450, Ponca City, OK 74602* Phone (580) 767-0334* Fax (580) 767-0325

August 14, 2003

**Brian Nettles
Freeborn and Peters
311 South Wacker Drive
Chicago, ILL 60606-6677**

Re: Adverse impact of proposed abandonment of BNSF tracks in Ponca City, OK

Dear Brian:

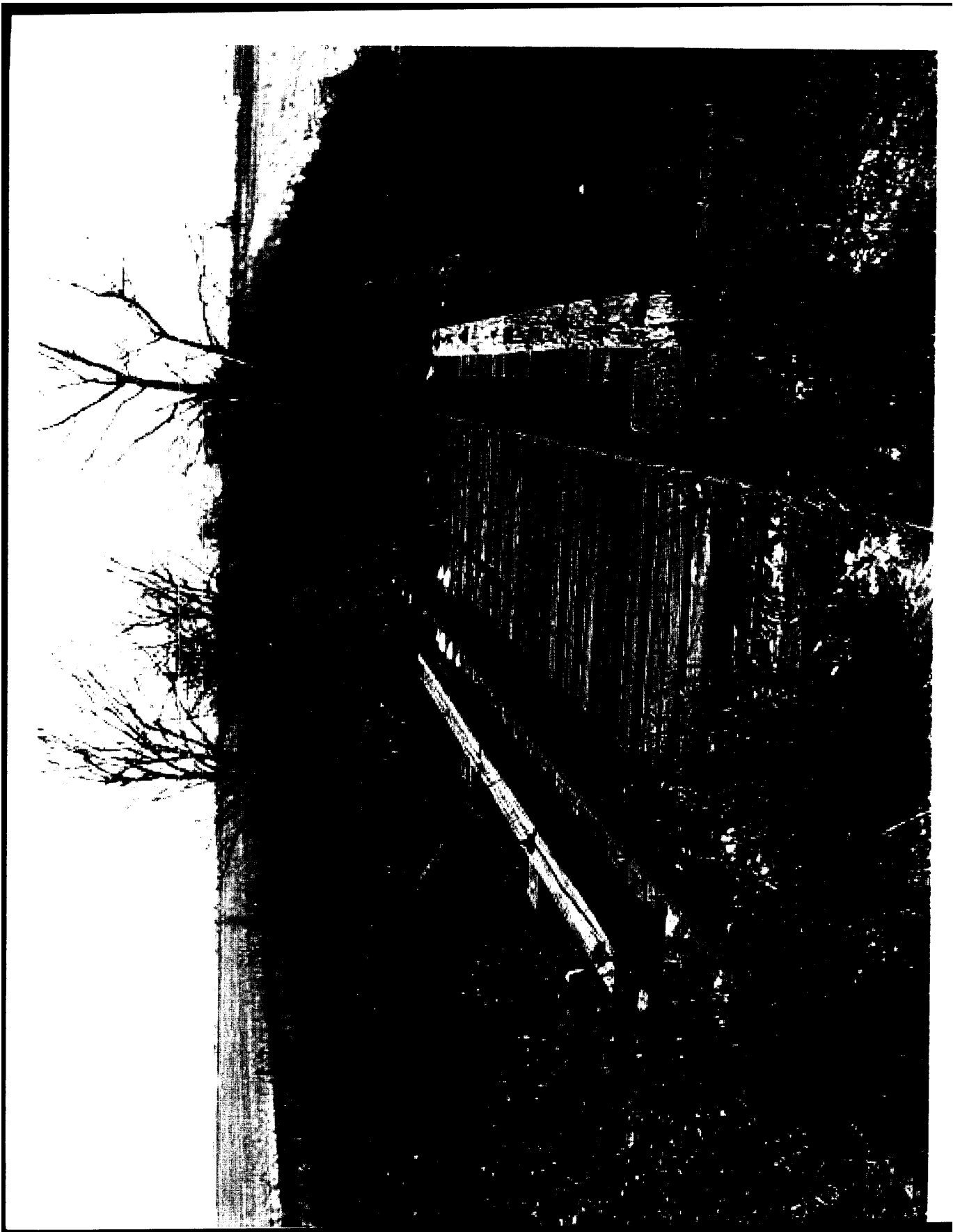
As proposed, the abandonment of BNSF railroad tracks at the mileposts identified in the letter dated August 1, 2003, will traverse the designated 100-year floodplain at four separate locations. These locations are noted on the attached flood maps for Ponca City and Kay County. If the physical abandonment of the railroad line will be limited to the removal of rails and ties, while leaving the roadbed intact, there will be no impact to the floodplain as it currently exists.

With regard to the structures that are in place where the railroad tracks cross the floodplain, i.e. trestles, box culverts, piping, etc, the floodplain may be impacted if one of these is functioning as a control structure. Where a trestle remains, the removal should be of no consequence, however. The trestle bridge crossing Bois D'Arc creek has been washed away and no longer physically exists.

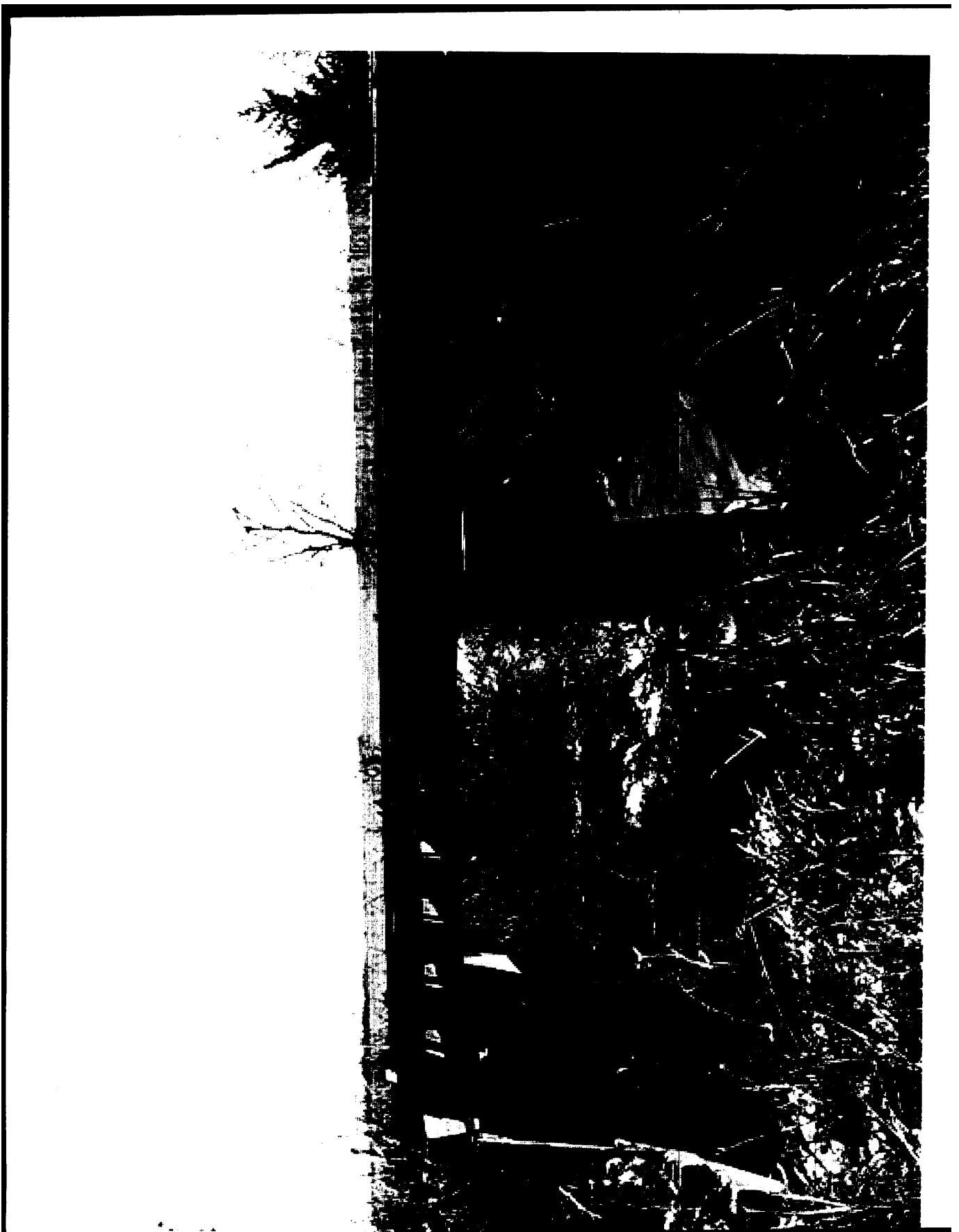
If you should have any further questions, please call 767-0334 anytime.

Sincerely,

**Chris Henderson
Community Development Director
Floodplain Administrator
City of Ponca City**

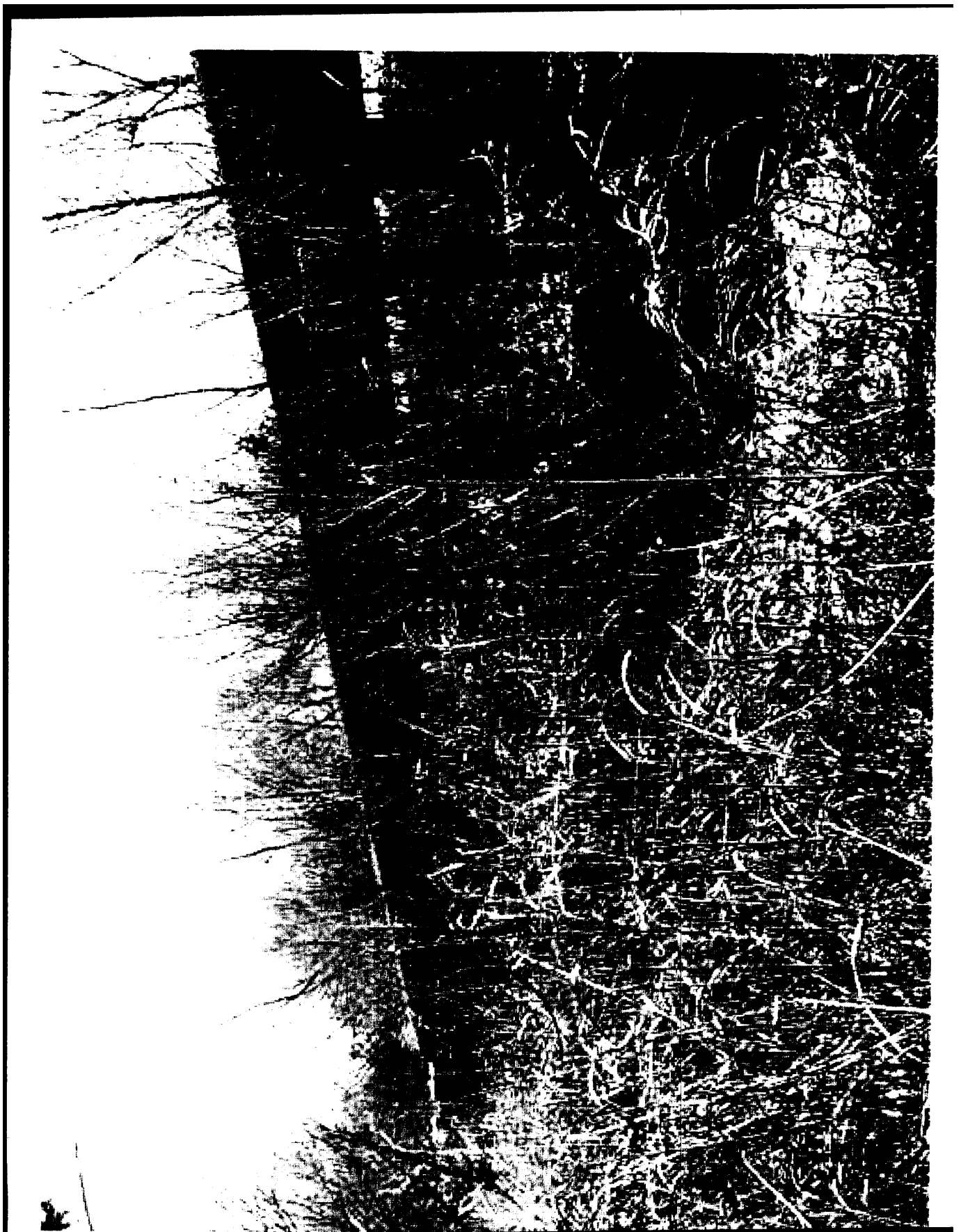






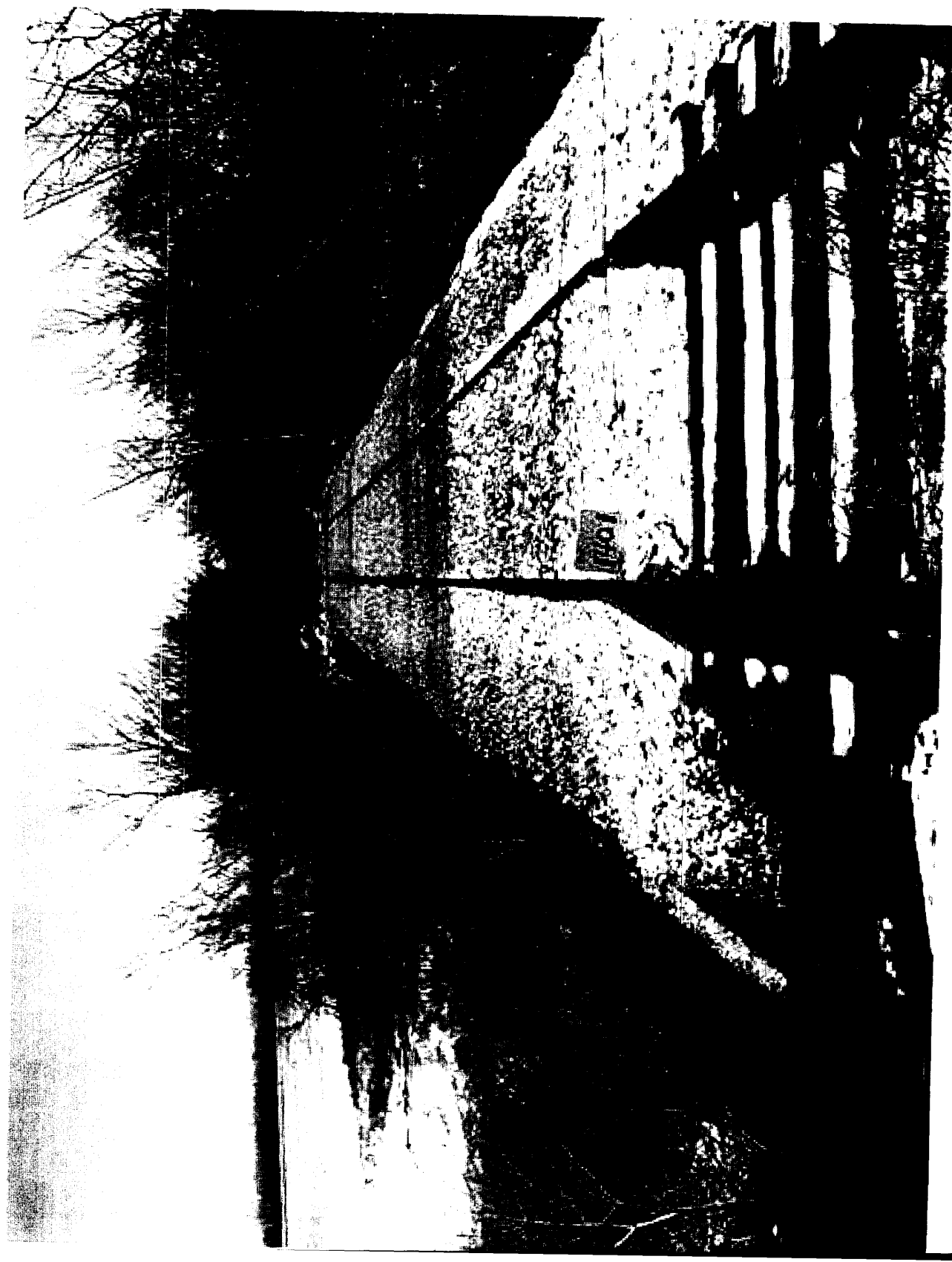










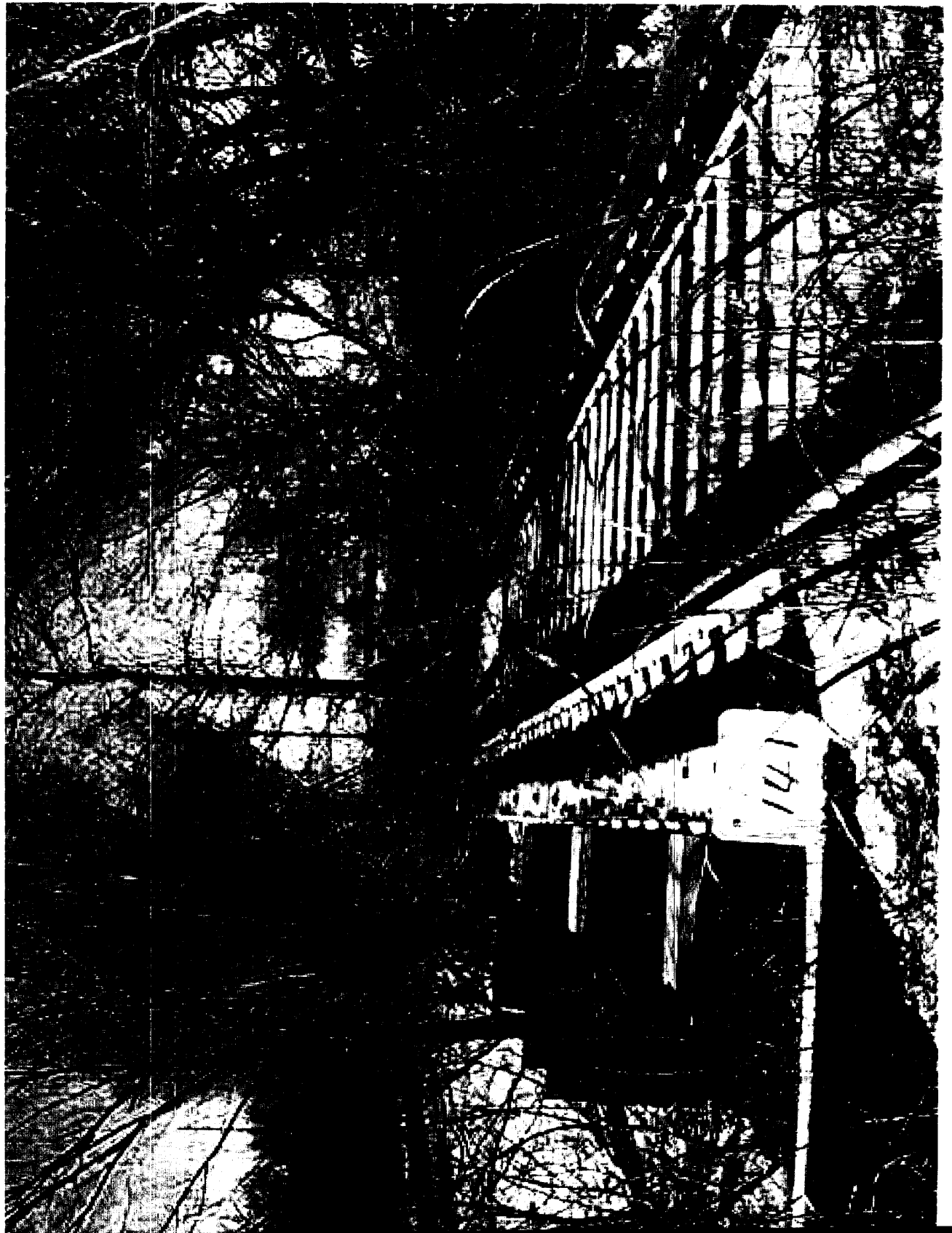
















Abandonment Documentation (M.P. 138.00 to M.P. 142.14)

List of Bridges

Bridge: 138.3	Built: 1909	Length: 19.6'	Height: 5.0'	Description: Open Deck Pile Trestle	Obstacle: Drainage
Bridge: 139.9	Built: 1909	Length: 138.0'	Height: 25.0'	Description: Open Deck Pile Trestle	Obstacle: Water
Bridge: 140.1	Built: 1909	Length: 139.3'	Height: 11.0'	Description: Open Deck Pile Trestle	Obstacle: Water
Bridge: 141.0	Built: 1902	Length: 41.5'	Height: 12.0'	Description: Open Deck Pile Trestle	Obstacle: Drainage

K



Oklahoma Historical Society

Founded May 27, 1893

State Historic Preservation Office • 2704 Villa Prom • Shepherd Mall • Oklahoma City, OK 73107-2441
Telephone 405/521-6249 • Fax 405/947-2918

March 8, 2004

Mr. Brian Nettles
Freeborn & Peters LLP
311 S. Wacker Drive, Ste. 3000
Chicago, IL 60606-6677

RE: File #0963-04; Burlington Northern & Santa Fe Railway Company
Abandonment of 4.14 miles of Railroad between Milepost #138 to
Milepost #142.14, near Ponca City

Dear Mr. Nettles:

We have received and reviewed the documentation concerning the referenced project in Kay County. Additionally, we have examined the information contained in the Oklahoma Landmarks Inventory (OLI) files and other materials on historic resources available in our office. We find that there are no historic properties affected by the referenced project.

Thank you for the opportunity to comment on this project. We look forward to working with you in the future.

If you have any questions, please contact Charles Wallis, RPA, Historical Archaeologist, at 405/521-6381.

Should further correspondence pertaining to this project be necessary, the above underlined file number must be referenced. Thank you.

Sincerely,

Melvena Heisch
Deputy State Historic
Preservation Officer

MH:pm