

DID# 0102044001

206364 ORIGINAL

LAW OFFICE
THOMAS F. MCFARLAND, P.C.
208 SOUTH LASALLE STREET - SUITE 1890
CHICAGO, ILLINOIS 60604-1194
TELEPHONE (312) 236-0204
FAX (312) 201-9695
mcfarland@aol.com

408

THOMAS F. MCFARLAND

October 9, 2002

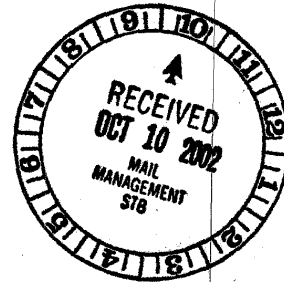
By UPS overnight mail

Vernon A. Williams, Secretary
Surface Transportation Board
Case Control Unit, Suite 713
1925 K Street, N.W.
Washington, DC 20423-0001

ENTERED
Office of Proceedings

OCT 10 2002

Part of
Public Record



Re: Finance Docket No. 34265, *Blackwell & Northern Railway Company, Inc.* --
*Operation Exemption -- Oklahoma Department of Transportation and Blackwell
Industrial Authority*

Dear Mr. Williams:

Enclosed please find an original and 10 copies of Verified Notice of Exemption Under 49
C.F.R. § 1150.31, for filing with the Board in the above referenced matter.

Also enclosed is a check for \$1,300 for the filing fee.

FEE RECEIVED

OCT 10 2002

Very truly yours,

Tom McFarland

**SURFACE
TRANSPORTATION BOARD**

Thomas F. McFarland

TMCF:kl:enc:\wp8.0\897\lstrstb1

FILED

OCT 10 2002

**SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD

BLACKWELL & NORTHERN RAILWAY)
COMPANY, INC. -- OPERATION) FINANCE DOCKET
EXEMPTION -- OKLAHOMA) NO. 34265
DEPARTMENT OF TRANSPORTATION)
AND BLACKWELL INDUSTRIAL)
AUTHORITY)



VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1150.31

ENTERED
Office of Proceedings

OCT 10 2002

Part of
Public Record

BLACKWELL & NORTHERN RAILWAY
COMPANY, INC.
227 Kimmell
P.O. Box 77
Braman, OK 74632

Applicant

FEE RECEIVED

OCT 10 2002

**SURFACE
TRANSPORTATION BOARD**

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1194
(312) 236-0204

Attorney for Applicant

FILED

OCT 10 2002

**SURFACE
TRANSPORTATION BOARD**

DATE FILED: October 10, 2002

BEFORE THE
SURFACE TRANSPORTATION BOARD

BLACKWELL & NORTHERN RAILWAY	)	
COMPANY, INC. -- OPERATION	)	FINANCE DOCKET
EXEMPTION -- OKLAHOMA	)	NO. 34265
DEPARTMENT OF TRANSPORTATION	)	
AND BLACKWELL INDUSTRIAL	)	
AUTHORITY	)	

**VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1150.31**

Pursuant to the class exemption codified at 49 C.F.R. § 1150.31, *et seq.*, BLACKWELL & NORTHERN RAILWAY COMPANY, INC. (BNRC), a noncarrier, hereby files this verified notice of exemption from the prior approval requirements of 49 U.S.C. § 10901 for its operation of the following lines of railroad owned by the State of Oklahoma by and through the Oklahoma Department of Transportation and Blackwell Industrial Authority:

- (1) between milepost 34.3 at Blackwell, OK and milepost 18 + 1712.9 feet at the Oklahoma/Kansas state line near Hun Newell, KS;
- (2) between milepost 35 + 1848 feet, west of Blackwell, OK, and milepost 34.3 at Blackwell, OK; and
- (3) between milepost 18 + 1712.9 feet at the Oklahoma/Kansas state line near Hun Newell, KS and milepost 0 + 466.3 feet, at Wellington, KS.

INFORMATION REQUIRED BY 49 C.F.R. § 1150.33

(a) *The full name and address of the applicant;*

Applicant is Blackwell & Northern Railway Company, Inc., 227 Kimmell, P.O. Box 77,
Braman, OK 74632.

(b) *The name, address, and telephone number of the representative of the applicant
who should receive correspondence;*

Applicant's representative is Thomas F. McFarland, Thomas F. McFarland, P.C., 208
South LaSalle Street, Suite 1890, Chicago, IL 60604-1194, (312) 236-0204.

(c) *A statement that an agreement has been reached or details about when an
agreement will be reached;*

An agreement has been reached regarding BNRC's operation of the rail line.

(d) *The operator of the property;*

BNRC will be the operator of the property. The prior operator of the property is being
replaced.

(e) *A brief summary of the proposed transaction, including:*

(1) *The name and address of the entities contracting for operation of the
subject property;*

(A) Oklahoma Department of Transportation
200 N.E. 21st Street
Oklahoma City, OK 73105

(B) Blackwell Industrial Authority
P.O. Box 230
Blackwell, OK 71631

(2) *The proposed time schedule for consummation of the transaction;*

The transaction is to be consummated no earlier than seven days after the filing of this notice at the Board, i.e., not before October 17, 2002.

(3) *The mile-posts of the subject property, including any branch lines, and*

The rail lines extend: (1) between milepost 34.3 at Blackwell, OK and milepost 18 + 1712.9 feet at the Oklahoma/Kansas state line near Hun Newell, KS; (2) between milepost 35 + 1848 feet west of Blackwell, OK and milepost 34.3 at Blackwell, OK and (3) between milepost 18 + 1712.9 feet at the Oklahoma/Kansas state line near Hun Newell, KS and milepost 0 + 466.3 feet at Wellington, KS.

(4) *The total route miles being acquired;*

A total of 35.26 route miles is being acquired.

(f) *A map that clearly indicates the area to be served, including origins, termini, stations, cities, counties, and States; and*

The required map is attached to this notice as Appendix 1.

(g) *A certificate that applicant's projected revenues do not exceed those that would qualify it as a Class III carrier, and that such revenues would not exceed \$5 million per year.*

The required certificate is attached to this notice as Appendix 2.

CAPTION SUMMARY

The caption summary required by 49 C.F.R. § 1150.34 is attached to this notice as Appendix 3. A general verification is attached to this notice as Appendix 4.

**ENVIRONMENTAL AND HISTORIC
REPORTING NOT REQUIRED**

Pursuant to 49 C.F.R. § 1105.6(c)(2)(i) and 49 C.F.R. § 1105.8(b)(1), no environmental or historical reporting is required in conjunction with this matter.

NO LABOR PROTECTION CONDITIONS

Pursuant to 49 U.S.C. § 10901(c), no labor protection conditions are to be imposed in this matter.

CONCLUSION AND REQUESTED RELIEF

WHEREFORE, the Board should publish a notice of the filing of this exemption in the Federal Register within 30 days of such filing in accordance with 49 C.F.R. § 1150.32(b).

Respectfully submitted,

BLACKWELL & NORTHERN RAILWAY
COMPANY, INC.
227 Kimmell
P.O. Box 77
Braman, OK 74632

Applicant

Thomas F. McFarland

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1194
(312) 236-0204

Attorney for Applicant

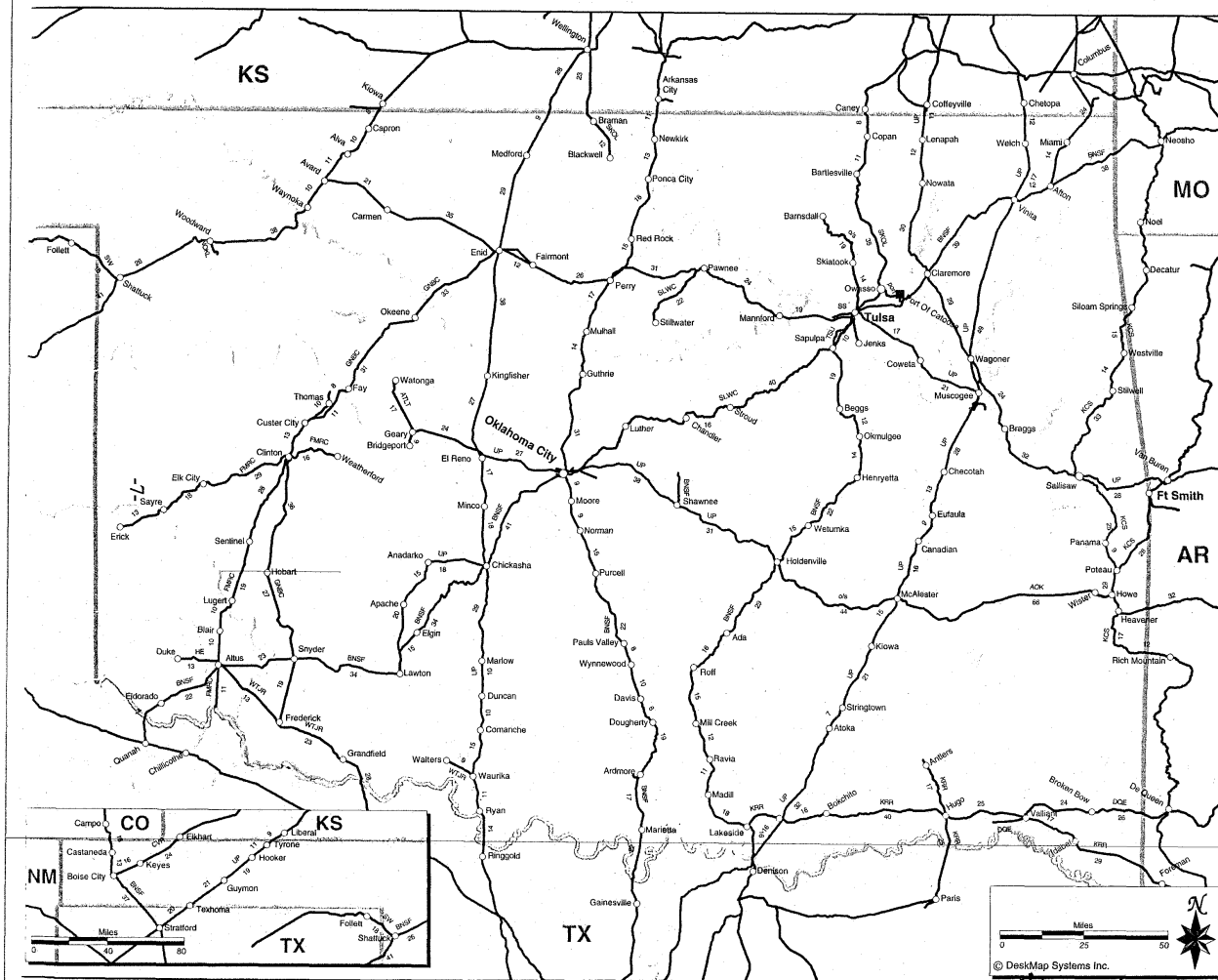
DATE FILED: October 10, 2002

OKLAHOMA

FINANCE DOCKET NO. 34765

SUBJECT RAIL LINE SHOWN IN YELLOW.

APPENDIX



Appendix 2

CERTIFICATION UNDER 49 C.F.R. § 1150.33(g)

Blackwell & Northern Railway Company, Inc. hereby certifies under 49 C.F.R.

§ 1150.33(g), that the projected revenues from the operation proposed in this matter do not exceed those that would qualify it as a Class III rail carrier, and that such revenues will not exceed \$5 million annually.

Thomas F. McFarland

Thomas F. McFarland
*Authorized Representative of
Blackwell & Northern Railway Company, Inc.*

SUBSCRIBED and SWORN to
before me this 9th day of
October, 2002.

Kathleen Lemkau

Notary Public

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

Notice of Exemption

FINANCE DOCKET NO. 34265,

***BLACKWELL & NORTHERN RAILWAY COMPANY, INC.
-- OPERATION EXEMPTION --
OKLAHOMA DEPARTMENT OF TRANSPORTATION
AND BLACKWELL INDUSTRIAL AUTHORITY***

Blackwell & Northern Railway Company, Inc. (BNCR), a noncarrier, has filed a Notice of Exemption to operate rail lines owned by the State of Oklahoma by and through the Oklahoma Department of Transportation and Blackwell Industrial Authority as follows: (1) between milepost 34.3 at Blackwell, OK and milepost 18 + 1712.9 feet at the Oklahoma/Kansas state line near Hun Newell, KS; (2) between milepost 35 + 1848 feet west of Blackwell, OK and milepost 34.3 at Blackwell, OK; and (3) between milepost 18 + 1712.9 feet at the Oklahoma/Kansas state line near Hun Newell, KS and milepost 0 + 466.3 feet, at Wellington, KS, a distance of 35.26 miles. Comments must be filed with the Board and be served on BNRC's representative, Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1194, (312) 236-0204.

The Notice is filed under 49 C.F.R. § 1150.31. If the Notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. § 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

By the Board

(SEAL)

Vernon A. Williams, Secretary

Appendix 4

VERIFICATION

STATE OF ILLINOIS)
)
COUNTY OF COOK)

Thomas F. McFarland, being duly sworn, states that he is attorney for Blackwell & Northern Railway Company, Inc.; that he is familiar with the factual allegations made in the foregoing Notice of Exemption in behalf of that company; and that such allegations are true as stated.

Thomas F. McFarland

Thomas F. McFarland

SUBSCRIBED and SWORN to
before me this 9th day of
October, 2002.

Kathleen Lendman

Notary Public