

National Association of Reversionary Property Owners (NARPO)

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Part of

Public Record

STB Docket No. AB 1330X

THE STATE OF OKLAHOMA BY AND THROUGH THE OKLAHOMA DEPARTMENT OF
TRANSPORTATION - ABANDONMENT EXEMPTION – IN PAYNE COUNTY, OKLAHOMA

On May 30, 2024 the State of Oklahoma (State) filed for an Exempt Abandonment in AB 1330X under 49 CFR 1152 Subpart F. The State in their filing complied with some of the requirements of 49 CFR 1152.22, but the State fell short by not complying with the requirements of 49 CFR 1152.22(e)(4) which states:

49 CFR 1152.22 (e)(4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed. **Emphasis added**

The requirements of 49 CFR 1152.22(e)(4) are mandated by the STB for both Normal abandonments and Exempt abandonments. There are numerous properties abutting the right of way of this rail line in AB 1330X, and most of the abutting property owners have reversionary rights to the underlying fee title to the right of way. The STB established these CFR rules in 1996 in FR 61, No. 248 on page 67887.

The State acquired this rail line from BNSF in the 1980s, and the State should have gotten all the Valuation Maps associated with this rail line. The Valuation maps would clearly show that many of the parcels acquired in 1901 by BNSF's predecessor were acquired by easement which according to Oklahoma law makes them reversionary on abandonment of rail purposes. Not only should the STB

require the State to abide by STB rules, the State should also provide good governance to its citizens by notifying the abutting property owners that their rights will ripen once the rail line is abandoned or considered for a trail.

NARPO requests the STB to require the State to abide by the rules of 49 CFR 1152.22(e)(4) before the STB makes a Decision on the Exempt Abandonment.

The Parties of Record to AB 1330X have been served with email on 6/28/2024.

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