



NEWS RELEASE

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Interest in passenger rail booms as State still plans to sell rail line

Tickets sold fast for a special passenger train service from Sapulpa to Oklahoma City, known as the Eastern Flyer, which will run for three days in February.

Organizers said in a press release more than 700 tickets, out of a total of 900, sold in the first week of sales.

As of Jan. 8, the Eastern Flyer's website, <https://www.easternflyer.com/>, shows all tickets are sold out.

"The demand for rail travel continues to grow and ticket sales crushed our overall goal of 300 tickets," said Angela Arias, vice president of marketing for Iowa Pacific's Premier Rail Collection.

But the train ride stops short of downtown Tulsa.

According to Rick Westcott, Chairman of the Tulsa Rail Advisory Committee, the Oklahoma Department of Transportation (ODOT) has told the public for years the section of the line from Sapulpa to Tulsa is owned by BNSF, and therefore trains have to stop in Sapulpa unless the state or a private rail carrier is able to negotiate access along the BNSF-owned line.

Westcott said he reviewed the existing contract between ODOT and BNSF and found ODOT can operate passenger rail on the BNSF-owned track from Sapulpa to Tulsa. BNSF granted their permission about fifteen years ago.

The 1998 contract, titled "Agreement for Sale of Certain Assets Rights and Obligations of the Burlington Northern and Santa Fe Railroad Company to State of Oklahoma," states:

"Seller (BNSF) shall grant to Buyer (ODOT)...for a term of 99 years, a license to permit Passenger Operator to operate passenger rail service only over Seller's connecting rail line east of the Oklahoma City-Sapulpa Rail Line, between... Sapulpa, and...just east of the existing rail passenger depot building in downtown Tulsa."

The contract also states "the Passenger Service Rights shall permit Passenger Operator to operate no more than four passenger trains on any day over any portion of the Passenger Service Rights Lines."



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“They can do it today,” Westcott said.

“There is no legal impediment, nothing standing in their way.

“ODOT could immediately enter into an agreement with a private carrier to provide passenger rail service, up to four round trips per day, all the way into downtown Tulsa, not just to Sapulpa,” Westcott said.

The rest of the line connecting Sapulpa to Oklahoma City, known as the Sooner Sub line, is owned by the State of Oklahoma. The line is currently under lease to the WATCO-owned South Kansas & Oklahoma Railroad.

The Sooner Sub line, along with the BNSF-owned track, provides the best option for passenger rail service between Tulsa to Oklahoma City, according to recommendations from the Tulsa Rail Advisory Committee.

The Tulsa Rail Advisory Committee, which is comprised of all nine Tulsa City Councilors and nine appointees, said in a November 2012 report that Oklahoma should “commit to maintain ownership of state-owned track” as it is the best possibility for passenger rail service.

But ODOT still plans to sell the line and is currently taking bids through Jan. 30.

In a January 2013 letter, which outlines the proposed sale of the line, Secretary of Transportation/ODOT Director Gary Ridley writes “the Department (ODOT) will require a business plan to include accommodating passenger rail” as part of a bid to purchase the line.

But Westcott says that is no guarantee, as ODOT can’t require the buyer to provide service, and ODOT has already “breached the public’s trust.”

“The officials at ODOT have not accurately represented the terms of their contract with BNSF to the public,” Westcott said.

“They have always said that passenger rail has to stop at Sapulpa.

“We now know, by the terms of their own contract, that is not accurate,” Westcott said.

But legislation at the state level could remove ODOT from the equation.

Last legislative session, House Bill 2180 was introduced that would create the Oklahoma Railways Commission and move oversight of both freight and passenger rail operations from ODOT into the newly-formed commission. The bill stalled out last year, but is set to be filed again this legislative session.

Westcott says enough interest from the public could help the bill pass.



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The public can also post comments about the proposed sale of the Sooner Sub line on ODOT's website, <http://www.odot.org/rail/sooner/data-room.php>, as well as read the entire 1998 Sooner Sub Sale Agreement.

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