



## Memorandum

**From:** Mayor Dewey F. Bartlett, Jr.

**To:** Councilor Jack Henderson – District 1  
Councilor Jeannie Cue – District 2  
Councilor David Patrick – District 3  
Councilor Blake Ewing – District 4  
Councilor Karen Gilbert – District 5  
Councilor Byron “Skip” Steele – District 6  
Councilor Arianna Moore – District 7  
Councilor Phil Lakin – District 8  
Councilor G.T. Bynum – District 9

**Subject:** Veto of Resolution

**Date:** March 3, 2014

As of this date, I am vetoing the attached Resolution dated February 6, 2014 for the following reasons:

1. As Mayor, I have a different opinion regarding opposition to the upcoming decision by the Oklahoma Department of Transportation insofar as the future use and/or ownership of their railroad right of way known as the Sooner Line. The Resolution indicates an opinion representing the “City of Tulsa” as opposed to an opinion being expressed by the Tulsa City Council. I would be agreeable to approve a Resolution expressing an opinion of the Tulsa City Council but not if the Resolution is attempting to express an opinion of the City of Tulsa as well as by me as Mayor of the City of Tulsa.
2. I do not agree that passenger trains will only become viable with continued ownership by ODOT. In my opinion, only private ownership or holding a long-term lease will potentially provide the necessary capital and assumption of risk to accomplish any semblance of passenger rail service for Tulsa.
3. I suggest that a new Resolution be considered – one that states that we encourage ODOT to use their best effort to encourage the development of passenger railway service between Tulsa and Oklahoma City during their negotiations regarding the railway line presently owned by ODOT.

If the Council has any questions about this matter, I would be happy to answer them.

Best regards,

Dewey F. Bartlett, Jr.

## RESOLUTION \_\_\_\_\_

**A RESOLUTION OF THE CITY OF TULSA URGING THE OKLAHOMA DEPARTMENT OF TRANSPORTATION AND THE STATE OF OKLAHOMA TO RETAIN OWNERSHIP OF THE SOONER SUBDIVISION RAIL LINE FOR CURRENT AND FUTURE PASSENGER RAIL TRANSPORTATION OPPORTUNITIES, AND FOR THE ECONOMIC AND QUALITY OF LIFE BENEFITS DERIVED THEREFROM, FOR THE CITIZENS, BUSINESSES, CITIES AND TOWNS OF THE STATE OF OKLAHOMA; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Oklahoma Department of Transportation (ODOT) is a multi-modal transportation agency whose mission is to provide a safe, economical and effective transportation network for the people, commerce and communities of Oklahoma; and

**WHEREAS**, the Sooner Subdivision Rail Line (Sooner Sub) is owned by the State of Oklahoma and is a part of the former Frisco Rail Line (Frisco Line) located between the great cities of Oklahoma City and Tulsa, Oklahoma; and

**WHEREAS**, the Frisco Line once served to provide valuable passenger rail transportation service and economic benefits for the citizens of Oklahoma by linking the cities of Oklahoma City and Tulsa together and with other cities outside the State of Oklahoma; and

**WHEREAS**, numerous cities across the United States, including the cities of Oklahoma City and Tulsa, have determined that local rail transit and intercity and interstate passenger rail transportation is a critical and necessary component of modern 21st Century multimodal transportation systems and a vital driver of economic development activity; and

**WHEREAS**, the 2014 Joint Legislative Agenda of the Greater Oklahoma City Chamber of Commerce and the Tulsa Metro Chamber of Commerce supports the continued study and development of passenger rail service between Tulsa and Oklahoma City to enhance connectivity throughout the region and serve as a catalyst for greater access to tourist attractions and destinations; and

**WHEREAS**, the Federal Railroad Administration (FRA) has designated the corridor between Oklahoma City and Tulsa as part of major passenger rail transportation corridor for the South Central United States; and

**WHEREAS**, on April 21, 2011, Oklahoma Governor Mary Fallin approved House Bill 1686 creating the Eastern Flyer Passenger Rail Development Task Force to study and develop a comprehensive plan for developing passenger rail service between Oklahoma City and Tulsa; and

**WHEREAS**, on December 7, 2012 the State of Oklahoma's Eastern Flyer Passenger Rail Development Task Force issued its final report setting forth a solid framework for moving forward with plans to institute passenger rail service between Oklahoma City and Tulsa; and

**WHEREAS**, in November 2012, ODOT commenced a major 2-year, \$5 million Passenger Rail Corridor Investment Plan Study that is funded by federal government and overseen by the FRA and includes preparation of a Service Development Plan and Environmental Impact Statement to determine a preferred alternative for establishing passenger rail service between Tulsa and Oklahoma City; and

**WHEREAS**, the Sooner Sub is under a long-term lease agreement between ODOT and South Kansas and Oklahoma Railroad (SKO), a division of Watco Companies (WATCO), for which the State of Oklahoma receives \$500,000 annually from SKO under the terms of the agreement; and

**WHEREAS**, SKO provides economically important freight rail service for numerous Oklahoma businesses along the Sooner Sub and has invested millions of dollars in rail infrastructure improvements along the line; and

**WHEREAS**, Iowa Pacific Holdings (IPH), in partnership with WATCO, has announced the initiation of trial passenger rail service for the Eastern Flyer on the Sooner Sub between Tulsa and Oklahoma City during February 2014; and

**WHEREAS**, IPH has announced that all 900 available tickets for the three initial Eastern Flyer passenger rail excursion trains between Tulsa and Oklahoma City have sold out; and

**WHEREAS**, ODOT has recently published a Request for Proposal on the Sale of the Sooner Subdivision and is soliciting bids through January 30, 2014 and intends to sell the Sooner Sub to the highest bidder; and

**WHEREAS**, numerous cities and towns throughout the State of Oklahoma and many of their residents and state legislators support development of passenger rail service between Oklahoma City and Tulsa and are opposed to ODOT's proposed sale of the Sooner Sub; and

**WHEREAS**, the City of Tulsa is opposed to ODOT's proposed sale of the Sooner Sub and believes its transfer to private industry would be detrimental to the development of affordable and effective passenger rail service between Oklahoma City and Tulsa.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY OF TULSA:**

**Section 1.** That the City of Tulsa urges the Oklahoma Department of Transportation and the State of Oklahoma to retain ownership of the Sooner Sub for current and future passenger rail transportation opportunities, and for the economic and quality of life

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benefits derived therefrom, for all of the citizens, businesses, cities and towns of the State of Oklahoma.

**Section 2.** That due to imminent action being taken by the Oklahoma Department of Transportation to sell the Sooner Sub line, an emergency is hereby declared to exist for the preservation of the public peace, health, safety, and welfare by reason whereof this Resolution shall take effect immediately upon its adoption and approval.

ADOPTED by the Council FEB 06 2014  
Date

Kam Billups  
Chairman of the Council

ADOPTED as an emergency measure FEB 06 2014  
Date

Kam Billups  
Chairman of the Council

OFFICE OF THE MAYOR

Received by the Mayor: \_\_\_\_\_, at \_\_\_\_\_  
Date Time

Dewey F. Bartlett, Jr., Mayor

By: \_\_\_\_\_  
Secretary

Vetoed

APPROVED by the Mayor of the City of Tulsa, Oklahoma: 3/3/2014  
Date

at 1:45 PM  
Time

Dewey F. Bartlett, Jr.  
Mayor

(Seal)  
ATTEST:



\_\_\_\_\_  
City Clerk

APPROVED:

\_\_\_\_\_  
City Attorney