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SERVICE DATE - MARCH 27, 1998

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-492 (Sub-No. 1X)]

Fillmore Western Railway Company--Abandonment Exemption--in Fillmore, Jefferson,  
Saline and Thayer Counties, NE

On March 9, 1998, Fillmore Western Railway Company (FWRY) filed with the Surface Transportation Board (Board) a corrected petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon the following lines of railroad: (1) the Bruning Line extending from railroad milepost 10.0 near Geneva, to railroad milepost 24.5 near Bruning; (2) the Daykin Line extending from railroad milepost 35.8 at East Strang Junction to railroad milepost 23.2/28.4 at Tobias and continuing to the end of the line at railroad milepost 36.2 at Daykin; and (3) the Shickley Line extending from railroad milepost 37.5 near West Strang Junction to railroad milepost 45.0 at Shickley, a total distance of 42.40 miles in Fillmore, Jefferson, Saline and Thayer Counties, NE.<sup>1</sup> The lines traverse U.S. Postal Service Zip Codes 68146, 68406, 68361, 68436, 68444, 68322, 68453 and 68338. The lines include the stations of Shickley (milepost 45.0), Bruning (milepost 24.5), Ohioa (milepost 29.8), Tobias (milepost 23.2/28.4), and Daykin

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<sup>1</sup> FWRY's original petition for exemption, filed January 26, 1998, included incorrect milepost designations. In an errata to its petition, FWRY corrected the milepost designations and amended the total mileage. Also, petitioner certified that it served corrected information in its environmental and historic reports to the proper parties and published the corrections in a newspaper of general circulation as required. The dates reflected in this notice are based on the date the errata was received, which is the official filing date.

(milepost 36.2).

The lines do not contain federally granted rights-of-way. Any documentation in FWRY's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in Oregon Short Line R. Co.--Abandonment--Goshen, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by June 26, 1998.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,000 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the lines, the lines may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than April 16, 1998. Each trail use request must be accompanied by a \$150 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-492 (Sub-No. 1X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001; and (2) T. Scott Bannister, 1300 Des Moines Bldg., 405 Sixth Ave., Des Moines, IA 50309.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning

environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1545. [TDD for the hearing impaired is available at (202) 565-1695.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Decided: March 17, 1998.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams

Secretary