

21209

Service Date -December 12, 1996

DO  
FR-4915-00-P

DEPARTMENT OF TRANSPORTATION  
Surface Transportation Board  
(S.B. Finance Docket No. 33299]

Fillmore Western Railway Company--Acquisition and Operation Exemption--Burlington Northern Railroad  
Company

Fillmore Western Railway Company (FWRY) has filed a verified notice of exemption under 49 CFR 1150.31:  
(1) to acquire and operate approximately 63.5 miles of rail line; and (2) to acquire incidental trackage rights over  
approximately 1 mile of rail line, a total of approximately 64.5 miles of rail line owned by the Burlington Northern  
Railroad Company and located in the State of Nebraska.<sup>1</sup>

The proposed transaction was to be consummated not sooner than November 25, 1996, the effective date of the  
exemption.

The lines involved in the acquisition are described as follows: Fairmont, Nebraska-Milligan, between milepost  
8.1 and milepost 23.0; Fairmont, Nebraska-Bruning, between milepost 1.7 and milepost 24.S; East Strang

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<sup>1</sup>FWRY has confirmed that the total route miles being acquired is 64.5 miles (rather than  
65.8 miles).

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The incidental trackage rights to be acquired are over a segment of track at Fairmont between milepost  
112.8 and milepost 113.8.

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.

An original and 10 copies of all pleadings, with the Surface Transportation Board, Office of the  
Secretary, Case Control Branch, 1201 Constitution Avenue, NW Washington, DC 20423 and  
served on : T. Scott Bannister, 1300 Des Moines Building, 405 6<sup>th</sup> Avenue, Des, Iowa 50309.

Junction, Nebraska-Tobias, Nebraska-Daykin, between milepost 17.9 at East Strang Junction and milepost 23.2/28.4 at Tobias, and on to milepost 36.2 at Daykin; and, West Strang Junction, Nebraska-Shickley, between Milepost 17.9 at East Strang Junction and milepost 23.2/28.4 at Tobias, and on to milepost 36.2 at Daykin, and West Strang Junction, Nebraska- Shickley, between milepost 37.5 and milepost 45.0.

Decided: December 4, 1996

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

Vernon A. Williams

Secretary