

215280

AB-6 SUB No. 434V

# AFFIDAVIT OF PUBLICATION

State of Montana }  
COUNTY OF FERGUS }

Oron L. Jacobs, being duly sworn deposes and says: That he is the Publisher of the Lewistown News-Argus, a newspaper of general circulation, printed and published in Lewistown, Fergus County, Montana, and that the notice hereunto annexed:

## NOTICE OF INTENT TO ABANDON

**NOTICE OF INTENT TO ABANDON**  
The BNSF Railway Company gives notice that on or after November 17, 2005, it intends to file with the Surface Transportation Board, Washington, DC, 20423, an abandonment notice of exemption under 49 CFR 1152 Subpart F -- except Abandonment, permitting the abandonment of the continuance of service on 21.25 miles of railroad line between railroad milepost M.P. 9.50 near Moor, Montana to M.P. 28.35 near Lewisford, Montana and the 1.30 mile Berg Lumber Spur (Milepost 0.00 - Milepost 1.30) and the Heath Spur (Milepost 0.00 - Milepost 1.10), which line segment traverses through United States Postal Zip Codes 59157 and 59164 in Fergus County, Montana. This proceeding will be docketed as No. AB-6 (Sub-No. 434V).  
The Board's Section of Environmental Analyses (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-565-1538.  
Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001 (See 49 CFR 1152.99 and 1104.12(a)), and one copy must be served on applicant's representative (See 49 CFR 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative Michael Smith, Freaborn & Peters, 211 S. Wacker Drive, Suite 3090, Chicago, Illinois 60606-6677 telephone (312) 360-6724.  
Publish: (November 9, 2005)

has been published in regular and entire issues of every number of said paper once a week for 1 consecutive weeks, commencing on the 9 day of NOVEMBER, 20 05 and ending on the 9 day of NOVEMBER, 20 05.

*Oron L. Jacobs*

SUBSCRIBED AND SWORN TO before me this 9 day of NOVEMBER, 20 05.

*Jana A. Joller*  
Notary Public for the State of Montana, residing at Lewistown.

My Commission expires August 15, 2006

ENTERED  
Office of Proceedings  
DEC 5 2005  
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Public Record

# Freeborn & Peters

Attorneys at Law

311 South Wacker Drive  
Suite 3000  
Chicago, IL 60606-6677  
312.360.6000  
Fax 312.360.6520

## FAX COVER SHEET

**PLEASE DELIVER TO**

**Vernon Williams**  
The Surface Transportation Board  
(202) 565-9002

**DATE**

December 2, 2005

**TIME**

**TOTAL PAGES WITH COVER**

2

**CLIENT/MATTER NO.**

-

**SENT FROM**

Brian Nettles  
direct dial: 312.360.6336  
return fax: 312.360.6596



**MESSAGE**

Enclosed is the newspaper notice from the Moore, MT to Lewistown, MT abandonment, AB-6 (Sub-No. 434X).

**OTHER OFFICES**

217 East Monroe Street  
Suite 101  
Springfield, IL 62701-1147  
217.535.1060  
Fax 217.535.1069

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