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THOMAS F. MCFARLAND

September 2, 2004

By UPS overnight mail

Vernon A. Williams, Secretary
Surface Transportation Board
Case Control Unit, Suite 713
1925 K Street, N.W.
Washington, DC 20423-0001

FILED
SEP - 3 2004
SURFACE
TRANSPORTATION BOARD



211943

Re: Finance Docket 34546, *Western Rail Switching, Incorporated -- Operation Exemption -- Rail Line of Spokane County, Washington near Airway Heights, WA*

Dear Mr. Williams:

Enclosed please find an original and 10 copies of Verified Notice of Exemption Under 49 C.F.R. § 1150.31, for filing with the Board in the above referenced matter.

Also enclosed is Western Rail, Inc.'s check #10437 for \$1,400 for the filing fee and a diskette containing the Notice of Exemption in Word Perfect 8.0 format.

FILE RECEIVED
SEP - 3 2004
SURFACE
TRANSPORTATION BOARD

Very truly yours,

Tom McFarland

Thomas F. McFarland
*Attorney for Western Rail
Switching, Incorporated*

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ENTERED
Office of Proceedings
SEP - 3 2004
Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

WESTERN RAIL SWITCHING,)
INCORPORATED -- OPERATION) FINANCE DOCKET
EXEMPTION -- RAIL LINE OF) NO. 34546
SPOKANE COUNTY, WASHINGTON)
NEAR AIRWAY HEIGHTS, WA)



211943

VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1150.31

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TRANSPORTATION BOARD

WESTERN RAIL SWITCHING, INCORPORATED
11610 W. McFarlane Road
Airway Heights, WA 99001

Applicant

ENTERED
Office of Proceedings

SEP - 3 2004

Part of
Public Record

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1112
(312) 236-0204

Attorney for Applicant

DATE FILED: September 3, 2004

BEFORE THE
SURFACE TRANSPORTATION BOARD

WESTERN RAIL SWITCHING,	)	
INCORPORATED -- OPERATION	)	FINANCE DOCKET
EXEMPTION -- RAIL LINE OF	)	NO. 34546
SPOKANE COUNTY, WASHINGTON	)	
NEAR AIRWAY HEIGHTS, WA	)	

**VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1150.31**

Pursuant to 49 U.S.C. § 10502(a) and 49 C.F.R. § 1150.31, *et. seq.*, WESTERN RAIL SWITCHING, INCORPORATED (WRS), a noncarrier, hereby files this notice of exemption for its operation of a rail line owned by Spokane County, Washington (the County), commonly known as the Geiger Spur. The line extends between a point of connection with Burlington Northern and Santa Fe Railway Company at Milepost 0.00 near Fairchild Air Force Base (also known as Milepost 1493.95 on BNSF's Columbia River Subdivision) and Milepost 4.93 on the Geiger Spur near Airway Heights, a distance of 4.93 miles in Spokane County, WA.

RELATED TRANSACTION

WRS proposes to operate the Geiger Spur pursuant to an operating agreement with the County. Simultaneously, in STB Finance Docket No. 34541, *Spokane County - Acquisition Exemption - Burlington Northern and Santa Fe Railway Company*, the County is obtaining an exemption for its acquisition of the Geiger Spur from BNSF.

INFORMATION REQUIRED BY 49 C.F.R. § 1150.33

In accordance with Board regulations at 49 C.F.R. § 1150.33, WRS submits the following information in support of this notice of exemption.

(a) *The full name and address of the applicant;*

The full name and address of applicant is Western Rail Switching, Incorporated, 1160 W. McFarlane Road, Airway Heights, WA 99001.

(b) *The name, address, and telephone number of the representative of the applicant who should receive correspondence;*

Applicant's representative to receive correspondence is Thomas F. McFarland, Thomas F. McFarland, P.C. 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112, (312) 236-0204.

(c) *A statement that an agreement has been reached or details about when an agreement will be reached;*

An agreement between WRS and the County has been reached for WRS's operation of the Geiger Spur.

(d) *The operator of the property;*

WRS will be the operator.

(e) *A brief summary of the proposed transaction, including:*

(1) *The name and address of the railroad transferring the subject property to the applicant;*

The owner of the Geiger Spur who has agreed to WRS's operation is Spokane County-Division of Engineering and Roads, 1026 West Broadway Avenue, Spokane, WA 99260-0170.

(2) *The proposed time schedule for consummation of the transaction;*

Operation of the line by WRS will commence no earlier than seven days after the filing of this notice of exemption.

(3) *The mileposts of the subject property, including any branch lines;*

The Geiger Spur extends between a point of connection with Burlington Northern and Santa Fe Railway Company at Milepost No. 0.00 near Fairchild Air Force Base (also known as Milepost 1493.95 on BNSF's Columbia River Subdivision) and Milepost 4.93 on the Geiger Spur near Airway Heights, a distance of 4.93 miles in Spokane County, WA.

(4) *The total route miles being operated;*

There are a total of approximately 4.93 miles of rail line that would be operated.

(f) *A map that clearly indicates the area to be served, including origins, termini, stations, cities, counties, and states;*

A map of the Geiger Spur is attached as Appendix 1.

(g) *A certificate that applicant's projected revenues as a result of the transaction will not result in the creation of a Class II or Class I rail carrier so as to require processing under § 1150.45.*

WRS so certifies. See verification attached as Appendix 2.

VERIFICATION

.See Appendix 2.

ENVIRONMENTAL AND HISTORIC CONSIDERATIONS

The proposed operation does not require environmental or historic reporting or assessment. See 49 C.F.R. § 1105.6(c)(2)(i) and 49 C.F.R. § 1105.8(b)(1).

LABOR PROTECTION

Pursuant to 49 U.S.C. § 10902(d), labor protection requirements do not apply to this transaction.

CAPTION SUMMARY

The caption summary required by 49 C.F.R. § 1150.34 is attached hereto as Appendix 3.

CONCLUSION AND REQUESTED RELIEF

WHEREFORE, within 30 days of the filing of this notice, the Director of the Office of Proceedings should publish a notice in the Federal Register of the filing of this notice. *See* 49 C.F.R. § 1150.32(b).

Respectfully submitted,

WESTERN RAIL SWITCHING, INCORPORATED
11610 W. McFarlane Road
Airway Heights, WA 99001

Applicant

Thomas F. McFarland

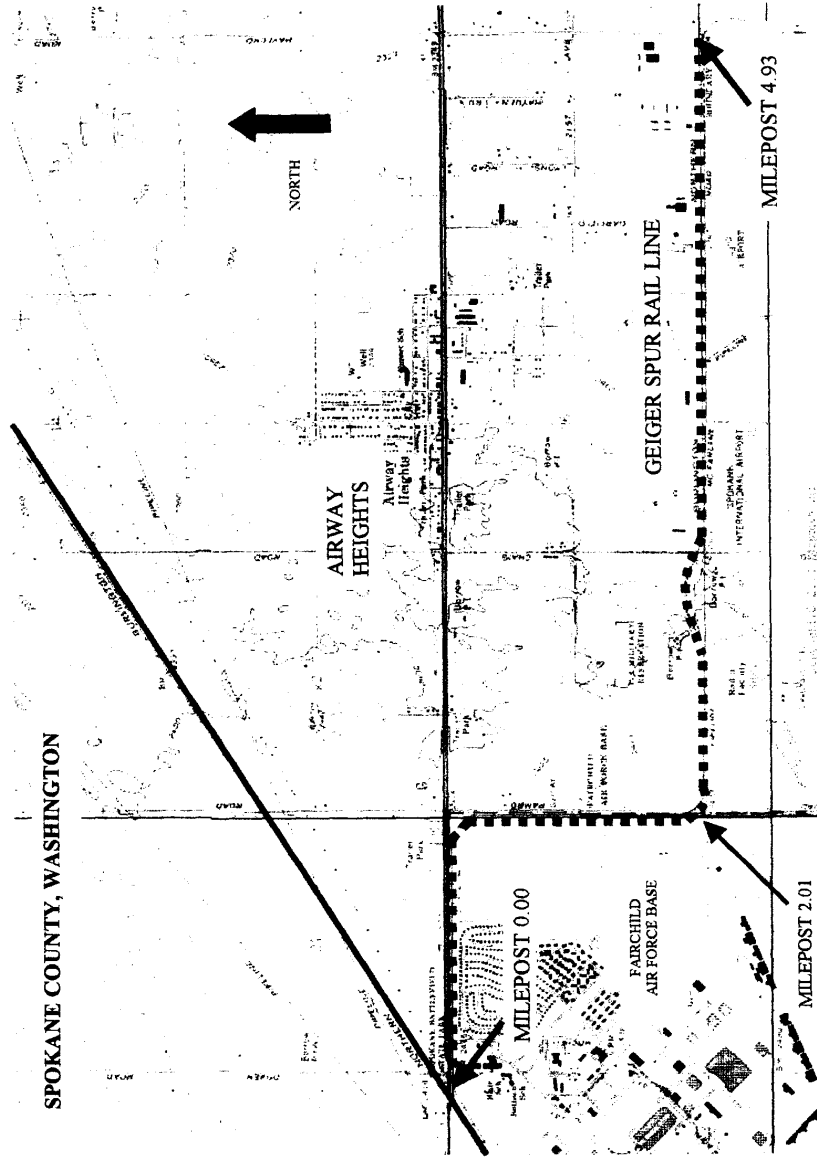
THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1112
(312) 236-0204

Attorney for Applicant

DATE FILED: September 3, 2004

MAP OF GEIGER SPUR RAIL LINE

SPOKANE COUNTY, WASHINGTON



Appendix 2

VERIFICATION

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

THOMAS F. McFARLAND, being duly sworn on oath, deposes and states that he has read the foregoing notice, that he knows the contents thereof, and that the facts therein stated are true and correct. Thomas F. McFarland certifies that the projected revenues as a result of the proposed operation will not result in the creation of a Class II or Class I rail carrier.



Thomas F. McFarland
THOMAS F. McFARLAND

SUBSCRIBED AND SWORN to
before me this 3rd day
of September, 2004.

Kathleen Lenihan
Notary Public

My Commission Expires: 1/29/2006

CAPTION SUMMARY

F.D. No. 34546

SURFACE TRANSPORTATION BOARD

Appendix 3

Notice of Exemption

STB Finance Docket No. 34546

*Western Rail Switching, Incorporated --
Operation Exemption -- Rail Line of Spokane County,
Washington near Airway Heights, WA*

Western Rail Switching, Incorporated (WRS), a noncarrier, has filed a notice of exemption to operate the following rail line owned by Spokane County, Washington, commonly known as the Geiger Spur: extending between a point of connection with Burlington Northern and Santa Fe Railway Company at Milepost 0.00 near Fairchild Air Force Base (also known as Milepost 1493.95 on BNSF's Columbia River Subdivision) and Milepost 4.93 on the Geiger Spur near Airway Heights, a distance of 4.93 miles in Spokane County, WA.

The above rail line to be operated totals approximately 4.93 miles.

Comments must be filed with the Board and served on WRS's representative, Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112, 312-236-0204.

The notice is filed under 49 C.F.R. § 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. The filing of a petition to revoke will not automatically stay the transaction.

By the Board
Vernon A. Williams, Secretary