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ORIGINAL

THOMAS F. MCFARLAND

October 27, 2003

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

FEE RECEIVED

OCT 28 2003

SURFACE
TRANSPORTATION BOARD



Re: Finance Docket No. 34349, *Wallowa-Union Railroad Authority -- Acquisition and Operation Exemption -- Rail Line of Wallowa County, Oregon, between Elgin and Joseph, OR*

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 Wallowa Union Railroad Authority's check #195 in the amount of \$1,400 for the filing fee.

Kindly acknowledge receipt by date stamping the enclosed duplicate copy of this letter and return in the self-addressed stamped envelope.

FILED

OCT 28 2003

SURFACE
TRANSPORTATION BOARD

Very truly yours,

Tom McFarland

Thomas F. McFarland
Attorney for Applicant

ENTERED
Office of Proceedings

OCT 28 2003

Part of
Public Record

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BEFORE THE
SURFACE TRANSPORTATION BOARD

209226

WALLOWA-UNION RAILROAD)
AUTHORITY -- ACQUISITION AND) FINANCE DOCKET
OPERATION EXEMPTION -- RAIL LINE) NO. 34349
OF WALLOWA COUNTY, OREGON,)
BETWEEN ELGIN AND JOSEPH, OR)
)

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

WALLOWA-UNION RAILROAD AUTHORITY
MIKE BAGWELL, President
P.O. Box 310
Enterprise, OR 97828
(541) 426-9877

Applicant

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: October 28, 2003

BEFORE THE
SURFACE TRANSPORTATION BOARD

WALLOWA-UNION RAILROAD	)	
AUTHORITY -- ACQUISITION AND	)	FINANCE DOCKET
OPERATION EXEMPTION -- RAIL LINE	)	NO. 34349
OF WALLOWA COUNTY, OREGON,	)	
BETWEEN ELGIN AND JOSEPH, OR	)	
	)	

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

Pursuant to the class exemption codified at 49 C.F.R. § 1150.31, *et seq.*, WALLOWA-UNION RAILROAD AUTHORITY (the Authority), a noncarrier, hereby files this verified notice of exemption from the prior approval requirements of 49 U.S.C. § 10901 for its acquisition from WALLOWA COUNTY, OREGON, and operation of a line of railroad that extends between Milepost No. 21.0 at or near Elgin and Milepost 83.58 at or near Joseph, a distance of 62.58 miles in Wallowa and Union Counties, Oregon (Joseph rail line).^{1/}

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

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

Applicant is Wallowa-Union Railroad Authority, P.O. Box 310, Enterprise, OR 97828.

Applicant is an intergovernmental entity created by Wallowa County and Union County under Oregon law.

^{1/} Wallowa County, Oregon acquired that rail line in 2002. *See Wallowa County, Oregon -- Acquisition and Operation Exemption -- Rail Line of Idaho Northern & Pacific Railroad Company between Elgin and Joseph, OR*, STB Finance Docket No. 34214, notice of exemption served June 17, 2002 (not printed).

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

Applicant's representatives 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 has been reached regarding conveyance and operation of the rail line.

- (d) *The operator of the property;*

The Authority will be the operator of the property.^{2/}

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

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

The transferor is Wallowa County, Oregon, 101 South River Street, Enterprise, OR 97828.

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

The transaction is to be consummated not earlier than seven days after the filing of this notice at the Board.

- (3) *The mile-posts of the subject property, including any branch lines, and*

The rail line extends between Milepost No. 21.0 at or near Elgin, OR and Milepost No. 83.58 at or near Joseph, OR.

- (4) *The total route miles being acquired;*

A total of 62.58 route miles is being acquired.

^{2/} The rail line is being operated by Idaho, Northern & Pacific Railroad Company pending its operation by the Authority. See notice of exemption in Finance Docket No. 34214, referred to in note 1, *supra*.

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

The required map is attached to this notice as Appendix 1.

- (g) *A certificate that applicant's projected revenues do not exceed those that would qualify it as a Class III carrier, and that such revenues would not exceed \$5 million per year.*

The required certificate is attached to this notice as Appendix 2.

CAPTION SUMMARY

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

ENVIRONMENTAL AND HISTORIC REPORTING NOT REQUIRED

Pursuant to 49 C.F.R. § 1105.6(c)(2)(i) and 49 C.F.R. § 1105.8(b)(1), no environmental or historical reporting is required in conjunction with this matter.

NO LABOR PROTECTION CONDITIONS

Pursuant to 49 U.S.C. § 10901(c), no labor protection conditions are to be imposed in this matter.

CONCLUSION AND REQUESTED RELIEF

WHEREFORE, the Board should publish a notice of the filing of this exemption in the Federal Register within 30 days of such filing in accordance with 49 C.F.R. § 1150.32(b).

Respectfully submitted,

WALLOWA-UNION RAILROAD AUTHORITY
MIKE BAGWELL, President
P.O. Box 310
Enterprise, OR 97828
(541) 426-9877

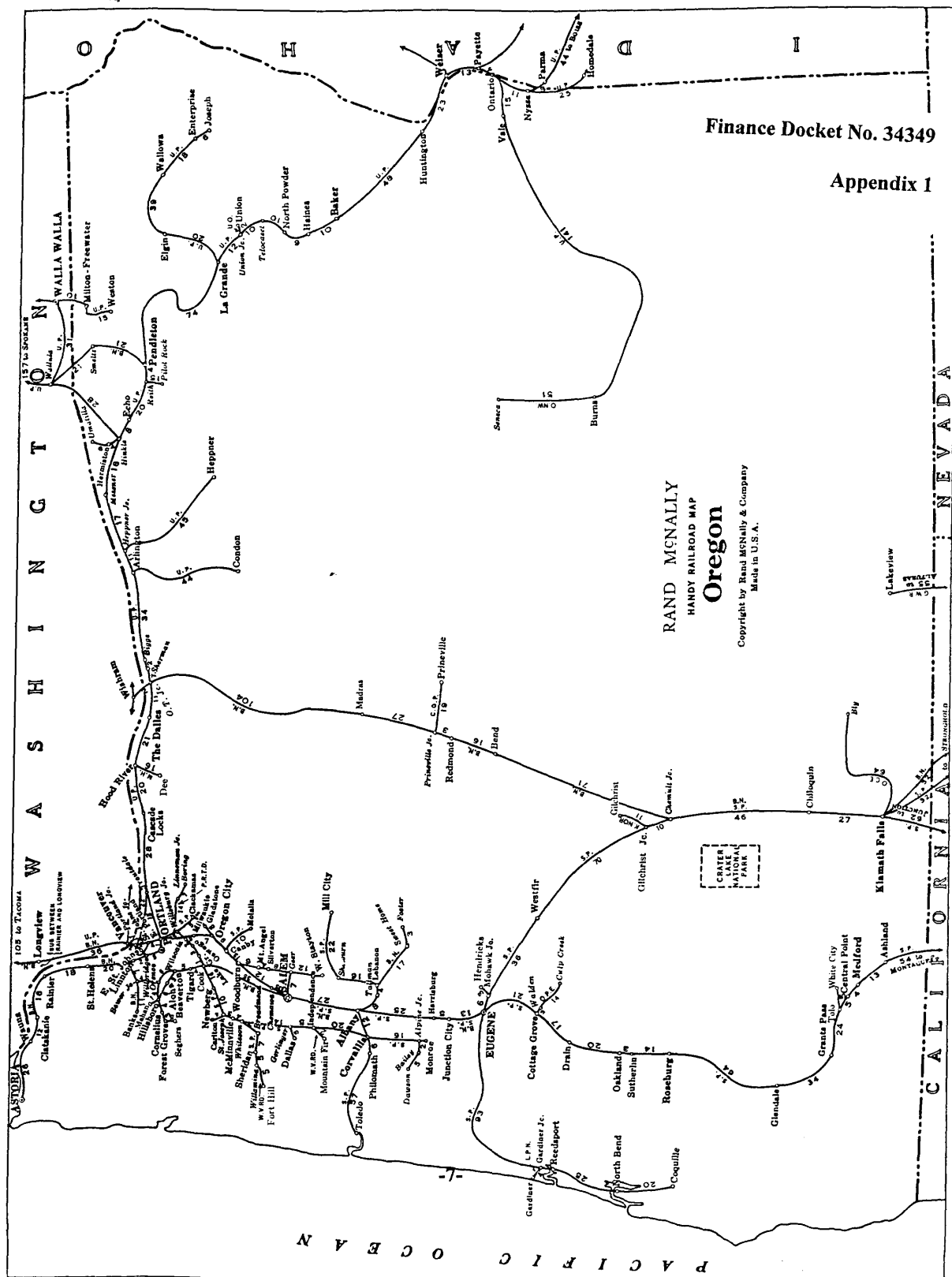
Applicant

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: October 28, 2003



Finance Docket No. 34349

Appendix 1

RAND McNALLY
HANDY RAILROAD MAP
Oregon

Copyright by Rand McNally & Company
Made in U.S.A.

Appendix 2

CERTIFICATION UNDER 49 C.F.R. § 1150.33(g)

Wallowa-Union Railroad Authority hereby certifies under 49 C.F.R. § 1150.33(g), that the projected revenues from the operation proposed in this matter do not exceed those that would qualify it as a Class III rail carrier, and that such revenues will not exceed \$5 million annually.



Thomas F. McFarland
Thomas F. McFarland
Authorized Representative of
Wallowa-Union Railroad Authority

SUBSCRIBED and SWORN to
before me this 27th day of
October, 2003.

Kathleen Lenihan
Notary Public

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

Notice of Exemption

FINANCE DOCKET NO. 34349,

***WALLOWA-UNION RAILROAD AUTHORITY
-- ACQUISITION AND OPERATION EXEMPTION --
RAIL LINE OF WALLOWA COUNTY, OREGON,
BETWEEN ELGIN AND JOSEPH, OR***

Wallowa-Union Railroad Authority (the Authority), a noncarrier, has filed a Notice of Exemption to acquire from Wallowa County, Oregon, and operate a rail line extending between Milepost 21.0 at or near Elgin and Milepost 83.58 at or near Joseph, a distance of 62.58 miles in Wallowa and Union Counties, OR. Comments must be filed with the Board and be served on the Authority'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*. 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.

By the Board

(SEAL)

Vernon A. Williams, Secretary

Appendix 4

VERIFICATION

STATE OF ILLINOIS)
)
COUNTY OF COOK)

Thomas F. McFarland, being duly sworn, states that he is attorney for Wallowa-Union Railroad Authority (the Authority); that he is familiar with the factual allegations made in the foregoing Notice of Exemption in behalf of the Authority; and that such allegations are true as stated.

Thomas F. McFarland

Thomas F. McFarland



SUBSCRIBED and SWORN to
before me this 27th day of
October, 2003.

Kathleen Lenihan

Notary Public