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SEP 14 2004

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August 30, 2004

Vernon A Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

FILE

SEP 14 2004

SURFACE

TRANSPORTATION BOARD



FILED
FEE
WAIVED

RE: STB Finance Docket No. 34541, Spokane County—Acquisition Exemption —
Burlington Northern Santa Fe Railway Company

Dear Secretary Williams,

Enclosed please find original and 10 copies of Verified Notice of Exemption under 49 CFR 1150.41, and one 3.5" disk formatted in Microsoft Word 2000 for the above referenced matter.

We are also enclosing request for waiver of the filing fee under 49 CFR 1002.2 (b) as a local government entity. Under 49 CFR 1002.2(e)(1) Spokane County meets the waiver criteria as a "local government entity". We are submitting the request for fee waiver per 49 CFR 1002.2(e)(2)(i) concurrently with this filing for Acquisition Exemption./

Please time and date stamp the enclosed duplicate copy of this letter for our records and return it in the envelope provided.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin Rollins".

Martin Rollins

Attorney for Spokane County Engineering and Roads

Enclosures:

- p. 3 -----Filing Fee Waiver Request
- p. 4 -----Verified Notice of Exemption
- p. 9 -----Exhibit A, Map of Rail Line
- p. 10-----Exhibit B, Revenue Certification
- p. 11-----Exhibit C, Caption Summary
- p. 12-----Verification

S P O K A N E C O U N T Y
DIVISION OF ENGINEERING AND ROADS A DIVISION OF THE PUBLIC WORKS DEPARTMENT

August 30, 2004

Vernon A Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

RE: STB Finance Docket No. 34541, Spokane County—Filing Fee Waiver request for
Acquisition Exemption —Burlington Northern Santa Fe Railway Company

Dear Secretary Williams,

This letter serves to request a filing fee waiver under 49 CFR 1002.2(e)(1) as a local government entity. Spokane County, a local government entity, will be acquiring a rail line commonly known as the “Geiger Spur” which serves rail shippers and receivers in the Airway Heights, Washington area. We are submitting this request concurrently with the attached Acquisition Exemption as outlined in 49 CFR 1002.2(e)(1)(i).

Sincerely,



Martin Rollins

Attorney for Spokane County Engineering and Roads

Enc: Acquisition Exemption for Rail Line

SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 34541

Spokane County

--Acquisition Exemption --

Burlington Northern Santa Fe Railway Company

Verified Notice of Exemption

Pursuant to 49 U.S.C. 10902 and C.F.R. 1150.41 et seq.

Submitted by:

Martin Rollins

Spokane County Prosecuting Attorney's Office

Civil Division

1115 W. Broadway Ave.

Spokane, WA 99260

(509) 477-3662

Spokane County, a class III rail carrier with annual revenues of less than \$5 million has filed a notice of exemption to acquire Burlington Northern Santa Fe's line commonly known as the "Geiger Spur" from Milepost 1493.95 on its Columbia River Subdivision to Milepost 4.93 on the

Geiger Spur. This rail line currently serves 9 shippers and/or receivers in the Airway Heights, Washington area. Comments must be filed with the Board and served on Martin Rollins, Spokane County Prosecuting Attorney's Office, Civil Division, 1115 W. Broadway Avenue, Spokane, WA 99260, (509) 477-3662.

This Verified Notice of Exemption is filed under 49 C.F.R. Part 1150, Subpart E, *Exempt Transactions Under 49 U.S.C. 10902 for Class III Rail Carriers*.

Section 1150.43 Information to be contained in notice for small line acquisitions.

(a) The full name of the Class III rail carrier applicant.

Spokane County Division of Engineering and Roads
1026 W. Broadway Avenue
Spokane, WA 99260-0170

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

Martin Rollins
Spokane County Prosecuting Attorney's Office
Civil Division
1115 West Broadway Avenue
Spokane, WA 99260
(509) 477-3662

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

An agreement between Spokane County and BNSF has been reached and will be effective on October 1, 2004.

(d) The Operator of the property.

Western Rail Switching, Incorporated will operate the property as soon as they receive authority. They will be filing a separate notice for operation with the Board.

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

(1) The name and address of the railroad transferring the subject property to the Class III rail carrier applicant.

The Burlington Northern Santa Fe Railway Company
2500 Lou Menk Drive
Fort Worth, TX 76131

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

Spokane County plans to acquire the rail line known as the Geiger Spur on
October 1, 2004.

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

Spokane County's rail line acquisition includes the line commonly known as the "Geiger Spur" from Milepost 1493.95 on its Columbia River Subdivision to Milepost 4.93 on the Geiger Spur.

(4) The total route miles being acquired.

Spokane County is acquiring 4.93 route miles.

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

See Exhibit A

(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 Sec. 1150.45.

Spokane County hereby certifies that Spokane County's projected revenues as a result of this transaction will be less than \$5,000,000 annually, and will not result in the creation of a Class II or Class I rail carrier. A certificate complying with the provisions of 49 C.F.R. 1150.43 (g) is attached as Exhibit B to this notice.

(h) A Caption Summary is attached to this Notice as Exhibit C

(i) Pursuant to 49 C.F.R. 1105.6(c)(2) no environmental documentation is required by the action described in this notice

(j) Pursuant to 49 C.F.R. 1105.8(b)(1) no historic report is required by the action described in this Notice.

(k) The action described in this Notice does not affect land or water uses within a state coastal zone designated pursuant to the Coastal Zone Management Act.

(l) Pursuant to 49 U.S.C. 10902(d) no labor protection is required by the action described in this Notice.

(m) All affected shippers will be served with a copy of this Notice.

EXHIBIT A- MAP OF GEIGER SPUR RAIL LINE

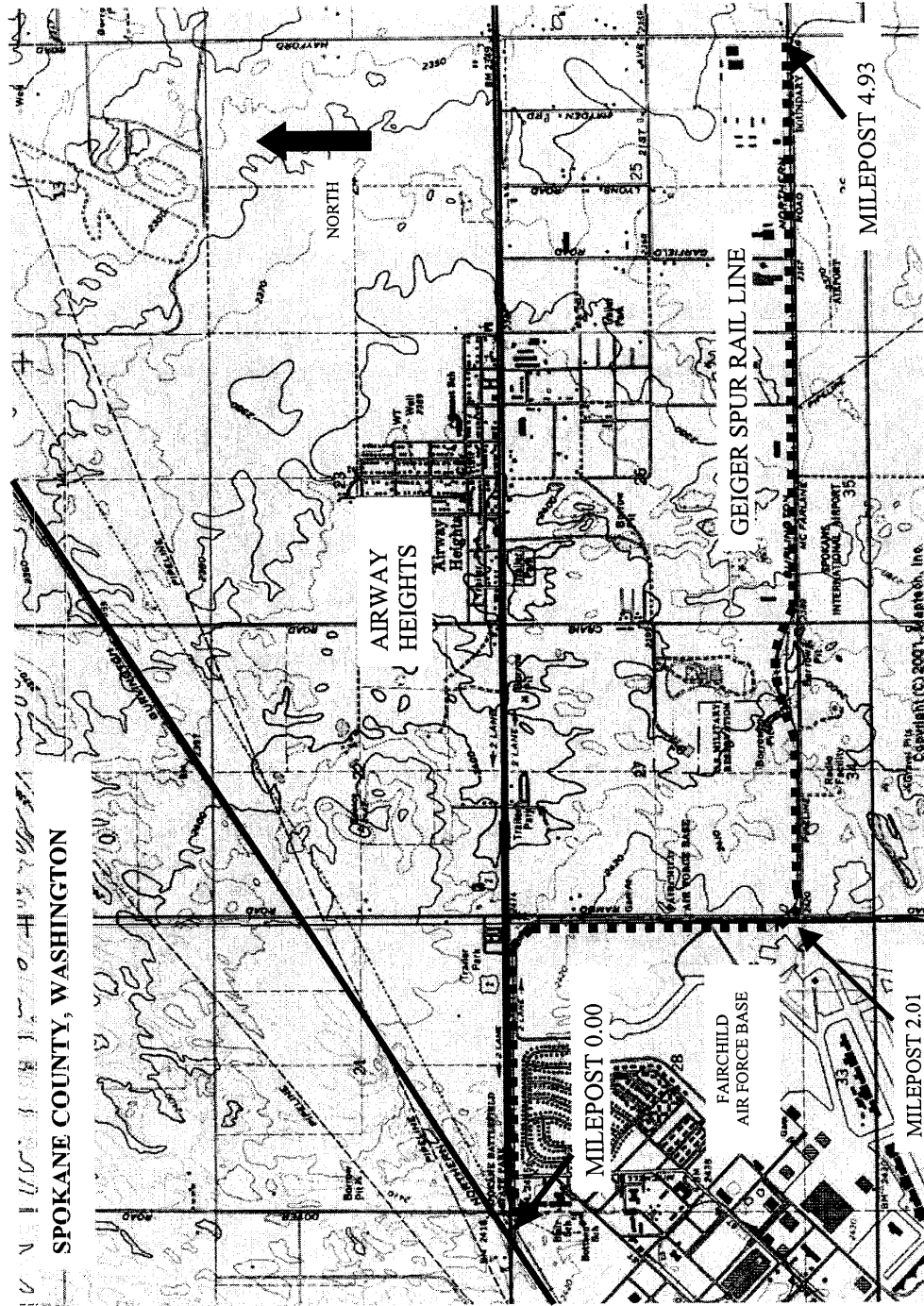
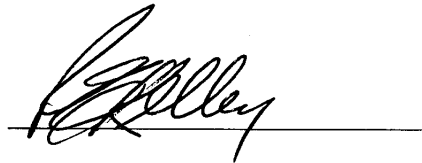


EXHIBIT B

CERTIFICATION - 49 C.F.R. 1150.43(g)

In Accordance with 49 C.F.R. 1150.43(g), I hereby certify that the projected annual revenues for the Rail Line commonly known as the "Geiger Spur" will not result in the Geiger Spur Rail Line in becoming a Class II or Class I rail carrier. I further certify that the projected annual revenue of the Geiger Spur Rail Line will not exceed \$5 Million.

A handwritten signature in black ink, appearing to read "R. Kelley", is written over a horizontal line.

Ross E. Kelley

Spokane County Engineer

Dated 8/30/04

EXHIBIT C
CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

Notice of Exemption

STB Finance Docket No. 34541

Spokane County—Acquisition Exemption —Burlington Northern Santa Fe Railway Company

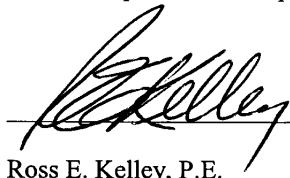
Spokane County, a class III rail carrier has filed a notice of exemption to acquire Burlington Northern Santa Fe's line commonly known as the "Geiger Spur" from Milepost 1493.95 on its Columbia River Subdivision to Milepost 4.93 on the Geiger Spur. Comments must be filed with the Board and served on Martin Rollins, Spokane County Prosecuting Attorney's Office, Civil Division, 1115 W. Broadway Avenue, Spokane, WA 99260, (509) 477-3662.

This Notice is filed under 49 C.F.R. 1150.41. 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

VERIFICATION

STATE OF WASHINGTON)
) ss.
COUNTY OF SPOKANE)

I, Ross E. Kelley, verify under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Acquisition Exemption Notice.



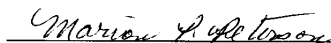
Ross E. Kelley, P.E.

Spokane County Engineer

Subscribed and Sworn to before me this 30 day of August, 2004 in the County of Spokane,
State of Washington.

My Commission Expires: 12-1-05





Notary Public