

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE NOTICE OF)	CASE NO. EIR-R-18-01
EASTERN IDAHO RAILROAD LLC FOR)	
APPROVAL TO ABANDON A FIVE-MILE)	NOTICE OF
SECTION OF ITS RAIL LINE IN)	PROPOSED ABANDONMENT
FREMONT COUNTY, IDAHO)	
)	NOTICE OF
)	TELEPHONIC HEARING
)	
)	ORDER NO. 34087
)	

On May 7, 2018, the Commission received correspondence from Eastern Idaho Railroad LLC (EIRR) proposing to abandon a five-mile section of its rail line in Fremont County, Idaho. In its letter to the Commission, EIRR stated its intent to abandon the rail line located between Milepost 28.80, at Egin, and Milepost 33.80 at Parker, in Fremont County, Idaho. According to EIRR, the line does not contain federally granted right of way, and has not been used for over two years. The Company also submitted a map of the affected area. The Company stated its intent of filing with the Surface Transportation Board (STB) on May 17, 2018.

Although the authority to grant or deny abandonment rests with the STB and is governed by federal law, the Commission has an obligation under state law to hold a public hearing regarding the abandonment, and to represent the State in STB abandonment proceedings if deemed necessary. *Idaho Code* § 62-424 provides that the “commission shall schedule a public hearing on the proposed abandonment.” The purpose of the hearing is for the Commission to determine whether the abandonment would: (1) adversely affect the area being served; (2) impair the access of Idaho shippers to vital goods and markets; and (3) whether the rail line has a potential for profitability. If the Commission finds that the abandonment would be adverse to the public interest, then it may represent the State in the STB abandonment proceeding. *Idaho Code* § 62-424(2).

NOTICE OF PROPOSED ABANDONMENT

YOU ARE HEREBY NOTIFIED that EIRR has filed a Notice of Intent to File a Notice of Exemption with the Commission. The Company states that the rail line subject to abandonment “have had no local traffic for at least 2 years and where any overhead traffic can be rerouted, [and that no] local or overhead traffic has moved over the Line for over 2 years.” EIRR Correspondence at 1. The five-mile section of line subject to abandonment:

is located between Milepost 28.80, at Egin, and Milepost 33.80 in Parker, Fremont County, Idaho. The Line traverses U.S. Zip Codes 83445 and 83438.

Id. The Company stated that any “documentation in EIRR’s possession will be made available promptly to those requesting it.” *Id.*

YOU ARE FURTHER NOTIFIED that EIRR has stated its intent to file a Notice of Exemption with the STB. The exemption process allows railroads to abandon rail lines if the abandonment is of limited scope and does not adversely affect national rail policy. 49 U.S.C. §§ 10502 and 10101. Under STB procedures, once the exemption is filed, the STB will publish a notice in the Federal Register within 20 days. Unless stayed, the Railroad may then abandon the rail line 30 days after the notice is published in the Federal Register.

NOTICE OF TELEPHONIC HEARING

YOU ARE FURTHER NOTIFIED that the Commission has scheduled a telephonic hearing in this matter to commence at **10:00 AM (MDT) ON JUNE 28, 2018, IN THE COMMISSION HEARING ROOM, 472 WEST WASHINGTON STREET, BOISE, IDAHO.** Persons wishing to offer their testimony telephonically or listen to the proceedings may dial **1-800-920-7487** at the designated time, and enter the **passcode 6674832#** when prompted.

The purpose of the hearing is to take public testimony as to whether the abandonment of the five-mile section of rail line would be adverse to Idaho’s public interest. The railroad, any shipper, local government leaders, and any other interested persons are encouraged to testify.

YOU ARE FURTHER NOTIFIED that all hearings will be conducted in accordance with the Commission’s Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

YOU ARE FURTHER NOTIFIED that the Railroad's notice to the Commission is available for public inspection during regular business hours at the Commission offices, or on the Commission's Website at www.puc.idaho.gov by clicking on "File Room," then "Rail Cases."

YOU ARE FURTHER NOTIFIED that all hearings in this matter will be held in facilities meeting the accessibility requirements of the Americans with Disabilities Act (ADA). Persons needing the help of a sign language interpreter or other assistance in order to participate in or to understand testimony and argument at a hearing may ask the Commission to provide a sign language interpreter or other assistance at the hearing. The request for assistance must be received at least five (5) working days before the hearing by contacting the Commission Secretary at:

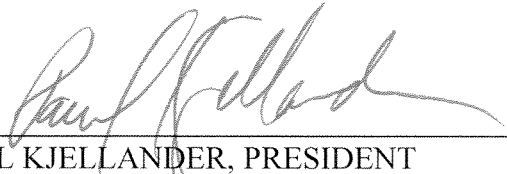
IDAHO PUBLIC UTILITIES COMMISSION
PO BOX 83720
BOISE, IDAHO 83720-0074
(208) 334-0338 (Telephone)
(208) 334-3762 (FAX)
E-Mail: secretary@puc.idaho.gov

YOU ARE FURTHER NOTIFIED that the Commission has jurisdiction over this matter pursuant to *Idaho Code* § 62-424. The Commission may enter any final Order consistent with its authority under Titles 61 and 62.

ORDER

IT IS HEREBY ORDERED that the Commission shall convene a public telephonic hearing in this matter as set out above.

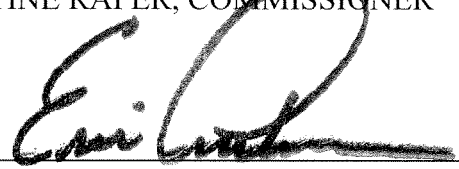
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 19th
day of June 2018.



PAUL KJELLANDER, PRESIDENT




KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian
Commission Secretary

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