Office of the Secretary Service Date June 8, 2004

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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IN THE MATTER OF GREAT NORTHWEST RAILROAD'S INTENT TO ABANDON THE JAYPE BRANCH LINE LOCATED IN CLEARWATER COUNTY, IDAHO.

CASE NO. GNW-R-04-1

NOTICE OF INTENT TO ABANDON A RAIL LINE

NOTICE OF HEARING

On or about May 1, 2004, the Idaho Public Utilities Commission learned that the Great Northwest Railroad, Inc. may soon file a petition with the Surface Transportation Board (STB) to abandon the Jaype branch line located in Clearwater County, Idaho. This branch runs approximately 31 miles in length from Orofino at milepost (MP) 0.0 to MP 31.0 near Jaype. Great Northwest is the successor to the Camas Prairie Railroad and is an operating subsidiary of WATCO. The STB is an entity of the U.S. Department of Transportation and is authorized to grant or deny rail line abandonments.

NOTICE OF INTENT TO ABANDON

YOU ARE HEREBY NOTIFIED that Great Northwest indicated that it will likely file a petition seeking an abandonment "exemption" with the STB. Unlike the traditional abandonment process, the exemption process allows a railroad to abandon a branch line in as few as 30 days. Under the exemption process there is no requirement to file a Notice of Intent to Abandon or file annual system diagram maps showing rail lines in jeopardy. To be eligible to file a petition for an exemption, a railroad must certify that no rail traffic has moved on the line for the past two years and there are no outstanding complaints about the lack of rail service on the line. Under the exemption procedure, the STB will publish a notice in the Federal Register within 20 days after the Exemption Petition is filed. Thirty days after the Notice is published in the Federal Register, the railroad is permitted to abandon the rail line unless the STB stays the Exemption Petition.

YOU ARE FURTHER NOTIFIED that the branch line essentially follows Orofino Creek between Orofino and Jaype. This line was originally constructed in 1915 by the Northern

NOTICE OF INTENT TO ABANDON A RAIL LINE NOTICE OF HEARING Pacific Railroad. There are approximately 40 bridge structures where the rail line crosses Orofino Creek. The line has historically been used to transport lumber and forest products.

NOTICE OF HEARING

YOU ARE FURTHER NOTIFIED that the abandonment of rail lines and the discontinuance of rail service are governed by federal law. As this Commission has stated many times, the authority to grant or deny the abandonment of rail lines rests with the STB, not this Commission. However, *Idaho Code* § 62-424 requires that the Public Utilities Commission 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 the potential for profitability. If the Commission finds that the abandonment would adversely affect the area being served and the line has the potential for profitability, then the Commission may represent the State of Idaho in the STB abandonment proceeding.

YOU ARE FURTHER NOTIFIED that the Commission has scheduled a public hearing in this matter to commence at <u>1:00 P.M. ON MONDAY, JUNE 28, 2004, AT THE</u> <u>CLEARWATER NATIONAL FOREST SUPERVISOR'S OFFICE, 12730 HIGHWAY 12</u> <u>IN OROFINO, IDAHO (208) 476-4541</u>. The purpose of the hearing is to obtain public testimony as to whether the abandonment of the Jaype branch line would be adverse to Idaho's public interest. The railroad, shippers, local governmental leaders, and other interested persons are encouraged to testify.

YOU ARE FURTHER NOTIFIED that all hearings will be conducted pursuant to the Rules of Procedure adopted by the Idaho Public Utilities Commission. IDAPA 31.01.01.000 *et seq.*

YOU ARE FURTHER NOTIFIED that all hearings and prehearing conferences 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 public 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:

NOTICE OF INTENT TO ABANDON A RAIL LINE NOTICE OF HEARING IDAHO PUBLIC UTILITIES COMMISSION PO BOX 83720 BOISE, IDAHO 83720-0074 (208) 334-0338 (Telephone) (208) 334-3762 (FAX) E-Mail: <u>secretary@puc.state.id.us</u>

YOU ARE FURTHER NOTIFIED that the Commission has jurisdiction over this matter pursuant to Idaho Code § 62-424.

DATED at Boise, Idaho this $\mathscr{S}^{\prime\prime}$

day of June 2004.

Jewell Jean/D. Jewell

Commission Secretary

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NOTICE OF INTENT TO ABANDON A RAIL LINE NOTICE OF HEARING