

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF ST. MARIES RIVER)
RAILROAD COMPANY’S FAILURE TO) **CASE NO. SMR-R-22-1**
MAINTAIN THE 396298J CROSSING AND)
TO PAY ASSESSMENT FEES) **AFFIDAVIT OF WAYNE**
) **ANDREWS**

WAYNE ANDREWS, being duly sworn, stated:

1. My name is Wayne Andrews. I am over 21 years of age, of sound mind, and I have personal knowledge of the facts stated herein.

2. I am a Safety Inspector Regulated Utilities for Railroads at the Idaho Public Utilities Commission. I started working in this position in December of 2016. I am responsible for the safety and inspection of railroad operations as described in *Idaho Code* §§ 62-101 through 62-424, and Public Utilities Rules.

3. On March 22, 2022, I met with Paul Riemann, the Maintenance of Way Supervisor/Bridge Inspector for St. Maries River Railroad (“Company”) concerning 396298J, the crossing at 10th Street, St. Maries, Idaho (“10th Street Crossing”).

4. On that date I informed the Company that the asphalt at the 10th Street Crossing had deteriorated and was causing a rough crossing.

5. On March 24, 2022, I sent a follow up email, and a physical letter via certified mail informing the Company that the 10th Street Crossing was in violation of Idaho Code § 62-306. The letter provided thirty (30) days to resolve the issue, or to provide notice of a detailed plan and timeline for resolution. **Exhibit A.**

6. On May 3, 2022, I conducted a follow up inspection of the 10th Street Crossing and determined that no maintenance had been performed.

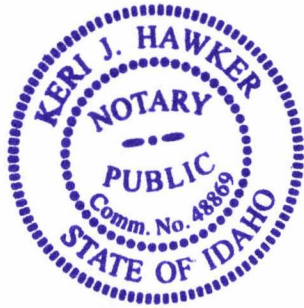
7. As of May 17, 2022, I have not received any response from the Company.

Dated this 17 day of May 2022.



Wayne Andrews
Safety Inspector Regulated Utilities-Railroads
Idaho Public Utilities Commission

SUBSCRIBED AND SWORN to before me this 17th day of May 2022.



Keri J. Hawker
Notary Public for Idaho
My commission expires on 3/15/2025

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EXHIBIT A

True and correct copy of Letter sent to the Company

(Attached)



Idaho Public Utilities Commission

P.O. Box 83720, Boise, ID 83720-0074

Brad Little, Governor

Eric Anderson, President

John Chatburn, Commissioner

John R. Hammond, Jr., Commissioner

March 24, 2022

Paul Riemann
Maintenance of Way Supervisor / Bridge Inspector
St. Maries River Railroad
318 N. 10th Street
St. Maries, ID 83861

Mr. Riemann,

I am writing you on behalf of the Rail Safety Inspection Program for the Idaho Public Utilities Commission. After receiving a complaint about a rough crossing, I inspected the railroad grade crossings on the St. Maries River Railroad (STMA) line, this grade crossing deficiency was documented:

1. 396298J,
10th Street, St. Maries, Idaho: Asphalt is deteriorating causing a rough crossing.

The Idaho statute pertaining to the requirement reads as follows:

62-306. CONSTRUCTION AND MAINTENANCE OF RAILROAD GRADE CROSSINGS. Whenever a state or county highway crosses or shall hereafter cross a railroad at grade, the railroad company shall at its own expense construct and maintain that portion of such highway between the rails and for a distance of not less than two (2) feet outside the outer rails. The crossing shall be planked or surfaced with other suitable material for the full width of the traveled way, including shoulders, and shall be maintained at all times in a smooth and firm condition.

Please resolve the above issue within thirty days and provide notice to me or provide a detailed plan and timeline for deficiency resolution. If you have any question regarding these findings, feel free to contact me at 208-334-0317 or by email wayne.andrews@puc.idaho.gov.

Very Respectfully,

Wayne Andrews
IPUC Railroad Safety Inspector