

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF UNION PACIFIC )  
RAILROAD’S NOTICE OF PROPOSED ) CASE NO. UPR-R-20-01  
ABANDONMENT OF A 1.16 MILE )  
SEGMENT OF RAIL LINE ) ORDER NO. 34864  
\_\_\_\_\_ )**

On August 24, 2020, Union Pacific Railroad Company (“Company”) notified the Commission that the Company would file a Petition for Exemption with the Surface and Transportation Board (“STB”) seeking authority to abandon a portion of rail line in Kootenai County, Idaho.

On November 17, 2020, the Commission issued a Notice of Proposed Abandonment and Notice of Telephonic Hearing setting a December 1, 2020 telephonic public hearing. *See* Order No. 34837.

The Commission held a telephonic public hearing on December 1, 2020. No members of the public testified. Staff filed comments supporting the Company’s proposal.

Having reviewed the record, the Commission now issues this Order finding that the proposed abandonment of the rail line is not adverse to the public interest and declining to take any action in the corresponding STB docket.

**THE COMPANY’S PROPOSED ABANDONMENT**

The Company proposed to abandon a portion of rail line known generally as the “Coeur D’Alene Industrial Lead” in Coeur D’Alene, Idaho, from milepost 1.09 to milepost 2.25. The line traverses United States Postal Service ZIP Code 83854.

The Company filed its petition with the STB on September 18, 2020. *See* Docket No. AB-33 (Sub-No. 346X). The STB will issue a final decision on the proposed abandonment by January 6, 2021. *See id.* The Company’s filing at the STB received six support statements from state and local governmental entities and agencies. *Id.*

**STAFF COMMENTS**

Staff reviewed the Company’s proposed abandonment and believed it would not adversely affect the area being served or impair the access of Idaho shippers to vital goods or markets. Staff noted that the line served only one customer—AmeriGas Propane—and that customer voluntarily agreed with Idaho Transportation Department (“ITD”) to move its facilities. Without AmeriGas Propane, the line has no customers and limited prospects for profitability. The

abandoned line will facilitate ITD's expansion of State Highway 41 and could be used for a trail,<sup>1</sup> serving the public interest.

### COMMISSION DISCUSSION AND FINDINGS

Although the authority to grant or deny rail line abandonments rests with the STB and is governed by federal law (*see* 49 U.S.C. § 10101, 10502, and 10903), Idaho Code § 62-424 requires the Commission to hold a public hearing when railroads propose to abandon a rail line. The purpose of the hearing is for the Commission to determine whether: (1) the abandonment would adversely affect the area being served; (2) the closure would impair the access of Idaho communities to vital goods and services, and the access of markets to those communities; and (3) the rail line is potentially profitable. *See Idaho Code* § 62-424(1). If the Commission finds the abandonment would harm the public interest, then it may represent the state in the STB abandonment proceeding. *Idaho Code* § 62-424(2).

Here, the Commission held the required hearing on December 1, 2020. No one testified. Based upon the record, we find that the Company's proposed abandonment would not harm the public interest. The rail line has no active shippers since AmeriGas Propane relocated its facilities away from the line. Accordingly, the abandonment would not adversely affect the area being served or impair community access to vital goods, services, or markets, and the rail line has little potential for profitability.

### ORDER

IT IS HEREBY ORDERED that this case be dismissed. The Commission will not file comments with the STB regarding this abandonment.


THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order regarding any matter decided in this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code* § 61-626.

///

---

<sup>1</sup> On October 30, 2020, the Company's notice to the STB that ITD filed a request for the STB to issue a Notice of Interim Trail Use was entered into the Docket.

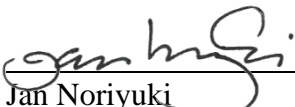
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 8<sup>th</sup> day  
of December 2020.

  
\_\_\_\_\_  
PAUL KJELLANDER, PRESIDENT

  
\_\_\_\_\_  
KRISTINE RAPER, COMMISSIONER

  
\_\_\_\_\_  
ERIC ANDERSON, COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
Jan Noriyuki  
Commission Secretary

F:\Legal\ORDERS\EIRR2001\_final\_jrh.doc