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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF UNION PACIFIC RAILROAD COMPANY’S PROPOSED ABANDONMENT OF ONE-HALF MILE OF THE NEW MEADOWS BRANCH NEAR WEISER IN WASHINGTON COUNTY, IDAHO | )  )  )  )  )  ) | CASE NO. UP-RR-96-1  STAFF COMMENTS |

COMES NOW the Commission Staff by and through its attorney of record, Susan E. Hamlin, Deputy Attorney General, and hereby submits these comments as provided for in the Notice of Application issued July 8, 1996:

INTRODUCTION

On June 24, 1996, Union Pacific Railroad Company (Union Pacific) notified the Commission that it intends to submit formal application to the Surface Transportation Board to abandon a one-half mile segment of the New Meadows Branch near Weiser in Washington County, Idaho.  The rail line of the proposed abandonment is at the end of a very short segment of track known as the New Meadows Branch, which extends entirely from Weiser, Idaho, in a westerly direction on the end of Milepost 1.00. The proposed abandonment involves a discontinuation of a portion of the New Meadows Branch extending from railroad milepost .50 to the end of the line at railroad milepost 1.00, a distance of one-half mile.  A portion of this trackage intersects with US Highway 95.

Union Pacific asserts that there has been no freight shipments or local traffic originating or terminating over this line for at least the last two years and that there is no foreseeable possibility of future rail traffic moving over this portion of the branch.According to Idaho Code § 62-434, when a railroad proposes to abandon trackage, the PUC is required to determine whether (1) it would adversely affect the area being served, (2) there is reason to believe that the closure would impair the access to Idaho communities to vital goods and services and market access to those communities, and (3) the line has potential profitability.  It is Staff’s position that the abandonment of this trackage would not have an adverse impact to Idaho’s public interest.

STAFF’S INVESTIGATION

On June 25, 1996, to investigate the potential impact the proposed abandonment would have on the area and local shippers, Staff traveled to the City of Weiser to identify the trackage and talk to local businesses. It appears that this segment has few adjacent businesses, being mostly bordered by residential and undeveloped property.  An attempt was made to locate any possible shippers located on this portion of the railroad.  None were found. Staff contacted the U.S. Forest Ranger Station, which is located near the intersection of the US Highway 95 and the trackage proposed for abandonment.  Employees at the Ranger Station stated that they were unaware of anyone using this portion of the railroad and that to their knowledge it had not been used for several years.  They were enthusiastic about the possibility of the tracks being removed that cross Highway 95 because they claim the crossing is in poor repair.  Finally, Staff contacted Mr. Jack McDaniel of McDaniel Construction whose business is located adjacent to the tracks at Milepost 0.5.  Mr. McDaniel stated that to his knowledge the tracks have not been used for shipping for at least two years.

Staff also contacted community officials concerning the proposed abandonment.  Mr. John Walker, the Weiser City Clerk, informed Staff that the City did not oppose the abandonment and that the City was going to contact the Railroad about obtaining the property after the tracks are removed. Staff also contacted Mr. Roy Mink, chairman of the Washington County Commission, who told the Staff that it was really more a city issue than a county issue, and felt that the City of Weiser should look at a recreational use of the right-a-way if the abandonment is allowed.  His only concern was the possible loss of  taxes to the county on rail cars that might be stored on that section of track in the future.

Staff contacted state officials about the impact of the proposed abandonment.  Mr. Ron Kerr, a state rail planner for the Idaho Transportation Department, indicated that the Department is working on an US 95 Weiser bypass project that will expand part of US 95 near this proposed abandonment.  Mr. Kerr stated that he could not see any adverse effects to the highway project by the proposed abandonment and that most likely it could benefit the project because a rail crossing will be eliminated.  The Historical Society informed Staff that the branch is not eligible for the National Register of Historic Places, but is recommending that a professional archaeologist inspect the site for potential effects of abandonment on archaeological properties.

Finally, Staff contacted Idaho Northern and Pacific Railroad about the proposed abandonment.  Idaho Northern informed Staff that it did not use this half mile stretch and therefore do not oppose the abandonment.

CONCLUSION

Staff concludes that abandonment of this half mile stub of the line will have no adverse effect on the communities originally served by the lines, nor will it impair access to the community of vital goods and services.  Staff is aware of no parties who oppose the abandonment and could not find any shippers that would be affected by the proposed abandonment.

RESPECTFULLY SUBMITTED this               day of July 1996.

                                                                         Susan E. Hamlin

Deputy Attorney General

Ron Law, Administrator

Regulated Carrier Division

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CERTIFICATE  OF  SERVICE

I  HEREBY  CERTIFY  that on this 29th day of July 1996, I served a true and correct copy of STAFF COMMENTS, in Case No. UP-RR-96-1, by United States Mail, postage pre-paid, to each of the following:

Joseph Anthofer

Law Department

Union Pacific Railroad Company

1416 Dodge Street, Room 830

Omaha, NE 68179-0001

SECRETARY