(text box: 1)BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE UNION PACIFIC RAILROAD’S PROPOSED ABANDONMENT  OF THE GAY BRANCH BETWEEN FORT HALL AND GAY IN BANNOCK AND BINGHAM COUNTIES, IDAHO. | ))))))) | CASE NO. UP-RR-96-2NOTICE OF HEARING ORDER NO. 26618 |

On September 4, 1996, Union Pacific Railroad Company (Union Pacific) notified the Commission that it intends to submit formal Application to the Surface Transportation Board(footnote: 1) to abandon and discontinue operations over the Gay Branch between Fort Hall and Gay, Idaho.  Union Pacific indicates that the trackage proposed for abandonment extends from milepost 0.03 near Fort Hall to the end of the line at milepost 21.52 near Gay, a distance of 21.49 miles.

Union Pacific asserts that there have been neither freight shipments nor local traffic originating or terminating over this line for at least the last two years, and the line has been used solely for storage of rail cars.  The Railroad further asserts that there are no shippers on the segment of track to be abandoned and there is no foreseeable possibility of future rail traffic moving over this portion of the branch.  Consequently, the Railroad claims that retention of this segment is not cost justified.

On September 11, 1996, the Commission issued a Notice of Application and Notice of Modified Procedure seeking comments concerning potential affects of the abandonment on  shippers, customers and nearby communities.  The Commission received a request from the Idaho Joint Rail Labor Legislative Board (IJRLLB) for a public hearing in the matter.

Union Pacific has indicated they will file an exemption application with the Surface Transporation Board on September 19, 1996.  In an exemption proceeding, abandonment will normally be granted by the Surface Transportation Board 30 days after publication in the Federal Register.  Publication in this matter is expected in the near future.

The authority to grant or deny the abandonment rests solely with the Surface Transportation Board.  However, pursuant to Idaho Code § 62-424 this Commission conducts an independent review to determine whether the abandonment would adversely affect Idaho’s public interest.  More specifically, the Commission is required to determine whether the abandonment:  [1] would adversely affect the area then being served; [2] whether there is reason to believe that the closure would impair the access of Idaho communities to vital goods and services and market access to those communities, and; [3] whether the line has a potential for profitability.  If the Commission finds that the foregoing criteria have been met, then it may transmit a report of its findings to the Surface Transportation Board on behalf of the people of the state of Idaho.

  Although the comment period has not expired under the Modified Procedure, after consideration of the request for hearing filed by the IJRLLB, the Commission shall set this matter for hearing.

NOTICE OF HEARING

YOU ARE HEREBY NOTIFIED that the Commission will conduct a public hearing in this matter commencing at11:00 A.M.  ON THURSDAY, OCTOBER 10, 1996, IN THE COUNCIL CHAMBERS, TRIBAL BUSINESS CENTER, FORT HALL, IDAHO (208) 238-3800 .

YOU ARE FURTHER NOTIFIED that the Commission will take testimony from the Staff, the Railroad, shippers and other interested persons during the public hearing.  Testimony specifically directed to whether abandonment of this trackage would be adverse to the public interest is invited.  The IJRLLB and the Commission Staff are designated as parties to the case.

YOU ARE FURTHER NOTIFIED that other persons desiring to intervene in this case for the purpose of presenting evidence or cross-examining witnesses must file a Petition to Intervene with the Commission pursuant to Rule 72 and 73 of the Commission Rules of Procedure, IDAPA 31.01.01.000 et seq.  Given the expedited nature of this proceeding, Petitions to Intervene should be filed as soon as possible.  Intervention may be granted at the hearing.  Persons desiring to present their views without parties’ rights of participation and examination are not required to intervene and may present their comments without prior notification to the Commission or to other parties.

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.  Persons needing the help of a sign language interpreter or other assistance of the kind that the Commission is obligated to provide under the Americans with Disabilities Act in order to participate in or to understand the 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:

IDAHO PUBLIC UTILITIES COMMISSION

PO BOX 83720

BOISE, IDAHO  83720-0074

(208) 334-0338  (TELEPHONE)

(208) 334-3151  (TEXT TELEPHONE)

YOU ARE FURTHER NOTIFIED that the Commission has jurisdiction over this matter pursuant to Idaho Code § 62-424.  The Commission may issue Orders consistent with its authority under this section or under Title 61 or Title 62.

O R D E R

IT IS HEREBY ORDERED that the Union Board’s request for a public hearing is granted.

IT IS FURTHER ORDERED that the IJRLLB and the Commission Staff are designated as parties to this case.  The Commission also extends an invitation to Union Pacific to attend the hearing and provide evidence for the Commission’s consideration.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this                  day of September 1996.

                                                             RALPH NELSON, PRESIDENT

                  MARSHA H. SMITH, COMMISSIONER

DENNIS S. HANSEN, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

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**FOOTNOTES**

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1The rail abandonment duties formally exercised by Interstate Commerce Commission (ICC) were reassigned to the Surface Transportation Board (STB) in the ICC Termination Act of 1995, Public Law 104-88.  This Law abolished the ICC and established the STB within the U.S. Department of Transportation.  Regulations previously issued by the ICC were continued pursuant to 61 Fed.Reg. 1842 (January 24, 1996).

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

September 20, 1996