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PUBLIC UTILITIES COMMISSION

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF BNSF)
RAILWAY COMPANY'S INTENT) CASE NO. BNR-R-06-01
TO ABANDON 2.12 MILES OF)
RAILROAD LINE IN COEUR)
D'ALENE, IDAHO)**

DIRECT TESTIMONY OF ELLIS HIRE
IDAHO PUBLIC UTILITIES COMMISSION

JUNE 12, 2006

1 Q. Please state your name and business address for the record.

2 A. My name is Ellis Hire and my business address is 472 West Washington Street,
3 Boise, Idaho.

4 Q. By whom are you employed?

5 A. I am employed by the Idaho Public Utilities Commission as a Rail Safety
6 Specialist.

7 Q. What is your educational and professional background?

8 A. I am a U.S. Air Force veteran of nearly 23 years active duty. While in the Air
9 Force I attended Chapman College for Criminal Justice, and later the Community College of the
10 Air Force where I received several diploma certificates in Missile and Space Systems
11 Maintenance, Quality Management, Quality Control, Quality Assurance, Leadership, and
12 Management. After the Air Force I worked for the Gem County Sheriff's Office and attended
13 the Peace Officers Standardization Training (POST) Academy. My professional background
14 includes the Air Force Space Command Inspector General Team, Headquarters Command
15 Evaluator, and Base Evaluator/Inspector. I began work at the Idaho Public Utilities Commission
16 as a Rail Safety Specialist in March of 2005. I received my Federal Railroad Administration
17 Certification in August of 2005. My duties at the Commission currently include the inspection
18 of railroads and shippers for compliance with Federal and State regulations including the safe
19 transportation of hazardous materials, railroad grade at highway crossing inspections, safe
20 operations of railroads, and reporting of inspection findings for corrective actions and possible
21 civil penalties.

22 Q. What is the purpose of your testimony in this case?

23 A. The purpose of my testimony is to provide an eyewitness account regarding the
24 status of the railroad track and right-of-way in the matter of BNSF Railway Company's intent to
25 abandon 2.12 miles of railroad right-of-way in Coeur d'Alene, Idaho.

1 Q. Could you tell us the location of the rail right-of-way identified by BNSF for
2 abandonment?

3 A. Yes. The rail right-of-way in question runs between milepost (MP) 12.33 and MP
4 14.45 within the city limits of Coeur d'Alene. The right-of-way generally runs from the Coeur
5 d'Alene City Park, adjacent to Northwest Boulevard, across the front of the Coeur d'Alene
6 Resort, down East Front Avenue, over to East Mullan Avenue, and terminates at the Coeur
7 d'Alene Resort Golf Course.

8 Q. Could you please tell us your observations regarding this section of railroad right-
9 of-way?

10 A. On April 24, 2006, I viewed the right-of-way proposed for abandonment. The
11 railroad tracks currently end near the City Park baseball diamond at MP 12.33. I went from that
12 point, MP 12.33, down the right-of-way, following the map of the proposed abandonment, to
13 where the old mill used to be, which is now a golf course. I did not see any tracks over the entire
14 length of this right-of-way. It appears that the 2.12 miles of track has long ago been removed.
15 The right-of-way currently consists of city streets, homes, businesses, and concrete trails through
16 the City Park. I looked for possible rail service customers along the abandoned route and found
17 no sign of past or present customers on the line to be abandoned. The landscape has changed
18 with the growth of the city since the track has been removed and it would now be nearly
19 impossible to rebuild any trackage. Today it is nearly impossible to even tell that track ever
20 existed down these 2.12 miles of right-of-way.

21 Q. Did you take any photographs along the right-of-way?

22 A. Yes. I have attached a photograph as exhibit "A" to this testimony.

23 Q. Could you describe the photograph attached as exhibit "A"?

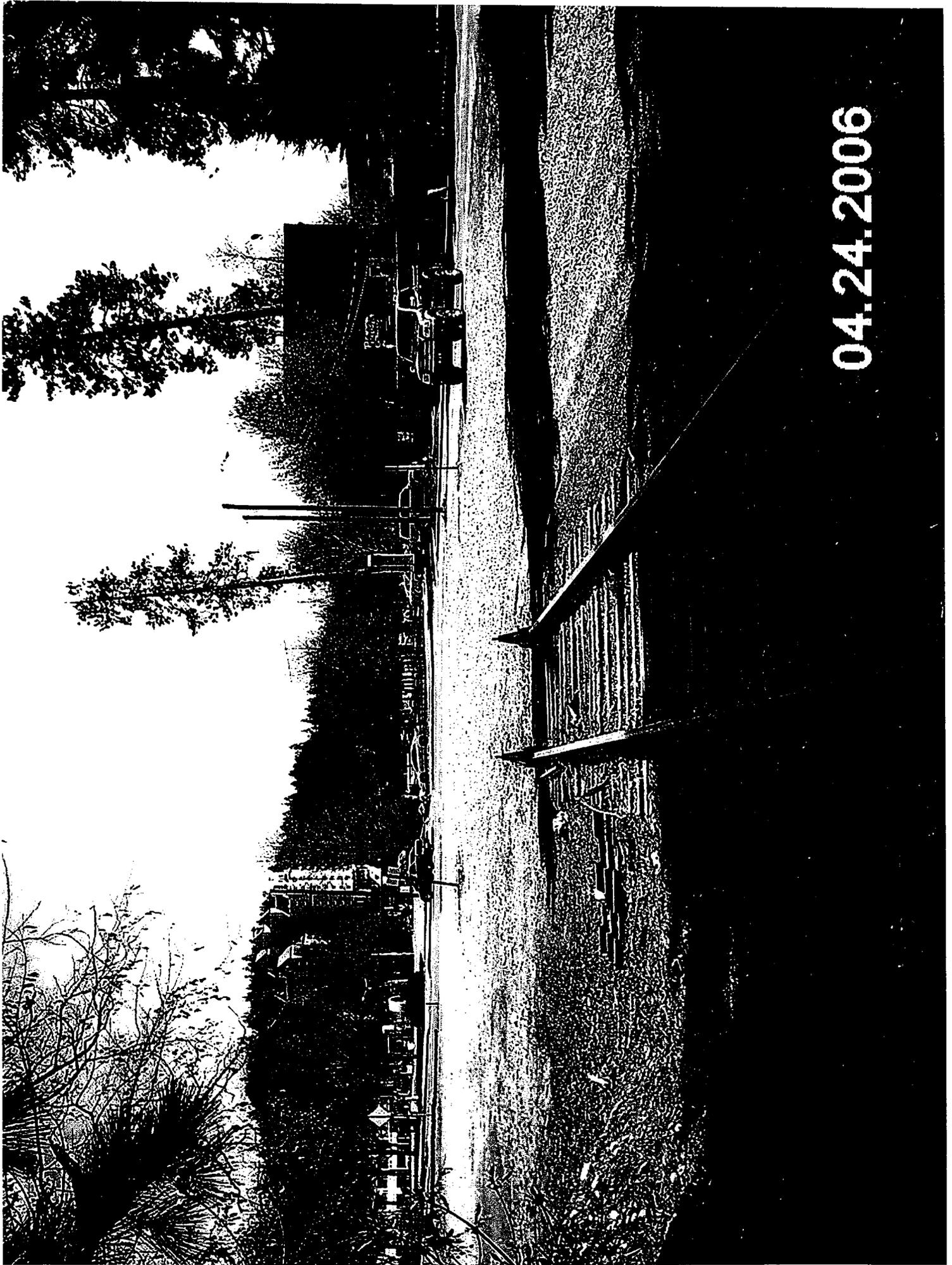
24 A. I took this photograph while facing southeast showing where the track actually
25 ends at milepost 12.33. The Coeur d'Alene Resort Hotel and the City Park are in the

1 background. You can clearly see that the track ends here, however the right-of-way proposed for
2 abandonment continues on southeast and then east to MP 14.45. I walked from this point, MP
3 12.33, down the entire right-of-way and observed no track as I have previously testified.

4 Q. Does this conclude your testimony?

5 A. Yes it does.
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EXHIBIT "A"



04.24.2006