

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE NOTICE OF)	
EASTERN IDAHO RAILROAD LLC FOR)	CASE NO. EIR-R-18-01
APPROVAL TO ABANDON A FIVE-MILE)	
SECTION OF ITS RAIL LINE IN FREMONT)	
COUNTY, IDAHO)	ORDER NO. 34105
)	

On May 7, 2018, the Commission received correspondence from the Eastern Idaho Railroad LLC (EIRR) proposing to abandon a five-mile section of its rail line in Fremont County, Idaho. In its letter to the Commission, EIRR stated its intent to abandon the rail line located between Milepost 28.80, at Egin, and Milepost 33.80 at Parker, in Fremont County, Idaho. According to EIRR, the line does not contain federally granted right of way, and has not been used for over two years. The Company also submitted a map of the affected area.

The exemption process allows railroads to abandon rail lines if the abandonment is of limited scope and does not adversely affect national rail policy. 49 U.S.C. §§ 10502 and 10101. Under Surface Transportation Board (STB) procedures, once the exemption is filed, the STB will publish a notice in the Federal Register within 20 days. Unless stayed, the railroad may then abandon the rail line 30 days after the notice is published in the Federal Register. The Company stated its intent of filing with the STB on May 17, 2018.

DISCUSSION

Although the authority to grant or deny an abandonment rests with the STB and is governed by federal law, the Commission does have an obligation under state law to hold a public hearing regarding the abandonment. *Idaho Code* § 62-424. The Commission convened a public hearing in this matter on June 28, 2018. No one appeared at the hearing. As stated in our Notice, the purpose of the hearing is for the Commission to determine whether the abandonment would: (1) adversely affect the area being served; (2) impair the access of Idaho shippers to vital goods and markets; and (3) whether the rail line has the potential for profitability. If the Commission finds that the abandonment would be adverse to the public interest, then it may represent the state in the STB abandonment proceeding. *Idaho Code* § 62-424(2).

Based upon the record in this case including the lack of testimony offered at the public hearing, the lack of any intervenors, and the lack of objections, we find that Idaho shippers will not be adversely affected by the abandonment. The portion of the rail right-of-way proposed for abandonment has no active shippers and has had no rail activity for over two years.

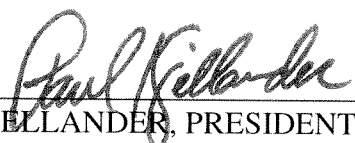
We conclude that the abandonment will not adversely affect the area, will not impair the access of shippers, and there is little likelihood this line had the potential for profitability.

ORDER

IT IS HEREBY ORDERED that Eastern Idaho Railroad's proposed abandonment is not adverse to the public interest. Consequently, 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 with regard to 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.*


DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 10th day of July 2018.



PAUL KJELLANDER, PRESIDENT




KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian
Commission Secretary

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