

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE NOTICE OF</b>	)	<b>CASE NO. EIR-R-20-01</b>
<b>EASTERN IDAHO RAILROAD LLC FOR</b>	)	
<b>APPROVAL TO ABANDON A 0.76-MILE</b>	)	<b>NOTICE OF</b>
<b>SECTION OF ITS RAIL LINE IN</b>	)	<b>PROPOSED ABANDONMENT</b>
<b>BONNEVILLE COUNTY, IDAHO</b>	)	
	)	<b>NOTICE OF</b>
	)	<b>TELEPHONIC HEARING</b>
	)	
	)	<b>ORDER NO. 34565</b>
	)	

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On February 14, 2020, Eastern Idaho Railroad LLC (“EIRR”), filed correspondence with the Commission providing notice of its intent to abandon a portion of its railroad line in Idaho. Specifically, EIRR proposes to abandon approximately a 0.76-mile segment of railroad known generally as the “Old Butte Main Line” in Idaho Falls, Bonneville County, Idaho (the “Line”). The Line traverses United States Postal Service ZIP Code 83402.

Although the authority to grant or deny abandonment rests with the Surface Transportation Board (“STB”) and is governed by federal law, the Commission has an obligation under state law to hold a public hearing regarding the abandonment and to represent the State in STB abandonment proceedings if deemed necessary. *Idaho Code* § 62-424 provides that the “commission shall schedule a public hearing on the proposed abandonment.” 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 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).

**NOTICE OF PROPOSED ABANDONMENT**

YOU ARE HEREBY NOTIFIED that on February 24, 2020, EIRR filed a Verified Notice of Exemption with the STB, Docket No. AB-1252 (Sub-No. IX) seeking to employ the expedited exemption process to abandon the Line. *See* 49 C.F.R § 1152.50(d)(1). EIRR represents that no local traffic has moved over the Line for at least two (2) years, and overhead traffic, if any,

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can be diverted to other routes. The Company represents the Line does not contain federally granted rights-of-way and will be made available promptly to those requesting it.

YOU ARE FURTHER NOTIFIED that the Line is a 0.76-mile section of railroad line in Idaho Falls, Bonneville County, Idaho, more specifically described as:

Extending from milepost 184.14 (immediately southeast of the grade crossing with the Yellowstone Highway), to milepost 184.90 (north of the grade crossing with W. Broadway Street).

YOU ARE FURTHER NOTIFIED that the STB's exemption process allows railroads to abandon rail lines if the abandonment is of limited scope and does not adversely affect national rail policy. *See* 49 U.S.C. §§ 10502 and 10101. Under STB procedures, once the exemption is filed, the STB will publish a notice in the Federal Register within twenty (20) days. Unless stayed, the railroad may then abandon the rail line 30 days after the notice is published in the Federal Register.

#### **NOTICE OF TELEPHONIC HEARING**

YOU ARE FURTHER NOTIFIED that the Commission has scheduled a telephonic hearing in this matter to commence at **2:00 PM (MST) ON March 10, 2020, IN THE COMMISSION HEARING ROOM, 11331 W. Chinden Blvd., BLDG 8, Suite 201-A, BOISE, IDAHO.** Persons wishing to offer their testimony telephonically or listen to the proceedings may dial **1-800-920-7487** at the designated time and enter the **passcode 6674832#** when prompted.

The purpose of the hearing is to take public testimony on whether the abandonment of the Line would be adverse to Idaho's public interest. EIRR, any shipper, local government leaders, and any other interested persons are encouraged to testify.

YOU ARE FURTHER NOTIFIED that all hearings will be conducted in accordance with the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

YOU ARE FURTHER NOTIFIED that the Commission finds that the public necessity requires the telephonic hearing be held on less than fourteen (14) days-notice. *See* IDAPA 31.01.01.241.01.

YOU ARE FURTHER NOTIFIED that EIRR's notice to the Commission is available for public inspection during regular business hours at the Commission's office, or on the Commission's Website at [www.puc.idaho.gov](http://www.puc.idaho.gov) by clicking on "File Room," then "Rail Cases."

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 (ADA). Persons needing the help of a sign language interpreter or other assistance in order to participate in or to understand testimony and argument at a 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) 334-3762 (FAX)

E-Mail: [secretary@puc.idaho.gov](mailto:secretary@puc.idaho.gov)

YOU ARE FURTHER NOTIFIED that the Commission has jurisdiction over this matter under *Idaho Code* § 62-424. The Commission may enter any final Order consistent with its authority under Titles 61 and 62.

### **ORDER**

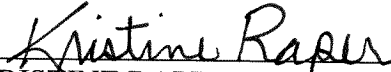
IT IS HEREBY ORDERED that the Commission shall convene a telephonic hearing in this matter that will commence on Tuesday, March 10, 2020, at 2:00 p.m. (MST) in the Commission Hearing Room.

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DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 27<sup>th</sup>  
day of February 2020.



PAUL KJELLANDER, PRESIDENT



KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian  
Commission Secretary

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