

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER RAPER
COMMISSIONER ANDERSON
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: DAYN HARDIE
DEPUTY ATTORNEY GENERAL

DATE: NOVEMBER 13, 2020

SUBJECT: PROPOSED ABANDONMENT OF A 1.16 MILE SEGMENT OF UNION PACIFIC RAILROAD COMPANY RAIL LINE; CASE NO. UPR-R-20-01.

On August 24, 2020, the Commission received correspondence from Union Pacific Railroad Company ("Company") proposing to abandon an approximately 1.16-mile segment of a railroad known generally as the "Coeur D'Alene Industrial Lead" in Coeur D'Alene, Idaho, from milepost 1.09 to milepost 2.25. The line traverses United States Postal Service ZIP Code 83854.

The Company indicated it will petition the Surface Transportation Board ("STB") to abandon this rail line. *See* 49 C.F.R § 1152.50. The Company represents that the rail line does not contain federally granted rights-of-way and that it will any related documentation in the Company's possession available promptly to those requesting it.

The Company filed its petition with the STB on September 18, 2020. The STB will issue a final decision on the abandonment by January 6, 2021.

THE COMMISSION'S ROLE IN ABANDONMENTS

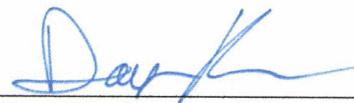
The STB is the federal entity with the authority to approve or deny railroad abandonments. However, *Idaho Code* § 62-424 provides that the Commission "shall schedule a public hearing on the proposed abandonment." The purpose of the state abandonment hearing is for the Commission to determine whether 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 adversely affect the area being served and the line has the potential for profitability, then the Commission may represent the State of Idaho in the STB abandonment proceeding.

STAFF RECOMMENDATION

The Commission Staff recommends that the Commission issue a Notice of Proposed Abandonment and schedule a public hearing as required by *Idaho Code* § 62-424. Staff recommends that the Commission schedule a telephonic public hearing to take place on December 1, 2020, at 2:00 p.m.

COMMISSION DECISION

Does the Commission wish to issue a Notice of Proposed Abandonment and schedule a telephonic public hearing to take place on December 1, 2020, at 2:00 p.m.?



Dayn Hardie
Deputy Attorney General

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