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

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| IN THE MATTER OF UNION PACIFIC RAILROAD COMPANY’S PROPOSED ABANDONMENT OF ONE-HALF MILE OF NEW MEADOWS BRANCH NEAR WEISER IN WASHINGTON COUNTY, IDAHO. | )  )  )  )  )  )  )  )  ) | CASE NO. UP-RR-96-1  NOTICE OF APPLICATION  NOTICE OF MODIFIED PROCEDURE  NOTICE OF COMMENTS/ PROTESTS |

On June 24, 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 a half mile segment of the New Meadows Branch near Weiser in Washington County, Idaho.  The rail line of the proposed abandonment is at the end of a very short segment of track known as the New Meadows Branch, which extends entirely from Weiser, Idaho, in a westerly direction on the end of Milepost 1.00. The proposed abandonment involves a discontinuation of a portion of the New Meadow branch extending from railroad milepost .05 to the end of the line at railroad milepost 1.00, a distance of one-half mile.  See attached map. The rail station at Weiser is located at Milepost 0.0 and is not affected by this abandonment.

Union Pacific asserts that there has been no freight shipments or local traffic originating or terminating over this line for at least the last two years.  The Railroad further asserts that there are no shippers on this segment of the track to be abandoned and there is no foreseeable possibility of future rail traffic moving over this portion of the branch. Consequently, retention of this segment of branch is not cost justified.

Given the assertion that no rail traffic has moved over this branch in the last two years, the Railroad’s STB’s Application qualifies as an “exemption” application.  In an exemption proceeding, abandonment will normally be granted by the STB thirty days after publication in the Federal Register. Union Pacific indicated that they expect to file with STB on or about July 9, 1996. Publication is expected in the near future.

The authority to grant or deny the abandonment rest solely with the Surface Transportation Board.  However, pursuant to Idaho Code § 62-424, the 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 being served; (2) whether there is reason to believe that the closure would impair the access to Idaho communities to vital goods and services and market access to those communities; and (3) whether the line has 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.

NOTICE

YOU ARE HEREBY NOTIFIED that the Commission has preliminarily determined that the public interest may not require a hearing to consider the issues presented and the issues raised by the application may proceed under Modified Procedure, i.e., by written submission rather than by hearing (Commission Rules of Procedure, IDAPA 31.01.01.201 through .204).

YOU ARE FURTHER NOTIFIED that the Commission will not hold hearings in this proceeding unless it receives written protests or comments opposing the use of Modified Procedure and stating why Modified Procedure should not be used.

YOU ARE FURTHER NOTIFIED that any person desiring to state a position on the Application may file a written comment in support or opposition with the Commission within twenty-one (21) days from the date of this Notice.  The comment must contain a statement of reasons supporting the comment.  Persons desiring a hearing must specifically request a hearing in their written comments.  Written comments concerning this Application shall be mailed to:

COMMISSION SECRETARYJEANNA L.  REGIER

IDAHO PUBLIC UTILITIES COMMISSIONLaw Department

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472 W WASHINGTON ST

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These comments should contain the case caption and case number shown on the first page of this document.

YOU ARE FURTHER NOTIFIED that if no written comments are received within the time limit set, the Commission will consider this matter on its merits and enter its Order without a formal hearing.  If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

YOU ARE FURTHER NOTIFIED that the Application together with supporting workpapers and exhibits have been filed with the Commission and are available for public inspection during regular business hours at the Commission offices.

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 61 of the Idaho Code and that the Commission may enter any final Order consistent with its authority under Title 61.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 et seq.

DATED at Boise, Idaho this day of July 1996.

Myrna J. Walters

Commission Secretary

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**FOOTNOTES**

1:

The 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

July 8, 1996