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SIDNEY L. STRICKLAND, JR.  
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May 24, 2006

Idaho Public Utilities Commission  
472 West Washington Street  
P.O. Box 83720  
Boise, Idaho 83720-0074

BNR-R-06-01

***Re: STB Docket No. AB-6 (Sub. No. 441X) BNSF Railway Company—  
Abandonment Exemption – in Kootenai County, ID***

Dear Sir or Madam:

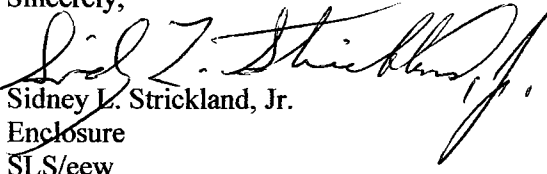
On or about June 13, 2006, BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 2.12 miles of railroad line between Milepost 12.33 and Milepost 14.45, in Coeur d'Alene in Kootenai County, Idaho (the "Line"). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

We are providing these reports so that you may review the information that will form the basis for the STB's independent environmental and historic analyses of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001, Telephone (202) 565-1545, and refer to the above Docket No. AB-6 (Sub. No. 441X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to the undersigned) would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned by telephone at (202) 338-1325 or by mail at Sidney Strickland and Associates, PLLC, 3050 K Street, N.W., Suite 101, Washington, DC 20007.

Thank you in advance for your cooperation.

Sincerely,

  
Sidney L. Strickland, Jr.  
Enclosure  
SLS/eew

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**BNSF RAILWAY COMPANY --  
ABANDONMENT EXEMPTION --  
IN KOOTENAI COUNTY, ID**

**DOCKET NO. AB-6  
(SUB. NO. 441X)**

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**ENVIRONMENTAL AND HISTORIC REPORTS**

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BNSF RAILWAY COMPANY  
2650 Lou Menk Drive  
P.O. Box 96157  
Fort Worth, TX 76161-0057

By: SIDNEY L. STRICKLAND, JR.  
ELIZABETH E. WAITE  
SIDNEY STRICKLAND AND ASSOCIATES  
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Suite 101  
Washington, DC 20007  
(202) 338-1325

Attorneys for BNSF Railway Company

DATED: May 24, 2006

FILED  
MAY 24 2006  
KOOTENAI COUNTY, MISSOURI

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**BNSF RAILWAY COMPANY --  
ABANDONMENT EXEMPTION --  
IN KOOTENAI COUNTY, ID**

**DOCKET NO. AB-6  
(SUB. NO. 441X)**

**ENVIRONMENTAL AND HISTORIC REPORTS  
(49 C.F.R. 1105.7 AND 49 C.F.R. 1105.8)**

Pursuant to 49 C.F.R. § 1105.7 and § 1105.8, BNSF Railway Company (“BNSF”) (referred to as “Applicant”) hereby files Environmental and Historic Reports. These Reports constitute Applicant’s assessment of the environmental effects and historic effects of abandonment of rail service on the involved rail line. Persons who review these Reports are entitled to provide comments to the Surface Transportation Board (“STB”), Section of Environmental Analysis (“SEA”), 1925 K Street, N.W., Suite 500, Washington, DC 20423. There is information in the Applicant’s files to indicate that the rail line covered by these Reports does contain one parcel of federally granted right-of-way. *See* 49 C.F.R. § 1152.60(d). These Reports have been prepared in conjunction with the prospective filing of a Notice of Exemption of abandonment of the involved rail line. STB regulations provide that the Notice of Exemption cannot be filed until at least 20 days after these Reports are submitted.

I  
**ENVIRONMENTAL REPORT**  
**(49 C.F.R. 1105.7)**

The following information is submitted to the STB by BNSF in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's Notice of Exemption seeking authority to abandon 2.12 miles of railroad line between Milepost 12.33 and Milepost 14.45, in Coeur d'Alene in Kootenai County, Idaho (the "Line").

**(1) Proposed Action and Alternatives:** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF seeks to abandon this Line. The proposed abandonment may include removal of all rails and ties. There are no bridges on the Line and BNSF is aware of no other structures on the Line. A map of the Line is attached as Exhibit A.

**(2) Transportation System:** Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed abandonment will have no effect on existing transportation systems or patterns as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

**(3) Land Use:**

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

BNSF believes the proposed abandonment will not be inconsistent with local or regional land use plans. The Idaho Department of Parks and Recreation (“IDPR”) indicates it supports making the proposed abandoned BNSF line into a “rail-trail.” The IDPR further states:

The corridor would connect the North Idaho Centennial [Trail] which starts in Spokane, Washington, to its proposed end at the Coeur d’Alene Parkway State Park. The corridor is a critical link for alternate transportation between communities. The City of Coeur d’Alene will be the lead agency in negotiating acquisition from BNSF but IDPR is interested if local agencies need assistance. IDPR does have grants available for such purposes but the earliest work or acquisition would be in June of 2007. Acquisition of this trail link [is] one of the most important trail projects in the State of Idaho. Because of population growth in Post Falls and Coeur d’Alene, new trail opportunities are needed to connect the new and old sub-divisions to parks, schools and business districts.

See Exhibit B, electronic correspondence from Leo Hennessy, Non-Motorized Trails Coordinator, Idaho Department of Parks and Recreation.

The Idaho Public Utilities Commission (“IPUC”) indicates it is required to schedule a hearing on the proposed abandonment and provides information as to the hearing process. See Exhibit C, letter from the Idaho Public Utilities Commission.

Also, the Bureau of Land Management (“BLM”) indicates: “Although the U.S. Bureau of Land Management does not have any formal jurisdiction in this matter, we do philosophically support the proposed abandonment of this portion of BNSF rail line.” See Exhibit D, electronic correspondence from Eric Thomson, Field Manager, Coeur d’Alene Field Office, Bureau of Land Management.

Finally, the City of Coeur d’Alene also indicates it supports the proposed

abandonment. See Exhibit E, letter from Michael C. Gridley, Coeur d'Alene City Attorney.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agriculture land.

The proposed abandonment should have no effect on prime agricultural lands. The Natural Resources Conservation Service ("NRCS") (formerly known as the U.S. Soil Conservation Service) indicates, "the proposed action by the BNSF Railroad Company is not subject to the Farmland Policy Act." NRCS further indicates, "The proposed action does not convert existing or potential cropland to permanent non-agricultural use." See Exhibit F, letter from Richard Sims, State Conservationist, Natural Resources Conservation Service.

(iii) If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9

N/A

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

BNSF believes the proposed abandonment may be suitable for alternative public use. As noted above, the IDPR indicates it supports making the proposed abandoned BNSF line into a "rail-trail." See Exhibit B, electronic correspondence from Leo Hennessy, Non-Motorized Trails Coordinator, Idaho Department of Parks and Recreation.

Also, as noted above, the IPUC indicates it is required to schedule a hearing on the proposed abandonment and provides information as to the hearing process. See Exhibit C, letter from the Idaho Public Utilities Commission.

The BLM indicates: "Although the U.S. Bureau of Land Management does not have any formal jurisdiction in this matter, we do philosophically support the proposed abandonment of this portion of BNSF rail line." See Exhibit D, electronic correspondence from Eric Thomson, Field Manager, Coeur d'Alene Field Office, Bureau of Land Management.

Finally, the City of Coeur d'Alene also indicates it supports the proposed abandonment. See Exhibit E, letter from Michael C. Gridley, Coeur d'Alene City Attorney.

**(4) Energy:**

(i) Describe the effect of the proposed action on transportation of energy resources.

There are no known recoverable energy resources along the Line. There has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

(ii) Describe the effect of the proposed action on recyclable commodities.

This abandonment will not adversely affect movement or recovery of recyclable commodities as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

This abandonment will not result in an increase or decrease in overall energy efficiency as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy consumption and show the data and methodology used to arrive at the figure given.

There will be no diversions of traffic as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

**(5) Air:**

(i) If the proposed action will result in either:

(A) An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

(B) An increase in rail yard activity of at least 100% (measured by carload activity), or

(C) An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The action will not result in meeting or exceeding the specified thresholds.

Moreover, the action will not involve an increase in truck traffic of more than 10% or 50 vehicles a day on any affected road segment as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

(ii) If the proposed action affects a Class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) An increase in rail yard activity of at least 20% (measured by carload activity), or

(C) An average increase in truck traffic or more than 10% of the average daily traffic of 50 vehicles a day on a given road segment, then



state whether any expected increased emissions are within the parameters established by State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the reinstatement of service over a previously abandoned line, only the three trains a day threshold in this item shall apply.

The action will not result in meeting or exceeding the specified thresholds.

Moreover, the proposed abandonment will not result in an increase of rail or truck traffic as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and Freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

The proposed abandonment will not affect the transportation of ozone depleting materials.

**(6) Noise:** If any of the thresholds identified in item (5) (i) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more,

N/A

(ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for those receptors if the thresholds are surpassed.

N/A

**(7) Safety:**

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).

This abandonment should have no adverse effect on health or public

safety. There are three (3) public crossings and no private crossings on the Line. During salvage operations, if any may be required, precautions will be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of and accidental release of hazardous materials.

The abandonment will not result in the transportation of hazardous materials.

(iii) If there are any known hazardous waste site or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

There are no known hazardous waste site or sites where there have been known hazardous material spills on the right-of-way.

**(8) Biological Resources:**

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

The U.S. Fish and Wildlife Service indicates, “based on the project alignment depicted on the map included with the letter, we do not anticipate project-related effects to threatened or endangered species.” See Exhibit G, electronic correspondence from Suzanne Audet, Section 7 and Recovery Programs Branch Chief, Upper Columbia Fish and Wildlife Office, U.S. Fish and Wildlife Service.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

The National Park Service (“NPS”) indicates “in comparing your map with a detailed map of the City of Coeur d’Alene, [we] can find no federal park, wildlife refuge, or other category of federal holding along the rail corridor.” See Exhibit H, electronic correspondence from Greg Gress, Chief, Land Resources Program Center, Pacific West Region, National Park Service.

Also, BLM indicates it is “familiar with the extent and impact of this portion of BNSF’s service area and cannot identify any impacts to Threatened or Endangered Animal, Plant, or Fish Species covered under The Endangered Species Act.” See Exhibit E, electronic correspondence from Eric Thomson, Field Manager, Coeur d’Alene Field Office, Bureau of Land Management.

**(9) Water:**

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

BNSF believes the proposed exemption will be consistent with applicable Federal, State or local water quality standards. The Idaho Department of Environmental Quality (“IDEQ”) states “it does not appear the proposed abandonment will take place in or near waters of the State of Idaho. As such, the proposed abandonment appears to be consistent with state water quality standards. See Exhibit I, letter from Ed Tulloch, Regional Water Quality Manager, Idaho Department of Environmental Quality.

Also, the U.S. Environmental Protection Agency (“EPA”) indicates: “Based on our field observations, and the information provided in your letter, we believe that physical activities associated with the proposed abandonment should

have no effect on water quality and will not require a permit under Section 402 of the federal Clean Water Act.” See Exhibit J, letter from Clifford J. Villa, Assistant Regional Counsel, Region 10, United States Environmental Protection Agency.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

BNSF believes the proposed abandonment will not require a Section 404 permit. The U.S. Army Corps of Engineers (“Corps”) states: “In your letter you state the project does not involve the discharge of dredged or fill material in any waterways. The proposed work would include the removal of bridges and structures and track materials such as rail ties, but the roadbed would be left intact. Based on this, a Department of the Army permit is not required.” See Exhibit K, letter from Gregg Rayner, Regulatory Project Manager, Walla Walla District, Army Corps of Engineers.

BNSF believes the proposed abandonment will not affect any 100-year flood plains. The Corps indicates: “A local floodplain management ordinance may have been adopted by the local city or county zoning office under the National Flood Insurance Program. You should contact them regarding any approvals or permits they may require for your project.” See Exhibit K, letter from Gregg Rayner, Regulatory Project Manager, Walla Walla District, Army Corps of Engineers.

Consistent with the Corps’ suggestion, we had already contacted the City of Coeur d’Alene Engineering Department, and they responded to our inquiry as

to whether any 100-year floodplains would be affected by the proposed abandonment by simply sending a copy of the corresponding portion of the FEMA floodplain map. See Exhibit L, letter from Gordon Dobler, City Engineer, City of Coeur d'Alene Engineering Department.

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).

BNSF believes a Section 402 permit will not be required for the proposed action. The EPA indicates that “physical activities associated with the proposed abandonment should have no effect on water quality and will not require a permit under Section 402 of the federal Clean Water Act.” See Exhibit J, letter from Clifford J. Villa, Assistant Regional Counsel, Region 10, United States Environmental Protection Agency.

**(10) Proposed Mitigation:** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

The project itself should mitigate the environmental effects of reinstating active rail operations.

## II

### HISTORIC REPORT (49 C.F.R. 1105.8)

Applicants hereby submit the following information required by 49 C.F.R. § 1105.8(d):

- (1) *A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;*

The required topographic map is attached to this Report as Exhibit A.

- (2) *A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;*

The trackage is approximately 2.12 miles in length and is located within the city of Coeur d' Alene, ID. The land in the area of the trackage is urban in nature. The land in the adjoining area is timbered and includes rural homes. The right of way varies from 20 to 55 feet in width.

In 2000, Coeur d' Alene had a population of 34,514.

There is one parcel of federally granted right of way within the corridor.

- (3) *Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;*

There are no railroad structures on the property that are 50 years old or older.

- (4) *The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;*

N/A

*(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;*

The Chicago, Milwaukee, St Paul & Pacific Railroad (MILW) acquired parts of the right of way in 1875, 1904, 1906, 1909 1917 and 1958. The MILW went bankrupt in 1980 and the former Burlington Northern Railroad (BN) purchased former MILW trackage at Coeur d' Alene, ID in 1981. In 1995, the former BN merged with The Atchison Topeka & Santa Fe Railway (ATSF) to become The Burlington Northern & Santa Fe Railway (BNSF). In 2005, BNSF changed its name to BNSF Railway.

The Coeur d' Alene & Spokane Railway purchased part of the right of way in 1903. In 1906, the Coeur d' Alene & Spokane Railway was absorbed into the Spokane & Inland Empire Railway. During 1906, additional right of way was acquired as well as in 1917. In 1919, the Spokane & Inland Empire Railway was spilt into the Spokane & Eastern Railway and the Inland Empire Railway. In 1927, both the former railroads were purchased by the Great Northern Railway (GN) and operated as the Spokane, Coeur d' Alene and Palouse Railway. The railroads were merged into GN in 1943. GN was merged into BN in 1970. BN and ATSF merged in 1995 to become BNSF. BNSF changed its name to BNSF Railway in 2005.

*(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;*

Documents in BNSF's possession concerning this abandonment

may include alignment maps showing the right-of-way and/or station maps. Such documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

*(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);*

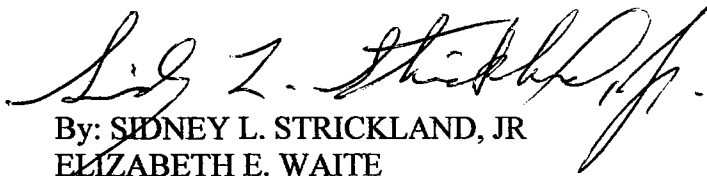
The Idaho State Historical Society ("SHPO") has reviewed the project and made several findings: (1) Section 106 Evaluation: "No additional investigations are recommended; project can proceed as planned; (2) Identification of Historic Properties (36 CFR 800.4): "No historic properties were identified within the project area," and "*No historic properties* will be affected within the project area"; and (3) "We believe that [the] abandonment will have no effect on historic properties." See Exhibit M, letter from Susan Pengilly Neitzel, Compliance Coordinator and Deputy SHPO, State Historic Preservation Office.

*(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.*

There are no known prior subsurface ground disturbance or fill, environmental conditions that might affect the archeological recovery of resources and the surrounding terrain.



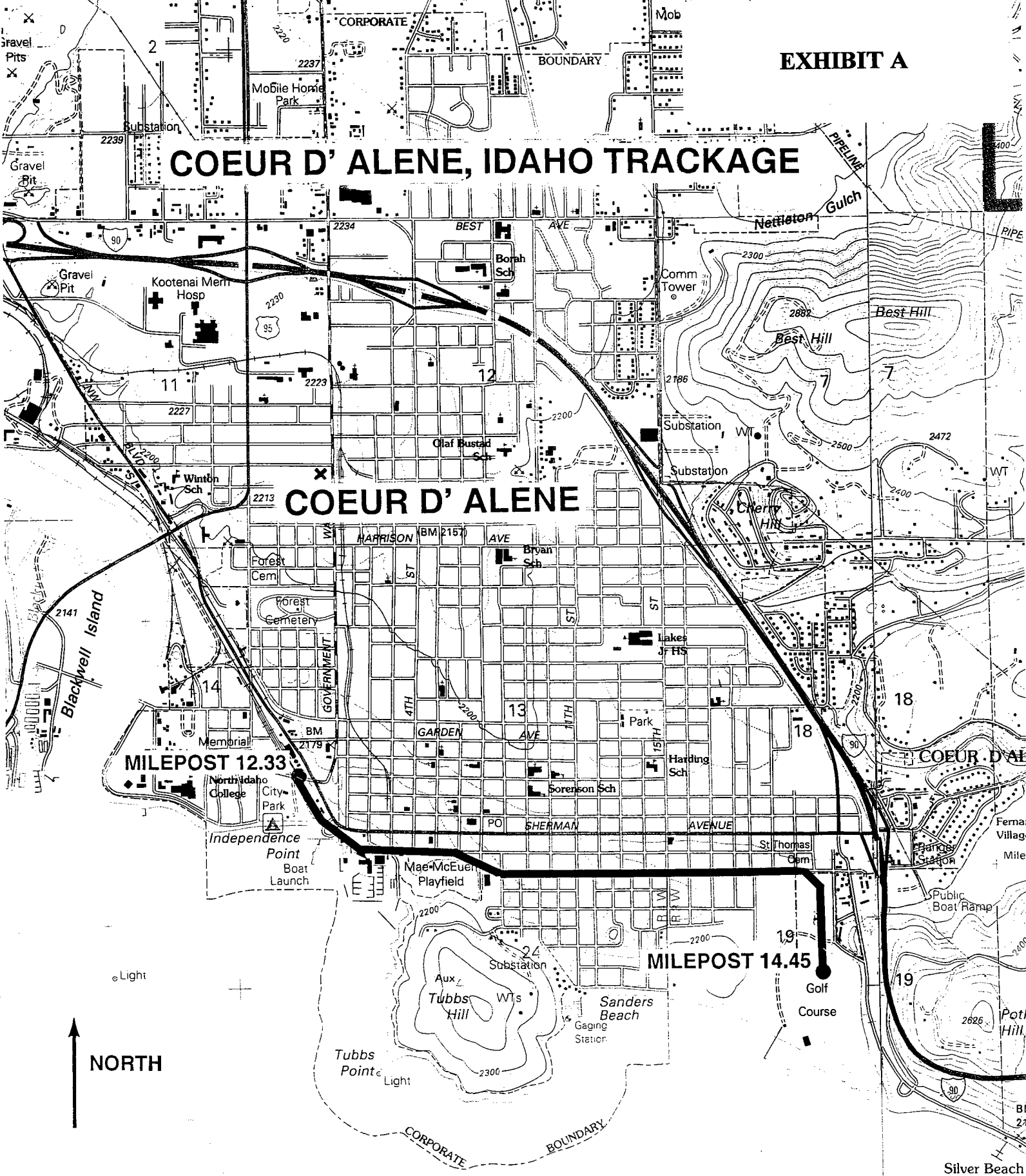
Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Sid L. Strickland, Jr.", written in dark ink.

By: SIDNEY L. STRICKLAND, JR  
ELIZABETH E. WAITE  
SIDNEY STRICKLAND AND ASSOCIATES  
3050 K Street, N.W., Suite 101  
Washington, DC 20007  
(202) 338-1325  
Attorneys for BNSF Railway Company

DATED: May 24, 2006

# COEUR D' ALENE, IDAHO TRACKAGE



## COEUR D' ALENE

MILEPOST 12.33

MILEPOST 14.45

NORTH

LINE SEGMENTS 375, 381 AND 382



Username: **Liz Waite**  
(liz.waite@stricklandplc.com)

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### Message

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**From:** Leo Hennessy <lhenness@IDPR.state.id.us>

**To:** liz.waite@stricklandplc.com

**Subject:** Coeur d' Alene Abandonment

**Date:** 09-May-06 12:26 PM

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This is e-mail is to show that the Idaho Department of Parks and Recreation (IDPR) is in support of making the proposed to be abandoned BNSF line in the City of Coeur d' Alene a rail-trail. The corridor would connect the North Idaho Centennial which starts in Spokane, Washington to it's proposed end at the Coeur d' Alene Parkway State Park. This corridor is a critical link for alternate transportation between communities. The City of Coeur d' Alene will be the lead agency in negotiating acquisition from BNSF but IDPR is interested if local agencies need assistance. IDPR does have grants available for such purposes but the earliest work or acquisition would be in June of 2007. Acquisition of this trail link one of the most important trail projects in the State of Idaho. Because of population growth in Post Falls and Coeur d' Alene new trail opportunities are needed to connect the new and old sub-divisions to parks, schools and business districts. If you have any questions please do not hesitate to contact me.

Leo Hennessy  
 Non-Motorized Trails Coordinator  
 Idaho Department of Parks and Recreation  
 PO Box 83720  
 5657 Warm Springs Boulevard  
 Boise ID 83720-0065  
 Work: (208) 334-4180 ext 228  
 Work Fax: (208) 334-3741  
 Cell: (208) 866-6471

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**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF BNSF RAILWAY</b>	)	
<b>COMPANY'S INTENT TO ABANDON 2.12</b>	)	<b>CASE NO. BNR-R-06-1</b>
<b>MILES OF RAILROAD LINE IN COEUR</b>	)	
<b>D'ALENE, IDAHO</b>	)	<b>NOTICE OF INTENT TO</b>
	)	<b>ABANDON</b>
	)	
	)	<b>NOTICE OF INTERVENTION</b>
	)	<b>DEADLINE</b>

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The Public Utilities Commission has recently learned that BNSF Railway Company intends to file an application with the Surface Transportation Board (STB) to abandon 2.12 miles of railroad right-of-way in Coeur d'Alene, Idaho. The STB is the entity of the U.S. Department of Transportation authorized to grant or deny rail line abandonments. The rail line in question once served the Potlatch Mill location that is now The Coeur d'Alene Golf Resort.

**NOTICE OF INTENT TO ABANDON**

YOU ARE HEREBY NOTIFIED that BNSF indicates that it will file a petition seeking an abandonment "exemption" with the STB. To be eligible to file a petition for exemption, a railroad must usually certify that no rail traffic has moved on the line for the past two years and there are no outstanding complaints about the lack of rail service. Under the exemption procedure, the STB will publish a notice in the Federal Register within 20 days after the petition for exemption is filed. Thirty (30) days after the notice is published in the Federal Register, the railroad is permitted to abandon the rail line unless the STB stays the abandonment.

YOU ARE FURTHER NOTIFIED that the rail line and right-of-way in question run between milepost (MP) 12.33 and MP 14.45 within the city limits of Coeur d'Alene. The section of right-of-way being proposed for abandonment generally runs from the Coeur d'Alene City Park adjacent to Northwest Boulevard, across the front of The Coeur d'Alene Resort, down East Front Avenue, follows East Mullan Avenue, and terminates at The Coeur d'Alene Golf Resort. The Commission Staff's initial information about the affected right-of-way indicates that the majority of the track was removed in the 1980s. Consequently, there are no shippers on the line. A map of the rail section to be abandoned is attached.

YOU ARE FURTHER NOTIFIED that the abandonment of rail lines and the discontinuance of rail service are governed by federal law. As this Commission has stated many times, the authority to grant or deny the abandonment of a rail line rests with the STB. *Idaho Code* § 62-424 requires the Public Utilities Commission to schedule a 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 of Idaho in the STB abandonment proceeding.

#### NOTICE OF INTERVENTION DEADLINE

YOU ARE FURTHER NOTIFIED that persons desiring to intervene in this matter for the purpose of presenting evidence must file a Petition to Intervene with the Commission pursuant to this Commission's Rules of Procedure 72 and 73, IDAPA 31.01.01.072 and -073. Persons intending to intervene must file a Petition to Intervene **on or before April 26, 2006**. Persons seeking intervenor status shall also provide the Commission Secretary with their electronic mail address to facilitate further communications in this matter.

YOU ARE FURTHER NOTIFIED that persons desiring to present their views without parties' rights of participation and cross-examination are not required to intervene and may present their comments without prior notification to the Commission or the parties.

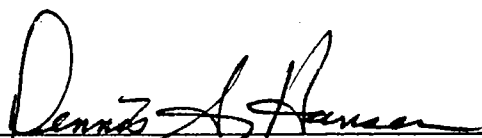
YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Titles 61 and 62 of the Idaho Code and specifically *Idaho Code* § 62-424.

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.*

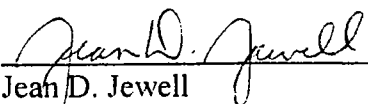
DATE at Boise, Idaho this 13<sup>th</sup> day of April 2006.

  
\_\_\_\_\_  
PAUL KJELLANDER, PRESIDENT

  
\_\_\_\_\_  
MARSHA H. SMITH, COMMISSIONER

  
\_\_\_\_\_  
DENNIS S. HANSEN, COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
Jean D. Jewell  
Commission Secretary

b1s/N:BNR-R-06-01\_dh

