

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF UNION PACIFIC)	
RAILROAD'S INTENT TO ABANDON THE)	CASE NO. UPR-R-04-1
COEUR D'ALENE INDUSTRIAL LEAD FROM)	
MP 2.25 TO MP 7.5 IN KOOTENAI COUNTY,)	NOTICE OF INTENT TO
IDAHO.)	ABANDON A RAIL LINE
)	
)	NOTICE OF HEARING
)	
)	ORDER NO. 29539

On March 16, 2004, Union Pacific Railroad notified the Idaho Public Utilities Commission that it intends to file a Petition with the Surface Transportation Board (STB) to abandon the Coeur d'Alene industrial lead located in Kootenai County, Idaho. This short stretch of track is approximately 5.25 miles in length running from the Feeley spur at Mile Post (MP) 2.25 to MP 7.5 near Gibbs. The STB is the entity of the U.S. Department of Transportation authorized to grant or deny rail line abandonment. Union Pacific anticipates that it will file its Petition this summer.

NOTICE OF INTENT TO ABANDON

YOU ARE HEREBY NOTIFIED that Union Pacific indicated that it will likely file a Petition seeking an abandonment "exemption" with the STB. Unlike the traditional abandonment process, the exemption process allows a railroad to abandon a rail line in as few as 30 days. Under the exemption process there is no requirement to file a Notice of Intent to Abandon or annual system diagram maps showing rail lines in jeopardy. To be eligible to file a Petition for Exemption, a railroad must 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 on the line. 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 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.

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YOU ARE FURTHER NOTIFIED that the industrial lead generally runs in a northwest-southeast direction from the Union Pacific main line between Spokane and Athol. The portion of the lead proposed for abandonment runs from the east of Meyer Road to Ramsey Road, then south crossing under Interstate 90, then east along the Spokane River about one mile, and terminates about a half mile west of U.S. Highway 95. This line was originally constructed in 1910 by the Spokane International Railroad Company. A map of the industrial lead is attached.

NOTICE OF HEARING

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 rail lines rests with the STB, not this Commission. However, *Idaho Code* § 62-424 requires that the Public Utilities Commission 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 market; 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.

YOU ARE FURTHER NOTIFIED that the Commission has scheduled a public hearing in this matter to commence at **1:30 P.M. ON TUESDAY, JULY 27, 2004 AT THE KOOTENAI COUNTY ADMINISTRATION BUILDING, ROOM 1B, 451 GOVERNMENT WAY, COEUR D'ALENE, IDAHO.** The purpose of the hearing is to obtain public testimony as to whether the abandonment of the 5.25-mile industrial lead would be adverse to Idaho's public interest. The railroad, shippers, local government leaders, and 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 all hearings and prehearing conferences 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

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.state.id.us

YOU ARE FURTHER NOTIFIED that the Commission has jurisdiction over this matter pursuant to *Idaho Code* § 62-424.

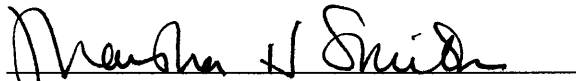
ORDER

IT IS HEREBY ORDERED that the Commission shall convene a public hearing in this matter as set out above.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 30th day of June 2004.



PAUL KJELLANDER, PRESIDENT

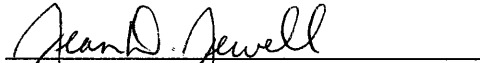


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

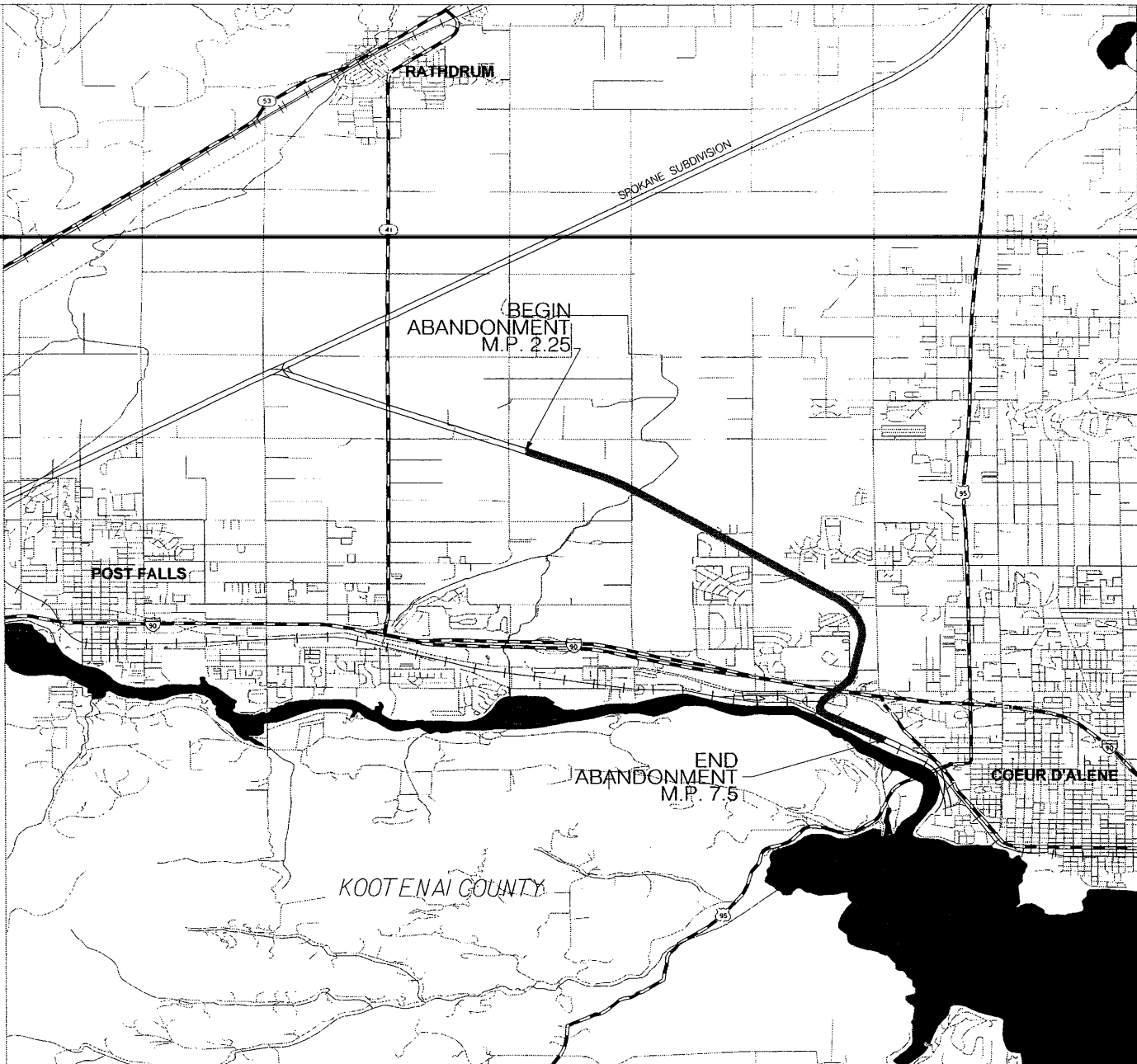
ATTEST:



Jean D. Jewell
Commission Secretary

vld/O:UPRR0401_dh

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NOTE:
THERE ARE NO STRUCTURES +50

A TOTAL OF 5.25 MILES
IN KOOTENAI COUNTY, IDAHO

- L E G E N D
- UPRR LINES TO BE ABANDONED
 - OTHER UPRR LINES
 - OTHER RAILROADS
 - PRINCIPAL HIGHWAYS
 - OTHER ROADS
 - 50+ YEAR OLD STRUCTURES

COEUR D'ALENE INDUSTRIAL LEAD
UNION PACIFIC RAILROAD CO.
COEUR D'ALENE INDUSTRIAL LEAD
FEELEY SPUR TO GIBBS, IDAHO
INCLUDING 50+ YEAR OLD STRUCTURES

SCALE MILES

FILE: q:\abandonments\ab0340.csk\jrot\phldgn

DATE: 09-Mar-04 08:51