

DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER
COMMISSIONER SMITH
COMMISSIONER HANSEN
COMMISSION SECRETARY
COMMISSION STAFF**

FROM: DON HOWELL

DATE: APRIL 30, 2004

RE: TWO RAILROAD ABANDONMENTS: UNION PACIFIC'S INDUSTRIAL LEAD IN KOOTENAI COUNTY (STB DOCKET NO. AB-33 (Sub-No. 218X) AND GREAT NORTHWEST (FORMERLY CAMAS PRAIRIE) RAILROAD'S JAYPE BRANCH BETWEEN OROFINO AND JAYPE (STB DOCKET NO. AB-872X)

The Commission Staff has learned that Union Pacific Railroad and the Great Northwest Railroad (formerly the Camas Prairie) are each in the early stages of preparing applications to abandon trackage in Idaho. Set out below in greater detail is more information about each abandonment.

1. **Union Pacific:** Last month Union Pacific notified the Commission that it intends to file an application with the Surface Transportation Board (STB) to abandon 5.25 miles of track in Kootenai County. This section of track is commonly referred to as the "Coeur d'Alene Industrial Lead" running from the Feeley Spur to near Gibbs. As the Commission is aware, the STB is the entity within the U.S. Department of Transportation with the authority to approve or deny rail line abandonment.

In preparation for filing its abandonment application, Union Pacific is conducting its early environmental analysis to identify any potential affects of the abandonment. The Railroad has made inquiries to the various environmental entities. At this juncture, the Railroad intends to use the expedited "exemption" process to abandon this rail line. The exemption process may be used if no rail traffic has moved on the line for the past two years. Under the STB procedures, once the exemption is filed, the STB will publish the notice in the Federal Register within 20 days. Unless stayed, the Railroad may abandon the line 30 days after the Notice of Abandonment is published in the Federal Register.

At this point, the Staff is unaware of any opposition to the abandonment. The only concern voiced to Staff was from Stimson Lumber which was concerned if the abandonment included the section of the rail line south of the Saltease Bridge.

2. **The Great Northwest**: The Great Northwest Railroad also anticipates filing an abandonment application for the Jaype Branch. This branch runs from Mile Post 0.0 at Orofino to Mile Post 31.0 near Jaype. The predominant use of this line was for hauling lumber products and logs. It too has made inquiries to state and federal agencies.

COMMISSION PROCEEDING

As previously mentioned, the STB is the federal entity with the authority to approve or deny rail line abandonment. *Idaho Code* § 62-424 provides that the Commission “shall schedule a public hearing on the proposed abandonment.” Because both of these abandonments will probably utilize the exemption process, the abandonments may be effective in as little as 50 days. It is for this reason the Staff is bringing the matter to the Commission now.

As previously indicated, the reason both railroads are utilizing the exemption process is that no traffic has moved over these line segments in the last 24 months. The STB recognizes that the lack of traffic is indicative that the public convenience and necessity no longer require railroad service on these lines. Nevertheless, the Commission is required by *Idaho Code* § 62-424 to hold a public hearing in railroad abandonment proceedings. Neither railroad has identified a specific date in which they intend to file the abandonment application but have indicated that the filing will likely occur in the next 60-90 days.

COMMISSION DECISION

1. At such time as the Commission Staff has gathered the necessary information to be included in a Notice of Abandonment, do you wish to initiate cases in these abandonment proceedings.

2. Given the Commission’s workload and previously scheduled activities, does the Commission wish to use a hearing officer to conduct public hearings in these two rail abandonment cases?

3. Anything else?



Don Howell

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