

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
OF UNION PACIFIC RAILROAD) **CASE NO. UPR-R-10-01**
COMPANY FOR APPROVAL TO)
ABANDON AN .85 MILE SECTION OF ITS) **NOTICE OF INTENT TO**
STODDARD INDUSTRIAL LEAD IN) **ABANDON A RAIL LINE**
NAMPA, IDAHO)
) **NOTICE OF HEARING**
)
) **ORDER NO. 32073**

On September 14, 2010, Union Pacific Railroad Company (“UP” or “Company”) notified the Idaho Department of Transportation (“ITD”) that it intends to request authority from the Surface Transportation Board (“STB”) to abandon and discontinue service from Milepost (MP) 0.9 to MP 1.75 of the “Stoddard Industrial Lead” in Nampa, Idaho. The STB is the entity of the U.S. Department of Transportation authorized to grant or deny rail line abandonments. UP’s action before the STB is referenced as Docket No. AB-33 (Sub-No. 294X).

NOTICE OF INTENT TO ABANDON

YOU ARE HEREBY NOTIFIED that UP intends to file a Petition for Exemption with the STB requesting an exemption from the federal prior-approval requirements found in 49 U.S.C. §§ 10903-10905 to abandon a 0.85 mile section of its rail line in Canyon County, Idaho.

YOU ARE FURTHER NOTIFIED that UPR intends to abandon a portion of its rail line located between MP 0.9 and MP 1.75 in Nampa, Canyon County, Idaho (the “Line”). The approximate physical location of the relevant portion of the Line UP intends to abandon begins near the intersection of 16th Avenue South and Front Street and extends nearly a mile to the south near East Florida Avenue.

YOU ARE FURTHER NOTIFIED that the exemption process allows railroads to abandon rail lines if the abandonment is of limited scope and it does not adversely affect national rail policy. 49 U.S.C. §§ 10502 and 10101. Under STB procedures, once the exemption is filed, the STB must publish a notice in the Federal Register within 20 days. Unless stayed, the railroad may then abandon the rail line 30 days after the notice is published in the Federal Register.

YOU ARE FURTHER NOTIFIED that UP is requesting assistance in identifying potential environmental effects associated with the proposed abandonment of the Line. UP is

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required by federal law and STB regulations to submit an Environmental Report analyzing the potential environmental impact caused by the proposed abandonment.

NOTICE OF HEARING

YOU ARE FURTHER NOTIFIED that the authority to grant or deny abandonment rests with the STB and is governed by federal law. However, "the public utilities commission shall schedule a public hearing on the proposed abandonment." *Idaho Code* § 62-424(1). 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 a potential for profitability. *Id.* If the Commission finds that the abandonment would adversely affect the area being served and the line has the potential for profitability, then it shall submit a report of its findings to the STB on behalf of the people of the State of Idaho. *Id.* The Commission "shall continue to intervene in federal surface transportation board abandonment proceedings when necessary to protect the state's interest." *Idaho Code* § 62-424(2).

YOU ARE FURTHER NOTIFIED that the Commission has scheduled a public hearing in this matter to commence at **7:00 P.M. ON OCTOBER 13, 2010, IN THE NAMPA CITY HALL BUILDING, 411 THIRD STREET SOUTH, NAMPA, IDAHO.** The purpose of the hearing is to take public testimony as to whether UP's proposed abandonment of an approximately 0.85 mile section of its Stoddard Industrial Lead rail line in Canyon County, Idaho would be adverse to Idaho's public interest. The railroad, any shipper, local government leaders, and any 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 UP's letter, with attachment, has been filed with the Commission and is available for public inspection during regular business hours at the Commission offices. The letter is also available on the Commission's web site at www.puc.idaho.gov by clicking on "File Room" and then "Rail Cases."

YOU ARE FURTHER NOTIFIED that all proceedings 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 assistance in order to participate

in or to understand testimony and argument at a public hearing 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.idaho.gov

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

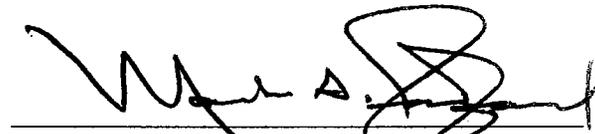
ORDER

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 24th day of September 2010.


JIM D. KEMPTON, PRESIDENT


MARSHA H. SMITH, COMMISSIONER

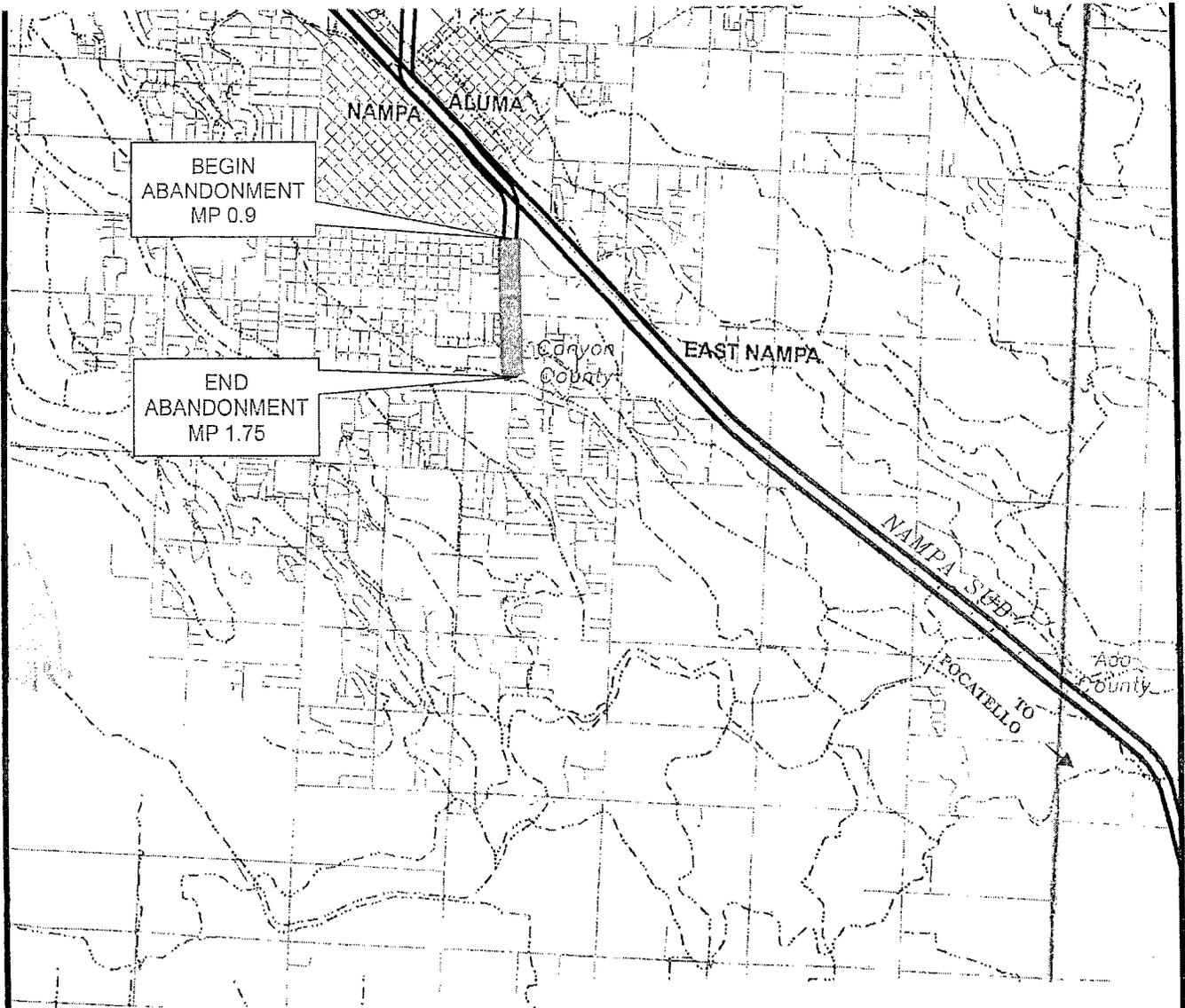

MACK A. REDFORD, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

O:UPR-R-10-01_np

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Legend

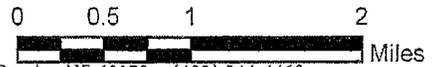
-  abandonment.csv Events
-  OTHER UPRR LINES
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

STODDARD INDUSTRIAL LEAD

MP 0.9 TO MP 1.75
TOTAL OF 0.85 MILES IN CANYON COUNTY
IN IDAHO

**UNION PACIFIC RAILROAD CO.
STODDARD INDUSTRIAL LEAD
IDAHO**

NOTE : THERE ARE NO 50+ YEAR OLD STRUCTURES



Q:\abandonments\lab33_294x_Stoddard_Indl.rxd
UNION PACIFIC RAILROAD 1400 Douglas Street Step 1580 Omaha, NE 68179 (402) 544-4468

ATTACHMENT
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