BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE ABANDONMENT OF UNION PACIFIC RAILROAD COMPANY’S GRACE INDUSTRIAL LEAD IN CARIBOU COUNTY. | )  )  )  )  )  )  ) | CASE NO. UP-RR-95-3  NOTICE OF PETITION  NOTICE OF HEARING |

YOU ARE HEREBY NOTIFIED that on May 22, 1995, the Union Pacific Railroad Company (Union Pacific) notified this Commission that it intended to submit formal application to the Interstate Commerce Commission (ICC) to abandon its Grace Industrial Lead from milepost 0.1 near Alexander to milepost 5.8 near Grace, in the county of Caribou, State of Idaho. YOU ARE FURTHER NOTIFIED that the line in question primarily serves two grain shippers located in Grace.  The line is currently out of service or “embargoed.”  Union Pacific contends there is an unsafe bridge on the line.

YOU ARE FURTHER NOTIFIED that authority to grant or deny the abandonment rests solely with the ICC.  Pursuant to Idaho Code § 62-424, however, this Commission conducts an independent review to determine whether the abandonment would adversely affect the area being served and whether the branch has a potential for profitability.  The Commission is the agency which represents the State before the ICC.  Pursuant to Idaho Code § 62-424, the Commission is required to conduct a public hearing to determine whether the abandonment of the line in question would [1] adversely affect the area then being served; [2] there is reason to believe that the closure would impair the access of Idaho communities to vital goods and services and market access to those communities, and; [3] the line has potential for profitability.  If the Commission finds that the foregoing criteria have been met, then it shall transmit a report of its findings to the ICC on behalf of the people of the state of Idaho.

YOU ARE FURTHER NOTIFIED that the Commission will conduct a public hearing in this matter commencing at 6:30 P.M. ON TUESDAY, JULY 18, 1995, IN THE GRACE SCHOOL AUDITORIUM, MAIN ST., GRACE, IDAHO.  At that time, the Commission will take testimony from the Staff, the railroad, shippers and other interested persons.  Testimony specifically directed to whether abandonment of the Grace lead would be adverse to the public interest is invited.  The railroad should present evidence supporting its reasons for abandonment including revenues, traffic, operating costs, service schedule, track condition, salvage value, etc.

YOU ARE FURTHER NOTIFIED that persons desiring to intervene in this case for the purpose of presenting evidence or cross-examining witnesses must file a Petition to Intervene with the Commission pursuant to Rule 72 and 73 of the Commission Rules of Procedure, IDAPA 31.01.01.000 et seq.  Given the expedited nature of this proceeding, Petitions to Intervene should be filed as soon as possible.  Intervention may be granted at the hearing.  Persons desiring to present their views without parties’ rights of participation and examination are not required to intervene and may present their comments without prior notification to the Commission or to other parties.

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.  Persons needing the help of a sign language interpreter or other assistance of the kind that the Commission is obligated to provide under the Americans with Disabilities Act in order to participate in or to understand the 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) 334-3151  (TEXT TELEPHONE)

YOU ARE FURTHER NOTIFIED that the Commission has jurisdiction over this matter pursuant to Idaho Code § 62-424.  The Commission may issue Orders consistent with its authority under this section or under Title 61 or Title 62.

DATED this                 day of July 1995.

Myrna J. Walters

vld/N-UP-RR-95-3.bpCommission Secretary