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SERVICE DATE – APRIL 9, 2020

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1252 (Sub-No. 1X)

EASTERN IDAHO RAILROAD, L.L.C.—ABANDONMENT EXEMPTION—
IN BONNEVILLE COUNTY, IDAHO

Decided: April 9, 2020

Eastern Idaho Railroad, L.L.C. (EIRR), filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon an approximately 0.76-mile portion of a railroad line known generally as the Old Butte Main Line, extending between milepost 184.14 (immediately southeast of the grade crossing with Yellowstone Highway) and milepost 184.90 (north of the grade crossing with W. Broadway Street), in Idaho Falls, Bonneville County, Idaho (the Line). Notice of the exemption was served and published in the Federal Register on March 13, 2020 (85 Fed. Reg. 14,720). The exemption is scheduled to become effective on April 12, 2020.

On March 6, 2020, the City of Idaho Falls (the City) requested issuance of a notice of interim trail use or abandonment (NITU) to negotiate with EIRR to establish interim trail use and railbanking on the Line under the National Trails System Act (Trails Act), 16 U.S.C. § 1247(d), and imposition of a public use condition under 49 U.S.C. § 10905 for the right-of-way. In a response filed on March 11, 2020, EIRR notified the Board that it is willing to negotiate an agreement for interim trail use with the City.

The Board's Office of Environmental Analysis (OEA) served a Draft Environmental Assessment (Draft EA) on March 20, 2020. The deadline for comments on the Draft EA was April 6, 2020. On April 6, 2020, the City filed comments in the Board's docket for this proceeding alleging an omission in the verified notice and commenting on the Draft EA. The City requests that OEA recommend an additional condition and make modifications to the conditions recommended in the Draft EA.

To permit consideration of the City's comments and allow EIRR a reasonable opportunity to reply, the effective date of the exemption will be postponed pending further Board order. EIRR will be directed to respond to the City's comments by April 20, 2020. The Final EA will be issued before the exemption becomes effective.

It is ordered:

1. EIRR shall respond to the City's comments by April 20, 2020.

2. The effective date of the exemption is postponed until further Board order.
3. The decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.