

BEFORE THE SURFACE TRANSPORTATION BOARD

Eastern Idaho Railroad, L.L.C.)
 Abandonment Exemption)
 In Bonneville County, ID)

AB-1252 (Sub-No. 1X)

ENTERED
 Office of Proceedings
 May 16, 2023
 Part of
 Public Record

**JOINT NOTICE OF INTERIM TRAIL USE AGREEMENT AND JOINT REQUEST TO
 VACATE NITU AND FOR ISSUANCE OF AREPLACEMENT NITU**

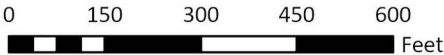
IJoint Notice of Interim Trail Use Agreement

Pursuant to 40 CFR § 1152.29(h), the City of Idaho Falls, Idaho (the “City”), as trail sponsor, and Eastern Idaho Railroad, L.L.C. (“EIRR”) hereby jointly give notice that they have reached a trails use agreement in the above-referenced abandonment proceeding. Specifically, on May 8, 2023, the City and EIRR entered into an Interim Trail Use/Railbanking Purchase Agreement (“ITUA”). The ITUA governs the transfer of right-of-way and certain personal property associated with that corridor (collectively, the “Property”) extending from milepost 184.14 to milepost 184.50, all within Idaho Falls, as is also depicted in the map below (which also serves as Exhibit A to the ITUA). The parties closed on the corridor transfer transaction pursuant to the terms of the ITUA on May 22, 2023.

The City and EIRR jointly hereby certify that the ITUA includes provisions requiring the City to fulfill the responsibilities described in 40 CFR § 1152.29(a)(2). To that end, the City certifies that it is willing to assume, and has assumed – (a) full responsibility for managing the Property; (b) any legal liability arising out of the transfer or use of the Property to the extent for which it is liable under Idaho and other relevant law; and (c) the payment of any and all taxes that may be levied or assessed against the Property for which the City is responsible under Idaho and other relevant law.



- Property
- Current Rights
- Mileposts



Longitude:	-112.043633
Latitude:	43.490943
Date:	5/15/2023
Drawn By:	KK

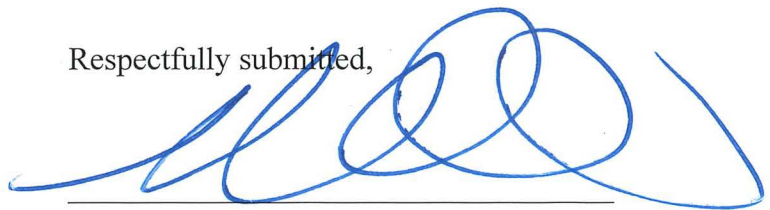
II

Joint Request to Vacate of NITU and for Issuance of a Replacement NITU

The segment of railroad line upon which the City and EIRR have reached an agreement for interim trails use is less than the entire length of the line (the "Line") that is the subject of the present abandonment proceeding. The entire Line that is the subject of the present abandonment proceeding extends between milepost 181.14 and milepost 184.90. As reflected in this docket, the City originally sought and obtained an NITU for the entire Line, per a Director's Order served on June 5, 2020, which NITU subsequently was extended by additional Director's Orders served, respectively, on June 29, 2021, and May 27, 2022. But, as indicated above, the ITUA involves only the portion of the Line between milepost 184.14 to milepost 184.50.

Accordingly, pursuant to 49 C.F.R. § 1152.29(h), the City and EIRR jointly request that the Board vacate the current NITU previously issued and extended in this proceeding, and issue a replacement NITU applicable only to the portion of the Line between milepost 184.14 to milepost 184.50, in keeping with the terms of the ITUA.

Respectfully submitted,



Randall D. Fife
City Attorney, City of Idaho Falls
P.O. Box 50220
Idaho Falls, Idaho 83402

**COUNSEL FOR THE CITY OF IDAHO
FALLS, IDAHO**

/s/ *R. A. Wimbish*

Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, IL 60606-3208
(312) 252-1500
rwimbish@fletcher-sippel.com

**COUNSEL FOR EASTEN IDAHO
RAILROAD, L.L.C.**

cc: All parties of record