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December 21, 2018
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December 21, 2018

BY HAND DELIVERY

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, SW
Washington, DC 20423

**Re: Docket No. AB 1252X, Eastern Idaho Railroad, L.L.C. –
Abandonment Exemption – in Fremont County, Idaho**

Dear Ms. Brown:

Enclosed for filing are the original and ten copies of Eastern Idaho Railroad L.L.C.'s Notice of Exemption under 49 C.F.R. § 1152.50. Also enclosed is a check covering the \$4,200 filing fee.

If you have any questions, please call me.

Sincerely,

Karl Morell

Karl Morell

Enclosures

FILED
December 21, 2018
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
December 21, 2018
SURFACE
TRANSPORTATION BOARD



BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1252X

EASTERN IDAHO RAILROAD, L.L.C.
-- ABANDONMENT EXEMPTION --
IN FREMONT COUNTY, IDAHO

NOTICE OF EXEMPTION

Karl Morell
Karl Morell and Associates
440 1st Street, NW
Suite 440
Washington, D.C. 20001
(202) 595-9045

Attorney for:
EASTERN IDAHO RAILROAD, L.L.C.

Dated: December 21, 2018

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1252X

EASTERN IDAHO RAILROAD, L.L.C.
-- ABANDONMENT EXEMPTION --
IN FREMONT COUNTY, IDAHO

NOTICE OF EXEMPTION

Eastern Idaho Railroad, L.L.C. ("EIRR") files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 to abandon the 5-mile rail line located between Milepost 28.80, at Egin, Idaho, and Milepost 33.80, at Parker, in Fremont County Idaho (the "Line").

1. Proposed consummation date.

The proposed consummation date is 50 days after the filing of this Notice of Exemption.

2. Certification required by 49 C.F.R. § 1152.50(b).

The required certification is attached hereto as Exhibit A.

3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

- (a) General.

- (1) Exact name of applicant.

Eastern Idaho Railroad, L.L.C.

- (2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

EIRR is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought.

EIRR seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon the 5-mile rail line located between Milepost 28.80, at Egin, Idaho, and Milepost 33.80, at Parker, in Fremont County Idaho. There has been no local or overhead traffic on the Line in over two years. The Line is stub-ended and not capable of handling overhead traffic.

(4) Map.

A Map depicting the trackage covered by the proposed abandonment is attached as Exhibit B.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent.

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Washington, DC 20001
(202) 595-9045

(8) List of all United States Postal Service ZIP Codes that the line proposed for abandonment traverses.

The Line traverses ZIP Codes 83445 and 83438.

(e) Rural and community impact.

- (4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

The right-of-way may be suitable for use for other public purposes.

Based on information in EIRR's possession, the Line does not contain federally granted rights-of-way. Any documentation in EIRR's possession will be made available promptly to those requesting it.

4. The level of labor protection.

The interests of railroad employees who may be adversely affected by the proposed discontinuance will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. – Abandonment – Goshen*, 360 I.C.C. 91 (1979).

5. Certification.

Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.12 are attached as Exhibit C.

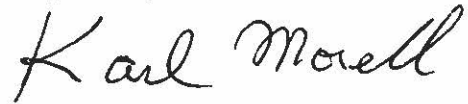
6. Environmental Report.

The Environmental Report containing information required by 49 C.F.R. § 1105.7(e) was filed with the Board on May 2, 2018.

7. Historic Report.

The Historic Report containing information required by 49 C.F.R. § 1105.8(d) was filed with the Board on May 2, 2018.

Respectfully submitted,

A handwritten signature in black ink that reads "Karl Morell". The signature is written in a cursive, flowing style.

Karl Morell
440 1st Street, NW, Suite 440
Washington, D.C. 20001
(202) 595-9045

Attorney for:
EASTERN IDAHO RAILROAD, L.L.C.

Dated: December 21, 2018

EXHIBIT A

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF KANSAS)
) ss.
COUNTY OF CRAWFORD)

I, Rick D. Baden, being duly sworn depose and state that I am President of Eastern Idaho Railroad, L.L.C. ("EIRR"), that I am authorized to make this verification, and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information, and belief.

I hereby certify that no local traffic has been handled to or from any customer over the rail line located between Milepost 28.80, at Egin, Idaho, and Milepost 33.80, at Parker, in Fremont County Idaho (the "Line") for at least two (2) years prior to the date hereof. Also, no overhead traffic has been handled on the Line for at least two (2) years prior to the date hereof. The Line is stub-ended and, therefore, not capable of handling overhead traffic. Further, no formal complaint filed by a user of rail service on the Line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period.

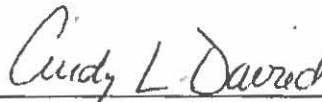
The foregoing certification is made on behalf of EIRR by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.



Rick D. Baden

SUBSCRIBED AND SWORN TO before me this 6th day of November, 2018.

My Commission Expires: 5-19-2021



Notary Public

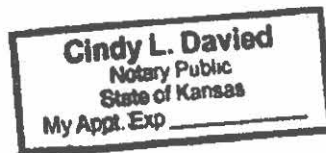
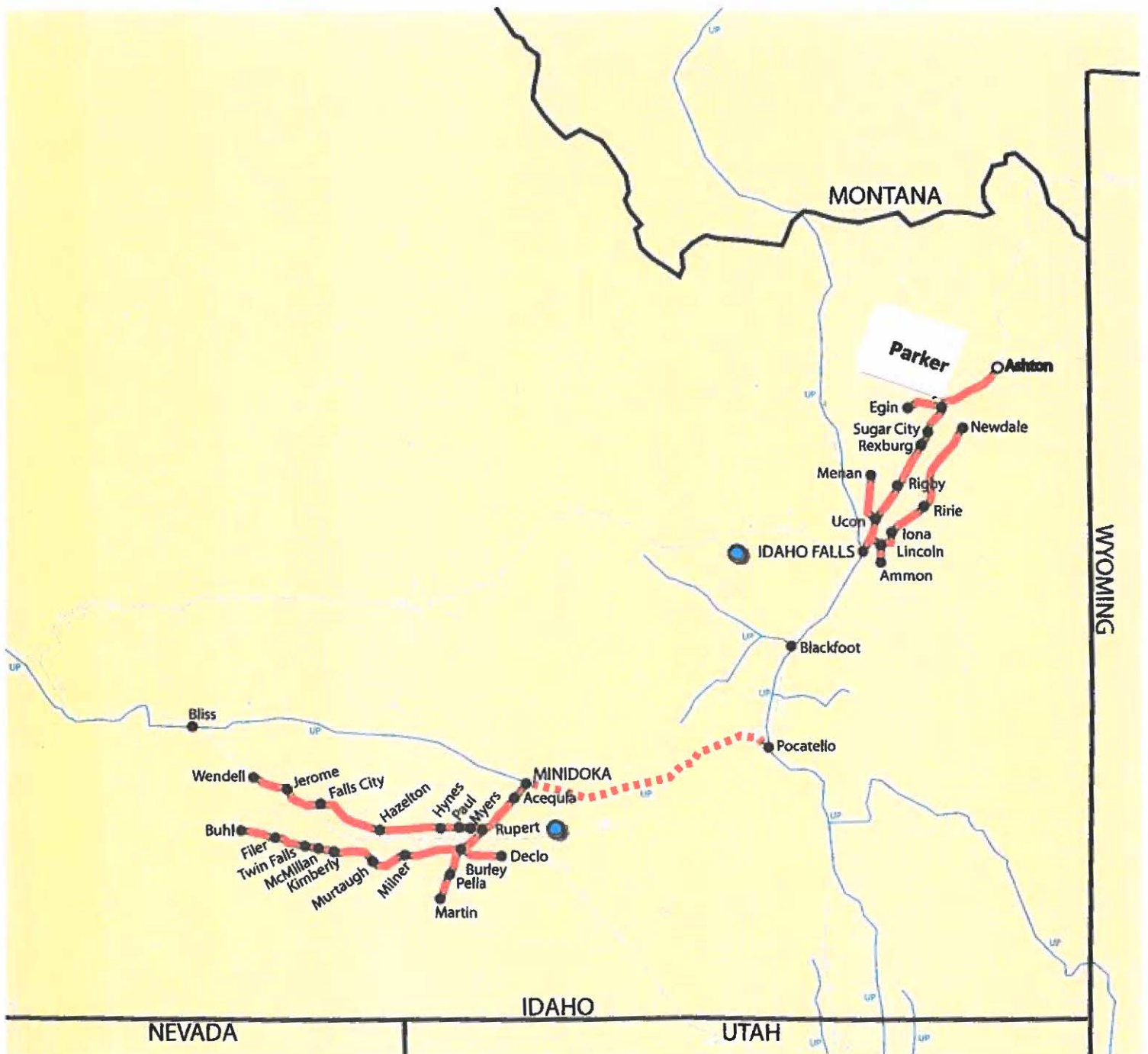


EXHIBIT B



LEGEND:

Eastern Idaho RR (EIRR)

Eastern Idaho Trackage Rights

Interchanges - Track miles 270

UP - Minidoka, Idaho Falls

Mechanical Services

EXHIBIT C

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-1252X was mailed via first class mail on February 22, 2018, and May 3, 2018 to the following parties:

State Public Service Commission

Idaho Public Utilities Commission
P.O. Box 837720
Boise, ID 83720-0074

Military Traffic Management Command

Military Surface Deployment and Distribution Command Transportation
Engineering Agency
ATTN: SDTE-SA
1 Soldier Way, Building 1900W
Scott AFB, IL 62225-5006

National Park Service

U.S. Department of Interior - National Park Service
Recreation Resources Assistance Division
1849 C Street, NW
Washington, DC 20240-0001

Sue Masica, Regional Director
Intermountain Region
National Park Service
12795 Alameda Parkway
Denver, CO 80225

U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Yates Building
201 14th Street, S.W.
Washington, DC 20250

Dated: December 21, 2018

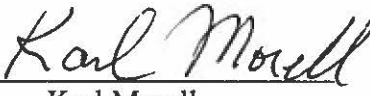
A handwritten signature in cursive script, reading "Karl Morell". The signature is written in dark ink and is positioned above a horizontal line.

Karl Morell

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-1252X was published on May 4, 2018 in The Standard Journal, a newspaper of general circulation in Fremont County, Idaho as required by 49 C.F.R. § 1105.12.

Dated: December 21, 2018


Karl Morell

**CERTIFICATE OF SERVICE
ENVIRONMENTAL AND HISTORIC REPORTS**

The undersigned hereby certifies that, in Docket No. AB 1252 the transmittal letter required by 49 C.F.R. § 1105.11, was mailed to all agencies listed in 49 C.F.R. § 1105.7(b), as well as the additional agencies listed below via first class mail on May 2 and 24, 2018.

Pursuant to the requirements of 49 C.F.R. § 1105.7 and 1105.8, the undersigned hereby certifies that copies of the Environmental and Historic Reports were mailed via first class mail on May 2 and 24, 2018 to the following agencies:

Fremont Board of County Commissioners
151 W. 1st North, Room 10
St. Anthony, Idaho 83445

Administrator
Department of Environmental Quality
P.O. Box 83720
1410 North Hilton
Boise, ID 83706-1255

Simon Monroe
The National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282

US EPA
1200 Sixth Avenue
Seattle, WA 98101

Ms Lisa Dlugolecki
U.S. Fish and Wildlife Service
4425 Burley Drive, Suite A
Chubbuck, ID 83202

U.S. National Park Service
One Jackson Center
1111 Jackson Street, Suite 700
Oakland, CA 94607

USDA Natural Resources Conservation
Service
9173 West Barnes Drive, Suite C
Boise, ID 83709

Matthew Halitsky
Historic Preservation Review Officer
Idaho State Historic Preservation Office
210 W Main Street
Boise, ID 83702

Corps of Engineers, Walla Walla
Regulatory Division
201 N 3rd Ave.
Walla Walla, WA 99362-1876

Dated: December 21, 2018

Karl Morell

Karl Morell