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SERVICE DATE – MARCH 11, 2019

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1252X

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

Decided: March 8, 2019

Eastern Idaho Railroad, L.L.C. (EIRR), filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon a five-mile rail line located between milepost 28.80 at Egin and milepost 33.80 at Parker, in Fremont County, Idaho (the Line). Notice of the exemption was served and published in the Federal Register on February 8, 2019 (84 Fed. Reg. 2943). The exemption is scheduled to become effective on March 12, 2019.

On February 12, 2019, the City of St. Anthony (City) timely requested a notice of interim trail use or abandonment (NITU) under 49 C.F.R. § 1152.29, and a public use condition under 49 C.F.R. § 1152.28. However, on February 25, 2019, the City filed a letter stating that it wished to withdraw its February 12 request and that it supported EIRR's abandonment of the Line. The City's request to withdraw its February 12 filing will be granted.

The Board's Office of Environmental Analysis (OEA) served an Environmental Assessment (EA) on February 15, 2019, recommending that one condition be imposed on any decision granting abandonment authority. In the EA, OEA stated that the National Geodetic Survey (NGS) submitted comments stating that there may be one geodetic survey marker located within the project area. Accordingly, OEA recommended a condition be imposed on any decision granting abandonment authority, requiring EIRR to consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that would disturb or destroy any geodetic station markers.

OEA received no comments in response to the EA by the March 4, 2019 due date. OEA issued its final EA on March 8, 2019, recommending that the one previously recommended condition be imposed. Accordingly, this proceeding will be reopened, and the condition recommended by OEA in the EA and final EA will be imposed.

This action, as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. The City's request to withdraw its February 12, 2019 request for a NITU and a public use condition is granted.
3. Upon reconsideration, the notice served and published in the Federal Register on February 8, 2019, exempting the abandonment of the Line described above is subject to the condition that EIRR shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that would disturb or destroy any geodetic station markers.
4. This decision is effective on its service date.

By the Board, Allison C. Davis, Acting Director, Office of Proceedings.