

SERVICE DATE – JUNE 29, 2021

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: June 28, 2021

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).

On June 5, 2020, the proceeding was reopened and a notice of interim trail use or abandonment (NITU) was issued pursuant to the National Trails System Act (Trails Act), 16 U.S.C. § 1247(d), and 49 C.F.R. § 1152.29, along with the imposition of other unrelated conditions. The NITU authorized the City of Idaho Falls (the City) to negotiate an interim trail use/rail banking agreement with EIRR for a period of one year, until June 5, 2021.

On June 2, 2021, the City filed a request that the Board extend the NITU negotiating period for an additional year. While EIRR consents to the extension request,¹ the City states that the Idaho Department of Transportation (IDT) has indicated to the City that IDT is interested in pursuing the transaction on behalf of the City. According to the City, IDT has informed the City that IDT has made progress in its negotiations with EIRR, and that both IDT and EIRR desired the City to request a one-year extension of the NITU negotiating period in order to complete negotiations.

Pursuant to § 1152.29(d)(1)(ii), up to three extensions of an initial NITU negotiating period may be granted if the trail sponsor and the railroad agree. Here, the City's request for an extension, to which EIRR consents, is the first such request and therefore will be granted.² However, it should be noted that the City, not IDT, is the authorized potential trail sponsor in this

¹ EIRR confirmed its consent in a letter filed on June 3, 2021.

² Although the City's request seeks an extension until June 4, 2022, the previous negotiating period expired on June 5, 2021. Therefore, a one-year extension is granted, until June 5, 2022.

proceeding; should the parties wish to substitute IDT for the City, they must file a request with the Board pursuant to 49 C.F.R. § 1152.29(f).

It is ordered:

1. The City's request to extend the NITU negotiating period is granted; the negotiating period is extended until June 5, 2022.
2. This decision and notice is effective on its service date.

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