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June 9, 2020

300733

VIA ELECTRONIC FILING

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, S.W., Room #1034
Washington, DC 20423-0001

ENTERED
Office of Proceedings
June 9, 2020
Part of
Public Record

Re: **Docket No. AB 1252 (Sub-No. 1X)**
Eastern Idaho Railroad, L.L.C. – Abandonment Exemption –
in Bonneville County, Idaho

Eastern Idaho Railroad, L.L.C. (“EIRR”), through its undersigned counsel, hereby certifies that it has served revised notices, pursuant to 49 C.F.R. 1152.50(d)(1), to the following federal and state entities, advising each entity of the proposed abandonment, and clarifying that the line segment in question contains federally-granted rights-of-way (and that information regarding such rights-of-way would be made available upon request):

Forest Service, U.S. Department of Agriculture

Military Surface Deployment & Distribution Command
Transportation Engineering Agency

Conservation and Outdoor Recreation, National Park Service

Idaho Public Utilities Commission

An example of the revised notice letters is attached. These revised notice letters have been prepared and served in accordance with the Board’s Ordering Paragraph 2 in its decision served in this proceeding on June 5, 2020.

FLETCHER & SIPPEL LLC

The Honorable Cynthia T. Brown
June 9, 2020
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Respectfully submitted,

/s/ *R. A. Wimbish*

Robert A. Wimbish
Attorney for the Eastern Idaho Railroad, LLC

RAW/ah

Attachment

cc: All parties of record

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June 9, 2020

Via Electronic Mail

Ms. Vicki Christiansen
Chief, Forest Service
U.S. Department of Agriculture
1400 Independence Avenue S.W.
Washington, DC 20250-1111
Email: vcchristiansen@fs.fed.us

Re: **STB Docket No. AB-1252 (Sub-No. 1X)**
Eastern Idaho Railroad, L.L.C. – Abandonment Exemption –
In Bonneville County, Idaho

SUPPLEMENTAL NOTICE

Dear Chief Christiansen:

On February 24, 2020, Eastern Idaho Railroad, L.L.C. (“EIRR”) filed with the Surface Transportation Board (“STB”), Washington, D.C., a notice of exemption under 49 C.F.R. Part 1152, Subpart F – *Exempt Abandonments and Discontinuances of Service and Trackage Rights*, to permit the abandonment of an approximately 0.76-mile segment of a railroad located in Idaho Falls, Bonneville County, Idaho, extending from milepost 184.14 (immediately southeast of the grade crossing with Yellowstone Highway), to milepost 184.90 (north of the grade crossing with W. Broadway Street) (the “Line”). The Line traverses United States Postal Service ZIP Code 83402. The proceeding has been docketed as STB Docket No. AB-1252 (Sub-No. 1X). A map depicting the Line is enclosed herewith.

The exemption procedures set forth at § 1152.50 have been invoked because no local traffic has moved over the Line for at least two years, and overhead traffic (if any) can be diverted to other routes. Based on information now in the railroad’s possession, it appears that the land underlying the Line consists in large part, if not entirely, of federally-granted right-of-way.¹ Any documentation in the railroad’s possession regarding federally-granted right-of-way will be made available promptly to those requesting it.

¹ In a notice previously provided to you, EIRR had stated that it did not believe that the underlying land consisted of federally-granted right-of-way. Subsequent EIRR investigation, and input from the City of Idaho Falls has led EIRR to determine (based upon information EIRR has examined) that the Line appears to contain a considerable amount of federally-granted land.

Ms. Vicki Christiansen

June 9, 2020

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EIRR is providing this supplemental notice in accordance with a decision served by the STB in this docket on June 5, 2020, in which the STB noted the discrepancy between EIRR's original statements regarding no federally-granted rights-of-way, and a subsequent filing in which EIRR advised the STB that it appeared that the Line's right-of-way (or parts of it) had been granted to EIRR's original predecessor by the federal government. To correct that discrepancy, the STB has directed EIRR to supply you with a revised notice of abandonment, clarifying our understanding that the Line contains federally-granted rights-of-way. Contingent upon compliance with the STB's direction, and subject to EIRR's certification to the STB of its compliance with the same, EIRR's abandonment authorization was permitted to take effect, provisionally, as of June 5, 2020.

If you have any questions about the abandonment notice of exemption that EIRR has filed, the STB's decision of June 5, 2020, or EIRR's compliance with the order set forth in that decision, please review the applicable regulations or contact me at 312-252-1504 or the Surface Transportation Board, 395 E Street SW Washington, DC 20423-0001; TEL: (202) 245-0230.

Sincerely,

R. A. Wimbish

Robert A. Wimbish

Attorney for Eastern Idaho Railroad, L.L.C.

Enclosure

Docket No. AB-1252 (Sub-No. 1X)
Eastern Idaho Railroad, LLC –
Abandonment Exemption – In Bonneville County, Idaho

