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SERVICE DATE - MARCH 10, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-564

CAMAS PRAIRIE RAILNET, INC.--ABANDONMENT--IN LEWIS, NEZ PERCE, AND  
IDAHO COUNTIES, ID  
(BETWEEN SPALDING AND GRANGEVILLE, ID)

Decided: March 9, 2000

By petition filed February 14, 2000, Camas Prairie RailNet, Inc. (CSPR) seeks waiver of the requirements of 49 CFR 1152.22(c)(8) and 1152.22(e)(2), to the extent that those rules require the submission of economic and operating evidence involving traffic and changes in service occurring on a line in the 2 calendar years immediately preceding the filing of an application to abandon the line.

In April 1998, CSPR was authorized to acquire and operate<sup>1</sup> a series of interconnected lines of railroad, some of which had been owned by the Union Pacific Railroad Company and some of which had been owned by The Burlington Northern and Santa Fe Railway Company, and which had been operated by the Camas Prairie Railroad Company, as follows: (1) a line of railroad known as the 1st Subdivision, extending from milepost 137.0 at Lewiston, ID, to milepost 61.0 (end of track), at or near Kooskia, ID; (2) a line of railroad known as the 2nd Subdivision, extending from milepost 0.0, at Spalding, ID, to milepost 66.5 (end of track), at or near Grangeville, ID; (3) a line of railroad known as the 3rd Subdivision, extending from milepost 0.0, at Riparia, WA, to milepost 71.5, at East Lewiston, ID; and (4) a line of railroad known as the 4th Subdivision, extending from milepost 0.0, at Orofino, ID, to milepost 31.0 (end of track), at or near Revling, ID.<sup>2</sup>

As pertinent here, CSPR plans to file an application to abandon the line described as the 2nd Subdivision above. CSPR states that it requests waiver of the information reporting requirements because it is unable to furnish evidence for matters that occurred prior to April 17, 1998, as it did not acquire the subject rail properties until that date. CSPR states that it would provide as part of its application information for that portion of 1998 that it operated the line (April 17, 1998, through December 31, 1998) as well as for the full calendar year 1999.

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<sup>1</sup> See Camas Prairie Railnet, Inc.--Acquisition and Operation Exemption--Camas Prairie Railroad Company, Union Pacific Railroad Company, and The Burlington Northern and Santa Fe Railway Company, STB Finance Docket No. 33558 (STB served Apr. 30, 1998).

<sup>2</sup> CSPR also acquired 15.1 miles of incidental overhead trackage rights.

CSPR asserts that is unable to furnish the required data in its entirety because it did not own the line prior to April 17, 1998. CSPR does not, however, assert that it is unable to obtain the prescribed information from the former owner, or even that it would be difficult to do so. Under the circumstances, CSPR has not justified a grant of the waiver it is seeking and the waiver request will be denied.

Under 49 CFR 1011.2(a)(7), an appeal of this decision may be filed with the Board within 10 days after service of this decision.

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

It is ordered:

1. The petition for waiver is denied.
2. This decision is effective on the date of service.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary