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SERVICE DATE – LATE RELEASE AUGUST 28, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-570 (Sub-No. 3X)

PALOUSE RIVER & COULEE CITY RAILROAD, INC.–ABANDONMENT EXEMPTION–
IN LATAH COUNTY, ID

Decided: August 28, 2009

Palouse River & Coulee City Railroad, Inc. (PRCC) filed a verified notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon 2.98 miles of rail line consisting of the following three segments between: (1) milepost 84.0, at the Washington-Idaho State line, and milepost 85.91, in Moscow, ID; (2) milepost 86.11 and milepost 86.9, in Moscow; and (3) milepost 85.5 and the end of the line at the intersection of A Street and Almon Street, in Moscow, Latah County, ID.¹ Notice of the exemption was served and published in the Federal Register on August 11, 2009 (74 FR 40281). The notice stated that the exemption was scheduled to become effective on September 10, 2009, unless stayed by the Board on unless a formal expression of intent to file an offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27(c)(2) was filed by August 21, 2009.

On August 18, 2009, The McGregor Company (McGregor) filed a motion to dismiss the notice of exemption. McGregor's opposition centered around its efforts to acquire segment 1 of the above-described rail line to preserve the ability to receive rail service at its warehouse facility known as Wilson Siding. On August 20, 2009, McGregor also filed a formal expression of intent to file an OFA to purchase segment 1 of the rail line proposed for abandonment.

On August 25, 2009, McGregor notified the Board that it has reached a settlement agreement with PRCC. McGregor therefore has requested the withdrawal of its motion to dismiss, all objections to this proceeding, and other related filings, which would also include its notice of intent to file an OFA. Consistent with Board policy favoring privately negotiated settlements, McGregor's request will be granted.

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

¹ PRCC's segment located between milepost 85.91 and milepost 86.11 was authorized for abandonment in Palouse River & Coulee City Railroad, Inc.–Abandonment Exemption–in Latah County, ID, (STB served August 17, 2007).

It is ordered:

1. McGregor's request to withdraw its motion to dismiss, all objections to this proceeding, and all other related filings are granted.
2. This decision is effective on its date of service.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Anne K. Quinlan
Acting Secretary