



Oregon

Kate Brown, Governor

Department of Transportation

Rail and Public Transit Division

555 13th Street NE, Suite 2

Salem, OR 97301

Transit Phone: (503) 986-3300

Rail Phone: (503) 986-4321

Fax: (503) 986-4189

300233

January 2, 2020

Justin J. Marks
Clark Hill
1001 Pennsylvania Avenue NW
Suite 1300
Washington, DC 20004

ENTERED
Office of Proceedings
January 3, 2020
Part of
Public Record

RE: Portland & Western Railroad, Inc. – Abandonment Exemption – in Washington County, OR
Surface Transportation Board Docket No. AB 541 (Sub. No. 3X)

Dear Mr. Marks,

I am writing in response to your November 26, 2019, letter regarding Portland & Western Railroad's (PNWR) intention to file for abandonment of the Forest Grove District from MP 4.6 to 10.28.

ODOT-Rail and Public Transit Division (ODOT-RPTD) is not aware of any reason to oppose PNWR's intention to abandon this segment. However, we are required by statute (ORS 824.042) to participate in all contested abandonment proceedings for any railroad line in Oregon. The law goes on to say, "[p]rior to such participation, the department shall consult with public entities and users of railroad service affected by the proposed abandonment." Given our prescribed role, should anyone contest the abandonment we will refrain from further comment at this time.

If the Surface Transportation Board (STB) authorizes PNWR to abandon this segment, we would like to point out that the November 25, 1997, Rail Service Easement states that "[a]s a condition of this Easement, Grantee shall not have the right to salvage any portion of the main line track on the Rail Line Corridors (other than salvage of materials replaced by Grantee), except following the written consent of the then current owner of Grantor's underlying interest in the Rail Line Corridors land."

ODOT-RPTD would be willing to provide the requisite written consent, after PNWR has signed a legal instrument that extinguishes its rail service easement on the segment. We will prepare and send that instrument shortly.

Sincerely,

H.A. (Hal) Gard, Administrator
ODOT Rail and Public Transit Division

cc: Portland & Western Railroad, Inc.
Surface Transportation Board