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SERVICE DATE – FEBRUARY 18, 2026

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

Docket No. FD 31676

PORT OF TILLAMOOK BAY RAILROAD—
MODIFIED RAIL CERTIFICATE

Decided: February 18, 2026

In a decision served on June 1, 1990, and corrected by decision served on June 4, 1990, the Board's predecessor, the Interstate Commerce Commission, issued a modified certificate of public convenience and necessity under 49 C.F.R. § 1150.23 to the Port of Tillamook Bay (Port) to operate a rail line between milepost 770.5 at Schefflin, Or., and milepost 856.08, at Tillamook, Or. (the Line).

On May 26, 2016, the Port of Tillamook Bay Railroad (POTB), a division of the Port and operator of the Line, filed a notice of intent to terminate service over an 81.07-mile segment of the Line between milepost 775.01, near Banks in Washington County, Or., and milepost 856.08, near Tillamook in Tillamook County, Or.

On June 17, 2016, the Salmonberry Trail Intergovernmental Agency (STIA) filed a request for issuance of a notice of interim trail use or abandonment (NITU) under the National Trails System Act, 16 U.S.C. § 1247(d), for a portion of the Line between milepost 775.01 and milepost 856.06 (Trail Use Segment).

By decision and NITU served on July 26, 2016, the Board issued a NITU for the Trail Use Segment and authorized a 180-day period for STIA to negotiate an interim trail use/railbanking agreement with POTB. By two subsequent decisions, the Board extended the NITU negotiating period until January 17, 2018. On October 27, 2017, POTB filed a letter with the Board announcing that POTB had executed a trail use agreement with STIA.

On January 26, 2026, STIA and the Oregon Parks and Recreation Department (OPRD) filed a petition requesting that the Board reopen this proceeding, vacate the existing NITU, and issue a replacement NITU substituting OPRD for STIA as the trail sponsor over the Trail Use Segment. The petition states that it is the parties' intent to reassign STIA's interests in its trail use agreement with POTB to OPRD. Pursuant to 49 C.F.R. § 1152.29(f), the request includes a copy of the extant NITU and OPRD submitted a statement indicating its willingness to assume full responsibility for: (i) management of the right-of-way; (ii) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify the railroad against any potential liability); and (iii) the payment of any and all taxes that may be levied or assessed against the right-of-way. OPRD has also

acknowledged that the use of the right-of-way for trail purposes is subject to future reconstruction and reactivation of the right-of-way for rail service. The petition indicates that responsibility for the right-of-way will transfer from STIA to OPRD within 10 business days of the issuance of a replacement NITU. POTB consented to the proposed substitution of trail sponsor in a January 26, 2026 letter.

The request complies with the requirements of 49 C.F.R. § 1152.29(f) and POTB has consented to the substitution of trail sponsor. Accordingly, this proceeding will be reopened, the NITU issued to STIA will be vacated, and a replacement NITU will be issued to OPRD for the Trail Use Segment.

It is ordered:

1. This proceeding is reopened.
2. The NITU issued on July 26, 2016, is vacated.
3. A replacement NITU applicable to OPRD as interim trail sponsor of the Trail Use Segment is issued, effective on the service date of this decision and notice.
4. The new trail sponsor is required to assume full responsibility for (i) management of the right-of-way; (ii) any legal liability arising out of the transfer or use of the right-of-way (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability); and (iii) the payment of any and all taxes that may be levied or assessed against the right-of-way.
5. Interim trail use/railbanking is subject to the future restoration of rail service and to the new sponsor's continuing to meet the financial obligations for the right-of-way.
6. If the trail sponsor intends to terminate trail use, it must send the Board a copy of this decision and notice and request that it be vacated on a specified date.
7. This decision is effective on its service date.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.