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SERVICE DATE – MAY 31, 2024

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 541 (Sub-No. 4X)

PORTLAND & WESTERN RAILROAD, INC.—ABANDONMENT EXEMPTION—
IN WASHINGTON COUNTY, OR.

Decided: May 31, 2024

Portland & Western Railroad, Inc. (PNWR), filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon approximately 264 feet of rail line extending between milepost 27.84 and milepost 27.79 in Banks, Or. (the Line). Notice of the exemption was served and published in the Federal Register on May 3, 2024 (89 Fed. Reg. 36,840). The exemption is scheduled to become effective on June 2, 2024.

The Board's Office of Environmental Analysis (OEA) served a Draft Environmental Assessment (Draft EA) on May 14, 2024, recommending that one condition be imposed on any decision granting abandonment authority.

OEA stated that PNWR submitted a combined environmental and historic report and served the report on the Oregon State Historic Preservation Office (SHPO), pursuant to 49 C.F.R. § 1105.8(c). In a letter dated March 13, 2024, the SHPO requested that an inventory of potential historic properties be undertaken by a qualified contractor that meets state standards. The SHPO further requested that a formal determination of eligibility be prepared for the Line to be abandoned and that consultation continue until the Section 106 process of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, is completed. Accordingly, OEA recommended a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties, including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register until the Section 106 process has been completed and the Board has removed this condition.

OEA issued its Final Environmental Assessment (Final EA) on May 30, 2024, indicating that no new comments were received and that OEA continues to recommend that the condition recommended in the Draft EA be imposed. Based on OEA's analysis and recommendation, the condition recommended in the Final EA will be imposed.

This decision, and the proposed abandonment if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. The notice served and published in the Federal Register on May 3, 2024, exempting the abandonment of the Line described above is subject to the condition¹ that PNWR shall retain its interest in and take no steps to alter the historic integrity of all historic properties, including sites, buildings, structures, and objects within the Area of Potential Effect that are eligible for listing or listed in the National Register until the Section 106 process of the NHPA has been completed. PNWR shall report back to OEA regarding any consultations with the SHPO and the public. PNWR may not file its consummation notice until the Section 106 process has been completed and the Board has removed this condition.
3. This decision is effective on its service date.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

¹ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with the condition set forth below is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.