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Before the
SURFACE TRANSPORTATION BOARD

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November 23, 2022
Part of
Public Record

STB Docket No. AB 541 (Sub. No. 3X)

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

REVISED ENVIRONMENTAL/HISTORIC REPORT

(color copies included)

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Counsel for
Portland & Western Railroad, Inc.

Dated: November 23, 2022

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 541 (Sub. No. 3X)

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

REVISED ENVIRONMENTAL/HISTORIC REPORT

In preparation for filing a notice of exempt abandonment in February of 2020, Portland & Western Railroad, Inc. (“PNWR”) filed with the Surface Transportation Board (the “STB” or “Board”) and served on the relevant environmental agencies and the Oregon State Historic Preservation Office (“SHPO”) an Environmental and Historical Report (“Initial E/H Report”). PNWR did not file its notice of exemption and is now providing this Revised Environmental and Historic Report (“Revised E/H Report”) to update the record in this abandonment docket.

PNWR owns the rail, track materials and other personal property comprising the rail line between Milepost 10.28 in Forest Grove, OR and Milepost 4.68 in Hillsboro, OR, and an exclusive easement over the underlying property (together, the “Subject Line”). The underlying property is owned by the Oregon Department of Transportation (“ODOT”). PNWR will be seeking exemption authority for the abandonment of the Subject Line and understands that a trail group will be seeking to acquire the line for trail use. There are four stations on this line: Forest Grove (MP 10.28), Cornelius (MP 7.8), Hillsboro (MP 4.7) and Forest Grove Junction (MP 4.68). The Subject Line traverses through United States Postal Service ZIP Codes 97116, 97113, 97123, and 97124, entirely in Washington County, OR. A map of the Subject Line is attached as Exhibit A.

PNWR plans to seek Surface Transportation Board (“STB”) authorization for its abandonment through a notice of exempt abandonment pursuant to the provisions of 49 CFR §1152.50 on or after December 22, 2022. This report is being filed in connection therewith, and in accordance with the requirements of 49 CFR 1105.7 and 1105.8. To prepare the Initial E/H Report, Applicant consulted with various state and federal environmental agencies as required by the Board’s regulations. Copies of that correspondence is enclosed as Exhibit B. Also enclosed with Exhibit B is correspondence that PNWR received following its submission of the Initial E/H Report to the Board. Applicant’s cover letter to those agencies providing a copy of this Revised E/H Report is enclosed as Exhibit C. Based on the written responses received by Applicant, Applicant states as follows:

ENVIRONMENTAL REPORT

(49 CFR 1105.7)

1. PROPOSED ACTION AND ALTERNATIVES

Applicant originally acquired the Subject Line from the Burlington Northern and Santa Fe Railway Company through a series of transactions: trackage rights exemption (1995), lease and operation exemption (1996), and an operation and acquisition exemption (1997).¹ The Subject Line is stub-ended and there has not been any local service since November 2015. PNWR may salvage some track and other track materials.

2. EFFECTS ON THE TRANSPORTATION SYSTEM

¹ *Portland & Western Railroad Inc., - Trackage Rights Exemption – The Burlington Northern Railroad Co.*, ICC Finance Docket No. 32765 (served Oct. 13, 1995); *Portland & Western Railroad Inc., - Lease and Operation Exemption – The Burlington Northern Railroad Co.*, ICC Finance Docket No. 32766 (served Jan. 5, 1996); *Portland & Western Railroad Inc., - Acquisition and Operation Exemption – The Burlington Northern and Santa Fe Railway Co.*, STB Finance Docket No. 33502 (served Nov. 24, 1997).

Because there has been no local or overhead service on the Subject Line for over seven years, no traffic will be diverted, and Applicant believes that the abandonment would have no effect on the transportation system. Applicant sent a consultation letter regarding the proposed abandonment to ODOT. ODOT states that it is not aware of any reason to oppose PNWR's intention to abandon this segment. *See Exhibit B.*

3. **LAND USE**

(i) Applicant is unaware of any regional or local land use patterns with which the proposed abandonment would be inconsistent. Applicant consulted with the following agencies regarding the proposed abandonment that may be concerned with land use issues: Oregon Department of Environmental Quality ("ODEQ"), the Natural Resources Conservation Service ("NRCS - Oregon"); Natural Resources Conservation Service ("NRCS – National"); U.S. Environmental Protection Agency Region 10 ("EPA"); NOAA National Geodetic Survey ("NGS"); U.S. Bureau of Land Management Oregon-Washington State Office ("BLM"); U.S. Army Corps of Engineers Portland District; Washington County Board of Commissioners; National Park Service, Pacific West Region ("NPS – Pacific West Region"); National Park Service ("NPS – National"); U.S. Fish and Wildlife Service Region 1 ("FWS"). Copies of these letters are attached as part of Exhibit B. To date, Applicant has only received a written response from the following consulted land use agency, a copy of which is included as part of Exhibit B:

- NGS states that it completed a "desktop recon and have found that no marks will be affected by abandoning this railroad segment."

(ii) Applicant does not believe that the proposed abandonment will have any adverse effect on any prime agricultural land. Consultation notices were sent to the potentially concerned agencies listed in paragraph 3(i) above, and as indicated, no responses have been

received except for the response from NGS, which does not have any issues with the proposed abandonment.

(iii) Applicant does not believe that the abandonment is inconsistent with any coastal zone plans because the project is not in Oregon's coastal zone. A consultation notice was sent to the Oregon Department of Land Conservation and Development, Oregon Coastal and Ocean Program Management. Applicant received a response from this Department informing it that the project is not in Oregon's coastal zone. A copy of the response is included as part of Exhibit B.

(iv) Applicant believes that the right of way may be suitable for use as a trail or for other public purposes. Applicant understands that the Council Creek Regional Trail Partnership is interested in developing the right of way for trail use. Any trail use would potentially need the approval of ODOT as the owner of the underlying land.

4. ENERGY

Since there has not been any local service on the Subject Line for more than seven years,

- (i) the proposed abandonment will have no effect on the transportation of energy sources;
- (ii) the proposed abandonment will have no effect on recyclable commodities;
- (iii) the proposed abandonment will have no effect on overall energy efficiency; and
- (iv) the proposed abandonment will not divert any traffic from rail to motor carriage.

The effects of the proposed abandonment will not exceed the thresholds set forth in 49 CFR 1105.7(e)(4)(iv).

5. **AIR**

Since there has not been any local service on the Subject Line for more than seven years, the proposed abandonment will not result in any increases in rail or truck traffic or rail yard activity. The effects of the proposed abandonment will not exceed the thresholds set forth in 49 CFR 1105.7(e)(5).

6. **NOISE**

Applicant does not believe that the proposed abandonment will result in any increase in noise levels.

7. **SAFETY**

Applicant does not believe that the proposed abandonment will have any adverse effect on public health or safety.

8. **BIOLOGICAL RESOURCES**

(i) Applicant has consulted with the FWS, as well as to the following agencies that are potentially concerned with biological resources: ODEQ, NCRS – Oregon, NCRS – National, BLM, U.S. Army Corps of Engineers, NPS – Pacific West Region, NPS – National, FWS. Copies of these consultation letters are attached as part of Exhibit B. Applicant has not received any responses from these agencies.

(ii) Applicant does not believe that there are any wildlife sanctuaries or refuges, National or State parks or forests in the vicinity of the proposed abandonment.

Consultation letters were sent to the agencies identified in the paragraph 8(i), and Applicant has not received any responses.

9. WATER

(i) The proposed abandonment and any salvage will be handled in a manner that is consistent with the applicable local, State and Federal water quality standards. Applicant consulted with the agencies identified in paragraph 8(i), and as noted in paragraph 8(i) has not received any responses.

(ii) Applicant sent a consultation letter regarding the proposed abandonment to the U.S. Army Corps of Engineers. A copy of this letter is attached as part of Exhibit B. At the time of PNWR's submission of the Initial E/H Report, ACE had not yet responded. ACE subsequently submitted comment and PNWR submitted a supplement to the Initial E/H Report. The ACE correspondence is enclosed herein as Exhibit B.

(iii) Applicant does not believe that any Clean Water Act permits will be required in connection with the proposed abandonment or any salvage. Consultation letters were sent to ODEQ and EPA. At the time of PNWR's submission of the Initial E/H Report, ODEQ had not yet responded, subsequently, on February 18, 2020, the ODEQ responded via telephone that it reviewed the Initial E/H Report and had no comment at this time, but that ODEQ permitting may be required. EPA did not provide a response.

10. PROPOSED MITIGATION

Since no adverse environmental impacts are expected, no mitigation is proposed.

11. ADDITIONAL INFORMATION FOR RAIL CONSTRUCTION

Not applicable.

12. CONSULTATION

As shown by the copies of letters attached as Exhibit B, Applicant has consulted with the following agencies: ODEQ, NRCS – Oregon, NRCS – National, EPA NGS, Oregon Depart. Of Land Conservation and Development BLM, U.S. Army Corps of Engineers, the Washington County Board of Commissioners, NPS – Pacific West Region, NPS – National, FWS.

Written responses received are attached as Exhibit B. The written response received from NGS is summarized in Section 3(i) above.

13. CERTIFICATIONS

Applicant certifies that:

- (a) It consulted with the agencies listed in 49 CFR 1105.7, as described in paragraph 12 above.
- (b) On this date, it sent copies of this report to each of the agencies consulted as shown on the attached certificate of service.
- (c) Notice of the proposed abandonment is to be published in the *Oregonian* on November 30, 2022. A copy of the form of notice is attached as Exhibit D.
- (d) Applicant will not file its verified notice of abandonment until at least twenty (20) days after the consulted agencies have been served with a copy of this report.

HISTORIC REPORT (49 CFR 1105.8)

1. U.S.G.S TOPOGRAPHIC MAP

U.S.G.S. topographic maps showing the location of the proposed abandonment are attached as Exhibit E.

2. DESCRIPTION OF RIGHT OF WAY

The Subject Line extends between Milepost 10.28 in Forest Grove, OR and Milepost 4.68 in Hillsboro, OR (the “Subject Line”). The Subject Line is located in the suburbs of Portland, OR situated amongst small to midsize towns and rural landscape. The right of way is generally 60 feet wide. The right of way is crossed by several local roadways. PNWR owns the rail and track materials and has an exclusive easement over the underlying property. ODOT owns the underlying property.

3. PHOTOGRAPHS OF HISTORIC STRUCTURE(S)

The Subject Line has no visible structures 50 years old or older on the right-of-way.

4. DATES OF CONSTRUCTION OF HISTORIC STRUCTURE(S)

As noted in paragraph 3 above, no historic structures exist on the right-of-way.

5. HISTORY OF CARRIER OPERATIONS IN THE AREA

PNWR believes that the Subject Line was built by the Oregon Electric Railway around 1908 as an electric interurban from Forest Grove to Portland until passenger services were discontinued around 1932.² The Subject Line continued to carry freight until November 2015.

² Richard Thompson, *Oregon Electric Railway*, The Oregon Encyclopedia, A Project of the Oregon Historical Society, available at https://oregonencyclopedia.org/articles/oregon_electric_railway/#.XhydbMhKiUl.

PNWR acquired the rail, ties, and other facilities that comprise the Subject Line, and a freight easement through a series of transactions: trackage rights exemption (1995), lease and operation exemption (1996), and an operation and acquisition exemption (1997). *See* fn. 1. ODOT owns the underlying property. There has been no service provided over the Subject Line proposed for abandonment for the past seven years.

6. SUMMARY OF STRUCTURE DOCUMENTATION

There are no historic structures on the Subject Line, and accordingly, PNWR is not submitting any summary of documentation relating to the structures.

7. OPINION REGARDING CRITERIA FOR LISTING

Based on readily available information in PNWR's possession, PNWR does not believe that the rail line, right of way or potentially eligible bridges represent an historical resource or that any protective conditions are warranted.

As stated in the Initial E/H Report, Applicant gave notice of the proposed abandonment to the State Historic Preservation Officer at the Oregon State Historic Preservation Office ("SHPO"). The SHPO provided a response and PNWR responded. Copies of these letters are included as part of Exhibit F. A copy of PNWR's cover letter providing this Revised E/H Report is attached as Exhibit G.

8. ENVIRONMENTAL CONDITIONS

Applicant is unaware of any prior subsurface ground disturbance or fill, or environmental conditions which might affect the archeological recovery of resources or the surrounding terrain. Moreover, future salvage work – if any – that would occur would take place within the right of way, and would be surface work only and would not disturb subsurface resources.



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jmarks@clarkhill.com

*Counsel for
Portland & Western Railroad, Inc.*

Dated: November 23, 2022

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of November, 2022, I served a copy of the foregoing Environmental and Historic Report on the persons listed below by email or first class mail, postage prepaid:

Oregon State Clearinghouse Oregon Department of Transportation 355 Capital Street, NE, MS 11 Salem, OR 97301-3871	The Natural Resources Conservation Service USDA 1201 NE Lloyd Blvd, Suite 900 Portland, OR 97232
Nina Deconcini Oregon Department of Environmental Quality 700 NE Multnomah Street, Suite 600 Portland, OR 97232-4100 deconcini.nina@deq.oregon.gov	Natural Resources Conservation Service USDA Office of the Chief 1400 Independence Ave., SW Room 5105-A Washington, DC 20250
State Historical Preservation Office Oregon Heritage Oregon Parks and Recreation Department 725 Summer Street NE, Suite C Salem, OR 97301 ORSHPO.Clearance@oregon.gov	U.S. Environmental Protection Agency Region 10 1200 Sixth Avenue, Suite 155 Seattle, WA 98101
Mr. Bob Melbo State Rail Planner Oregon Department of Transportation Rail and Public Transit Division 555 13th St NE Salem, OR 97301-4179 Robert.I.Melbo@odot.oregon.gov	The National Geodetic Survey Communications and Outreach Branch, ngs.infocenter@noaa.gov
Oregon Coastal Zone Management Oregon Coastal and Ocean Program Management Department of Land Conservation and Development 800 Oregon Street, NE #18 Portland, OR 97223 dlcd.info@dlcd.oregon.gov	U.S. Bureau of Land Management Oregon-Washington State Office 1220 S.W. 3rd Avenue Portland, OR 97204

The Honorable Kathryn Harrington Chair, Board of Commissioners MS-21 155 N. First Ave, Suite 300 Hillsboro, OR 97124 bcc@washingtoncountyor.gov	U.S. Army Corps of Engineers Portland District P.O. Box 2946 Portland, OR 97208-2946 Robert.H.Fraley@usace.army.mil
The Honorable Jerry Willey Chair, Board of Commissioners MS-21 155 N. First Ave, Suite 300 Hillsboro, OR 97124 bcc@washingtoncountyor.gov	National Park Service Regional Office Pacific West Region 333 Bush Street #500 San Francisco, CA 94104
U.S. Fish and Wildlife Service Region 1 Eastside Federal Complex 911 NE 11th Avenue Portland, OR 97232-4181	National Park Service 1849 C Street, NW Washington, DC 20240

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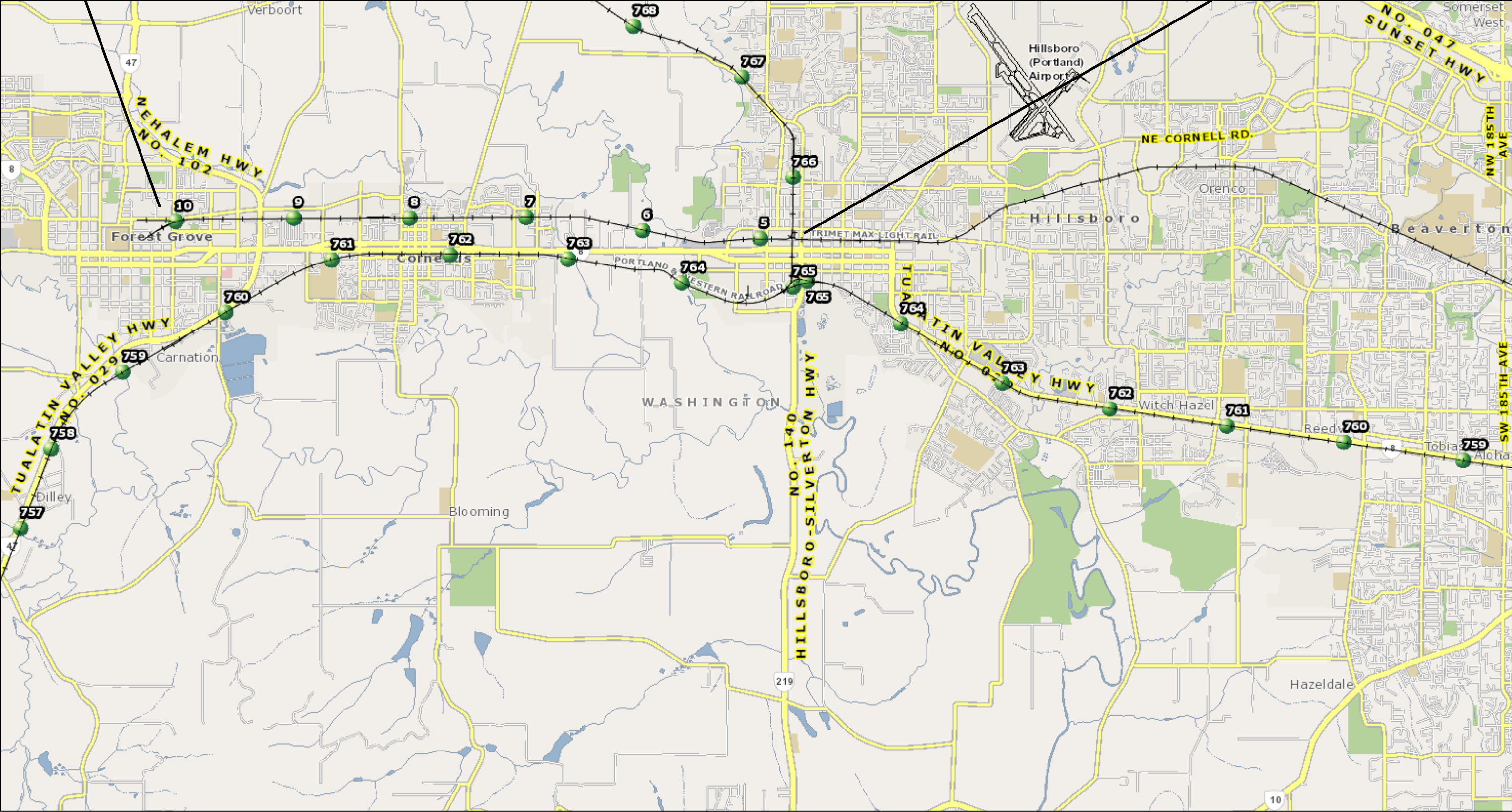
EXHIBIT A

MAP

Western Portion of Rail Line
to be Abandoned - MP 10.28

Forest Grove Abandonment

Eastern Portion of Rail Line to be
Abandoned - MP 4.68



— Rail Network ● Rail Mile Posts



0 0.75 1.5 3 mi

Created on November 12, 2019

Oregon Department of Transportation, Geographic Information Services Unit

ODOT - Geographic Information Services

This product is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. Users of this product should review and consult the primary data sources to determine the usability

EXHIBIT B

INITIAL E/H REPORT

ENVIRONMENTAL AGENCY CORRESPONDENCE

(Map and Service List Enclosures Not Included)

CLARK HILL

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November 26, 2019

ALL AGENCIES ON THE ATTACHED SERVICE LIST

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

To Whom it May Concern:

This letter is to advise you that the Portland & Western Railroad, Inc. (“PNWR”) intends to file for the abandonment of a segment of its line between Milepost 10.28 in Forest Grove and Milepost 4.6 in Hillsboro (the “Subject Line”). PNWR owns a perpetual freight easement for the Subject Line; the underlying property is owned by the Oregon Department of Transportation. The Subject Line traverses through United States Postal Service ZIP Codes 97116, 97113, 97123, and 97124, entirely in Washington County, OR. A map of the Subject Line is attached as Exhibit A.

PNWR plans to seek Surface Transportation Board (“STB”) authorization for its abandonment through a notice of exempt abandonment pursuant to the provisions of 49 CFR § 1152.50 on or after February 3, 2020 in Surface Transportation Board Docket No. AB 541 (Sub. No. 3X).

Based upon information in PNWR’s possession, the Subject Line does not contain federally granted rights of way; the owner of the underlying property, the Oregon Department of Transportation, may have additional information. Any documentation in PNWR’s possession will be made available promptly to those requesting it.

No local service has been provided on the Subject Line since November 2015. PNWR does not believe that there are any alternatives to the proposed action. At this time, PNWR intends to remove, sell, and salvage the rail ties and track and remove and re-use some of the crossing warning systems. PNWR believes that there may be interest in the acquisition of the right of way for trail use. PNWR believes that this may be a reasonable alternative public purpose for the right of way. PNWR believes that the abandonment will not have a significant effect upon the environment.

October 24, 2019

Page 2

In advance of preparing an environmental report as required by applicable STB regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental effects of the proposed abandonment.

We would appreciate an expression from you by January 6, 2020 that, within the area of your authority, you do not perceive that the abandonment will have a significant effect upon the environment (or expressing any concerns that you have). If you have any questions about the railroad's proposal or if you need assistance in this matter, please call me at (202) 772-0916.

Thank you for your cooperation.

Sincerely,



Justin J. Marks

*Counsel for Portland & Western
Railroad, Inc.*

Enclosures

cc: Portland & Western Railroad, Inc.

CLARK HILL

CLARK HILL

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Email: jmarks@ClarkHill.com

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December 18, 2019

Oregon Coastal and Ocean Program Management
Department of Land Conservation and Development
800 Oregon Street, NE #18
Portland, OR 97223

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

To Whom it May Concern:

On November 26, 2019, we sent you a letter to advise you that the Portland & Western Railroad, Inc. (“PNWR”) intends to file for the abandonment of a segment of its line between Milepost 10.28 in Forest Grove and Milepost 4.6 in Hillsboro (the “Subject Line”). PNWR owns a perpetual freight easement for the Subject Line; the underlying property is owned by the Oregon Department of Transportation. The Subject Line traverses through United States Postal Service ZIP Codes 97116, 97113, 97123, and 97124, entirely in Washington County, OR. A map of the Subject Line is attached as Exhibit A.

PNWR plans to seek Surface Transportation Board (“STB”) authorization for its abandonment through a notice of exempt abandonment pursuant to the provisions of 49 CFR § 1152.50 on or after February 3, 2020 in Surface Transportation Board Docket No. AB 541 (Sub. No. 3X).

Based upon information in PNWR’s possession, the Subject Line does not contain federally granted rights of way; the owner of the underlying property, the Oregon Department of Transportation, may have additional information. Any documentation in PNWR’s possession will be made available promptly to those requesting it.

No local service has been provided on the Subject Line since November 2015. PNWR does not believe that there are any alternatives to the proposed action. At this time, PNWR intends to remove, sell, and salvage the rail ties and track and remove and re-use some of the crossing warning systems. PNWR believes that there may be interest in the acquisition of the right of way for trail use. PNWR believes that this may be a reasonable alternative public

December 18, 2019

Page 2

purpose for the right of way. PNWR believes that the abandonment will not have a significant effect upon the environment.

As we said in our previous letter, in advance of preparing an environmental report as required by applicable STB regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental effects of the proposed abandonment.

Because your agency has jurisdiction over coastal zones in Oregon, we have an additional request: Would you please advise us whether the Subject Line is within Oregon's coastal zone? If it is within the coastal zone, please advise further (1) if the proposed abandonment is an action listed for review in Oregon's coastal zone management plan, and (2) if the action is so listed, whether the proposed action is consistent with the coastal zone management plan. We would appreciate a response from you by January 13, 2020.

If you have any questions about the railroad's proposal or if you need assistance in this matter, please call me at (202) 772-0916.

Thank you for your cooperation.

Sincerely,



Justin J. Marks

*Counsel for Portland & Western
Railroad, Inc.*

Enclosure



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
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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)~~ AB 541 (Sub-No. 2X)

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

Marks, Justin J.

From: dan.determan <ngs.infocenter@noaa.gov>
Sent: Tuesday, December 17, 2019 3:20 PM
To: Marks, Justin J.
Subject: [JIRA] (IMOV-6321) NGS RESPONSE: STB Docket No. AB 541 (Sub. No.3X)

A comment is added on your issue:

[External Message]**Re: NGS RESPONSE: STB Docket No. AB 541 (Sub. No.3X)**

I have completed the desktop recon and have found that no marks will be affected by abandoning this railroad segment.

National Geodetic Survey

CLARK HILL

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February 12, 2020

300367

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

ENTERED
Office of Proceedings
February 12, 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 Ms. Brown

On January 31, 2020, Portland & Western Railroad, Inc. (“PNWR”) submitted an Environmental and Historic Report in accordance with the requirements of 49 CFR sections 1105.7 and 1105.8 for the abandonment of a line of railroad in Washington County, OR. On February 5, 2020, the Army Corps of Engineers provided comment to PNWR regarding the abandonment. The Army Corps of Engineers comment and PNWR’s response are enclosed with this letter as a supplement to the Environmental and Historic Report.

If you have any questions, please contact me.

Sincerely,



Justin J. Marks
Counsel for Portland & Western Railroad, Inc.

Enclosure

Marks, Justin J.

From: Bond, Carrie L CIV USARMY CENWP (USA) <Carrie.L.Bond@usace.army.mil>
Sent: Wednesday, February 5, 2020 1:58 PM
To: Marks, Justin J.
Subject: Letter regarding RR abandonment - Regulatory office - Corps Portland District

[External Message]

Good morning,

I have received your letter regarding the railroad abandonment for Portland & Western Railroad, Inc. in Washington County, Oregon. I am the Washington County project manager for the Corps of Engineers Regulatory program. If there is any discharge of fill material planned in waters of the U.S., including but not limited to wetlands, ditches, swales, creeks, and rivers, then you may need a Corps permit under Section 404 of the Clean Water Act. If there is any work that may affect navigable waters, you may need a Corps permit under Section 10 of the Rivers and Harbors Act. You can find applications and more information here: <http://www.nwp.usace.army.mil/Missions/Regulatory/Apply/>.

I have forwarded your letter to our Real Estate and Section 408 offices for their review. Section 408 deals with permissions for altering Corps Civil Works projects.

Please let me know if you have any questions.

Thank you,

Carrie Bond
U.S. Army Corps of Engineers
Portland District, Regulatory Branch

CENWP-ODG
P.O. Box 2946
Portland, Oregon 97208-2946

Phone: 503-808-4387
Email: Carrie.L.Bond@usace.army.mil

Visit our website: <http://www.nwp.usace.army.mil/Missions/Regulatory.aspx>

Let us know how we're doing:
http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey

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February 12, 2020

TRANSMITTED VIA EMAIL

Carrie Bond
U.S. Army Corps of Engineers
Portland District, Regulatory Branch
CENWP-ODG
P.O. Box 2946
Portland, Oregon 97208-2946

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

Dear Ms. Bond:

Thank you for your February 5, 2020 email. The Portland & Western Railroad, Inc. (“PNWR”) does not have any intention to discharge any fill material into waters of the United States as part of its abandonment of the line of railroad between Milepost 10.28 in Forest Grove and Milepost 4.68 in Hillsboro. PNWR will be mindful of the requirements you outline in your email.

Thank you,



Justin J. Marks
Counsel for Portland & Western Railroad, Inc.

Marks, Justin J.

From: Snow, Patty <patty.snow@state.or.us>
Sent: Tuesday, January 7, 2020 1:53 PM
To: Marks, Justin J.
Subject: Railroad Abandonment Docket No AB 541 (Sub. No 3X)
Attachments: image003.jpg

[External Message]

Hello Justin, thank you for your letters regarding a proposed railroad abandonment near Hillsboro in Oregon. You have requested information regarding if the proposed abandonment is in Oregon's coastal zone. The project is not in Oregon's coastal zone and will not require federal consistency review from our agency. Thank you for checking with us, Patty



Patty Snow

Oregon Coastal Program Manager
Oregon Department of Land Conservation and Development
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540
Direct: 503-934-0052 | Cell: 503-508-2215 | Main: 503-373-0050
patty.snow@state.or.us | www.oregon.gov/LCD

EXHIBIT C

REVISED E/H REPORT

ENVIRONMENTAL AGENCY CORRESPONDENCE



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T (202) 772-0909
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November 23, 2022

U.S. Army Corps of Engineers
Portland District
P.O. Box 2946
Portland, OR 97208-2946
Robert.H.Fraley@usace.army.mil

Re: Portland & Western Railroad, Inc. – Abandonment Exemption –
In Washington County, OR
Surface Transportation Board Docket No. AB 541 (Sub. No. 3X)
SHPO Case 19-1862

Dear Mr. Fraley:

In 2019/2020, Portland & Western Railroad, Inc.'s ("PNWR") informed you of its intention to abandon a line of railroad between Milepost 10.28 in Forest Grove and Milepost 4.68 in Hillsboro, OR (the "Subject Line"). PNWR did not complete the abandonment at that time.

This letter is to inform you that on or about December 22, 2022 PNWR intends to file for the abandonment of the Subject Line. PNWR owns a perpetual freight easement for the Subject Line; the underlying property is owned by the Oregon Department of Transportation. Attached is a Revised Environmental Report and Historic Report describing the proposed action and any expected environmental and historic effects, including a map of the affected area.

PNWR is providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC, telephone 202-245-0245 and refer to the above Docket No. AB 541 (Sub. No. 3X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments, if you have any, to OEA with a copy to me would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly. I can be reached by telephone at 202-772-0916, email at jmarks@clarkhill.com or by mail at Clark Hill PLC, 1001 Pennsylvania Ave. N.W. Suite 1300 South, Washington, DC 20004.

Sincerely,



Justin J. Marks
Counsel to Portland & Western Railroad, Inc.

Enclosure

Justin J. Marks
T (202) 772-0916
F +12027720919
Email:jjmarks@ClarkHill.com

Clark Hill
1001 Pennsylvania Avenue N.W.
Suite 1300 South
Washington, DC 20004
T (202) 772-0909
F (202) 772-0919

November 23, 2022

The Honorable Kathryn Harrington
Chair, Board of Commissioners MS-21
155 N. First Ave, Suite 300
Hillsboro, OR 97124
bcc@washingtoncountyor.gov

The Honorable Jerry Willey
Chair, Board of Commissioners MS-21
155 N. First Ave, Suite 300
Hillsboro, OR 97124
bcc@washingtoncountyor.gov

Re: Portland & Western Railroad, Inc. – Abandonment Exemption –
In Washington County, OR
Surface Transportation Board Docket No. AB 541 (Sub. No. 3X)
SHPO Case 19-1862

Dear Ms. Harrington and Mr. Willey:

In 2019/2020, Portland & Western Railroad, Inc.'s ("PNWR") informed you of its intention to abandon a line of railroad between Milepost 10.28 in Forest Grove and Milepost 4.68 in Hillsboro, OR (the "Subject Line"). PNWR did not complete the abandonment at that time.

This letter is to inform you that on or about December 22, 2022 PNWR intends to file for the abandonment of the Subject Line. PNWR owns a perpetual freight easement for the Subject Line; the underlying property is owned by the Oregon Department of Transportation. Attached is a Revised Environmental Report and Historic Report describing the proposed action and any expected environmental and historic effects, including a map of the affected area.

PNWR is providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC, telephone 202-245-0245 and refer to the above Docket No. AB 541 (Sub. No. 3X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments, if you have any, to OEA with a copy to me would be appreciated within 3 weeks.

November 23, 2022
Page 2

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly. I can be reached by telephone at 202-772-0916, email at jmarks@clarkhill.com or by mail at Clark Hill PLC, 1001 Pennsylvania Ave. N.W. Suite 1300 South, Washington, DC 20004.

Sincerely,



Justin J. Marks
Counsel to Portland & Western Railroad, Inc.

Enclosure



Justin J. Marks
T (202) 772-0916
F +12027720919
Email:jjmarks@ClarkHill.com

Clark Hill
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Suite 1300 South
Washington, DC 20004
T (202) 772-0909
F (202) 772-0919

November 23, 2022

The National Geodetic Survey
Communications and Outreach Branch
ngs.infocenter@noaa.gov

Re: Portland & Western Railroad, Inc. – Abandonment Exemption –
In Washington County, OR
Surface Transportation Board Docket No. AB 541 (Sub. No. 3X)
SHPO Case 19-1862

Dear Ms. Brooks:

In 2019/2020, Portland & Western Railroad, Inc.'s ("PNWR") informed you of its intention to abandon a line of railroad between Milepost 10.28 in Forest Grove and Milepost 4.68 in Hillsboro, OR (the "Subject Line"). NGS responded that it completed a "desktop recon and have found that no marks will be affected by abandoning this railroad segment."

This letter is to inform you that on or about December 22, 2022 PNWR intends to file for the abandonment of the Subject Line. PNWR owns a perpetual freight easement for the Subject Line; the underlying property is owned by the Oregon Department of Transportation. Attached is a Revised Environmental Report and Historic Report describing the proposed action and any expected environmental and historic effects, including a map of the affected area.

PNWR is providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC, telephone 202-245-0245 and refer to the above Docket No. AB 541 (Sub. No. 3X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments, if you have any, to OEA with a copy to me would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly. I can be reached by telephone at 202-772-0916, email at jjmarks@clarkhill.com or by mail at Clark Hill PLC, 1001 Pennsylvania Ave. N.W. Suite 1300 South, Washington, DC 20004.

Sincerely,

November 23, 2022
Page 2



Justin J. Marks
Counsel to Portland & Western Railroad, Inc.

Enclosure



Justin J. Marks
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F +12027720919
Email:jjmarks@ClarkHill.com

Clark Hill
1001 Pennsylvania Avenue N.W.
Suite 1300 South
Washington, DC 20004
T (202) 772-0909
F (202) 772-0919

November 23, 2022

Nina Deconcini
Oregon Department of Environmental Quality
700 NE Multnomah Street, Suite 600
Portland, OR 97232-4100
deconcini.nina@deg.oregon.gov

Re: Portland & Western Railroad, Inc. – Abandonment Exemption –
In Washington County, OR
Surface Transportation Board Docket No. AB 541 (Sub. No. 3X)
SHPO Case 19-1862

Dear Ms. Deconcini:

In 2019/2020, Portland & Western Railroad, Inc.'s ("PNWR") informed you of its intention to abandon a line of railroad between Milepost 10.28 in Forest Grove and Milepost 4.68 in Hillsboro, OR (the "Subject Line"). PNWR did not move forward with the abandonment at that time.

This letter is to inform you that on or about December 22, 2022 PNWR intends to file for the abandonment of the Subject Line. PNWR owns a perpetual freight easement for the Subject Line; the underlying property is owned by the Oregon Department of Transportation. Attached is a Revised Environmental Report and Historic Report describing the proposed action and any expected environmental and historic effects, including a map of the affected area.

PNWR is providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC, telephone 202-245-0245 and refer to the above Docket No. AB 541 (Sub. No. 3X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments, if you have any, to OEA with a copy to me would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly. I can be reached by telephone at 202-772-0916, email at jmarks@clarkhill.com or by mail at Clark Hill PLC, 1001 Pennsylvania Ave. N.W. Suite 1300 South, Washington, DC 20004.

Sincerely,



Justin J. Marks
Counsel to Portland & Western Railroad, Inc.

Enclosure



Justin J. Marks
T (202) 772-0916
F +12027720919
Email:jjmarks@ClarkHill.com

Clark Hill
1001 Pennsylvania Avenue N.W.
Suite 1300 South
Washington, DC 20004
T (202) 772-0909
F (202) 772-0919

November 23, 2022

Mr. Bob Melbo
State Rail Planner
Oregon Department of Transportation
Rail and Public Transit Division
555 13th St NE
Salem, OR 97301-4179
Robert.L.Melbo@odot.oregon.gov

Re: Portland & Western Railroad, Inc. – Abandonment Exemption –
In Washington County, OR
Surface Transportation Board Docket No. AB 541 (Sub. No. 3X)
SHPO Case 19-1862

Dear Mr. Melbo:

In 2019/2020, Portland & Western Railroad, Inc.'s ("PNWR") informed you of its intention to abandon a line of railroad between Milepost 10.28 in Forest Grove and Milepost 4.68 in Hillsboro, OR (the "Subject Line"). PNWR did not move forward with the abandonment at that time.

This letter is to inform you that on or about December 22, 2022 PNWR intends to file for the abandonment of the Subject Line. PNWR owns a perpetual freight easement for the Subject Line; the underlying property is owned by the Oregon Department of Transportation. Attached is a Revised Environmental Report and Historic Report describing the proposed action and any expected environmental and historic effects, including a map of the affected area.

PNWR is providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC, telephone 202-245-0245 and refer to the above Docket No. AB 541 (Sub. No. 3X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments, if you have any, to OEA with a copy to me would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly. I can be reached by telephone at 202-772-0916,

November 23, 2022
Page 2

email at jmarks@clarkhill.com or by mail at Clark Hill PLC, 1001 Pennsylvania Ave. N.W. Suite 1300 South, Washington, DC 20004.

Sincerely,



Justin J. Marks
Counsel to Portland & Western Railroad, Inc.

Enclosure

Justin J. Marks
T (202) 772-0916
F +12027720919
Email:jjmarks@ClarkHill.com

Clark Hill
1001 Pennsylvania Avenue N.W.
Suite 1300 South
Washington, DC 20004
T (202) 772-0909
F (202) 772-0919

November 23, 2022

Oregon State Clearinghouse
Oregon Department of Transportation
355 Capital Street, NE, MS 11
Salem, OR 97301-3871

The Natural Resources Conservation Service
USDA
1201 NE Lloyd Blvd, Suite 900
Portland, OR 97232

U.S. Fish and Wildlife Service
Region 1
Eastside Federal Complex
911 NE 11th Avenue
Portland, OR 97232-4181

Natural Resources Conservation Service
USDA
Office of the Chief
1400 Independence Ave., SW
Room 5105-A
Washington, DC 20250

U.S. Bureau of Land Management
Oregon-Washington State Office
1220 S.W. 3rd Avenue
Portland, OR 97204

U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101

National Park Service Regional Office
Pacific West Region
333 Bush Street #500
San Francisco, CA 94104

National Park Service
1849 C Street, NW
Washington, DC 20240

Re: Portland & Western Railroad, Inc. – Abandonment Exemption –
In Washington County, OR
Surface Transportation Board Docket No. AB 541 (Sub. No. 3X)
SHPO Case 19-1862

Dear Madam or Sir:

In 2019/2020, Portland & Western Railroad, Inc.'s ("PNWR") informed you of its intention to abandon a line of railroad between Milepost 10.28 in Forest Grove and Milepost 4.68 in Hillsboro, OR (the "Subject Line"). PNWR did not move forward with the abandonment at that time.

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PNWR is providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC, telephone 202-245-0245 and refer to the above Docket No. AB 541 (Sub. No. 3X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments, if you have any, to OEA with a copy to me would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly. I can be reached by telephone at 202-772-0916, email at jmarks@clarkhill.com or by mail at Clark Hill PLC, 1001 Pennsylvania Ave. N.W. Suite 1300 South, Washington, DC 20004.

Sincerely,



Justin J. Marks
Counsel to Portland & Western Railroad, Inc.

Enclosure

EXHIBIT D

NEWSPAPER NOTICE

Certificate of Newspaper Publication

49 C.F.R. § 1105.7(c) – Newspaper Notice

I certify that a “Notice of Intent to Abandon Rail Service” is scheduled to be published in the form prescribed by the Board for abandonment notices of exemption at 49 C.F.R. § 1105.12. The notice will be published on November 30, 2022, in the Oregonian, a newspaper of general circulation in Washington County, Oregon.

November 23, 2022



Justin J. Marks
*Attorney for the Portland & Western
Railroad, Inc.*



Order Confirmation

Ad Order Number 0010508201

Customer

CLARK HILL PLC

Account: 1000902975
CLARK HILL PLC
1000 PENNSYLVANIA AVE NW
WASHINGTON DC 20004 USA
(202)772-0909

FAX:
jmarks@ClarkHill.com

Payor Customer

CLARK HILL PLC

Account: 1000902975
CLARK HILL PLC
1000 PENNSYLVANIA AVE NW
WASHINGTON DC 20004 USA
(202)772-0909

PO Number PNWR Forest Grove A

Sales Rep. Kimberlee O'Neill

Order Taker Kimberlee O'Neill

Order Source Rep

Special Pricing

Tear Sheets 0	TearsheetsCost	\$0.00	Net Amount	\$532.74
Proofs 0			Tax Amount	\$0.00
Affidavits 0	AffidavitsCost	\$0.00	Total Amount	\$532.74
Blind Box			Payment Method	Invoice
Promo Type No Promo			Payment Amount	\$0.00
Materials			Amount Due	\$532.74
Invoice Text	PNWR Forest Grove AB 541 Sub 3X			

Ad Schedule

Product	The Oregonian::Full Run OR	Placement/Class	Announcements
# Inserts	1	POS/Sub-Class	Public Notices
Cost	\$517.74	AdNumber	0010508201-01
Ad Type	OR CLS Legal	Ad Size	2 X 42 li
Pick Up #		Ad Attributes	
External Ad #		Color	<NONE>
Production Method	OR AdBooker	Production Notes	
Run Dates	Sort Text	NOTICEOFINTENTTOABANDONRAILSERVICEPORTLANDWESTERNRAILROADINCPNWRISSESTHISNOTICETHATO	
11/30/2022			

Product	OregonLive.com	Placement/Class	Announcements
# Inserts	7	POS/Sub-Class	Public Notices
Cost	\$15.00	AdNumber	0010508201-01
Ad Type	OR CLS Legal	Ad Size	2 X 42 li
Pick Up #		Ad Attributes	
External Ad #		Color	<NONE>
Production Method	OR AdBooker	Production Notes	
Run Dates	Sort Text	NOTICEOFINTENTTOABANDONRAILSERVICEPORTLANDWESTERNRAILROADINCPNWRISSESTHISNOTICETHATO	
11/30/2022, 12/01/2022, 12/02/2022, 12/03/2022, 12/04/2022, 12/05/2022, 12/06/2022			

Ad Content Proof**NOTICE OF INTENT TO ABANDON RAIL SERVICE**

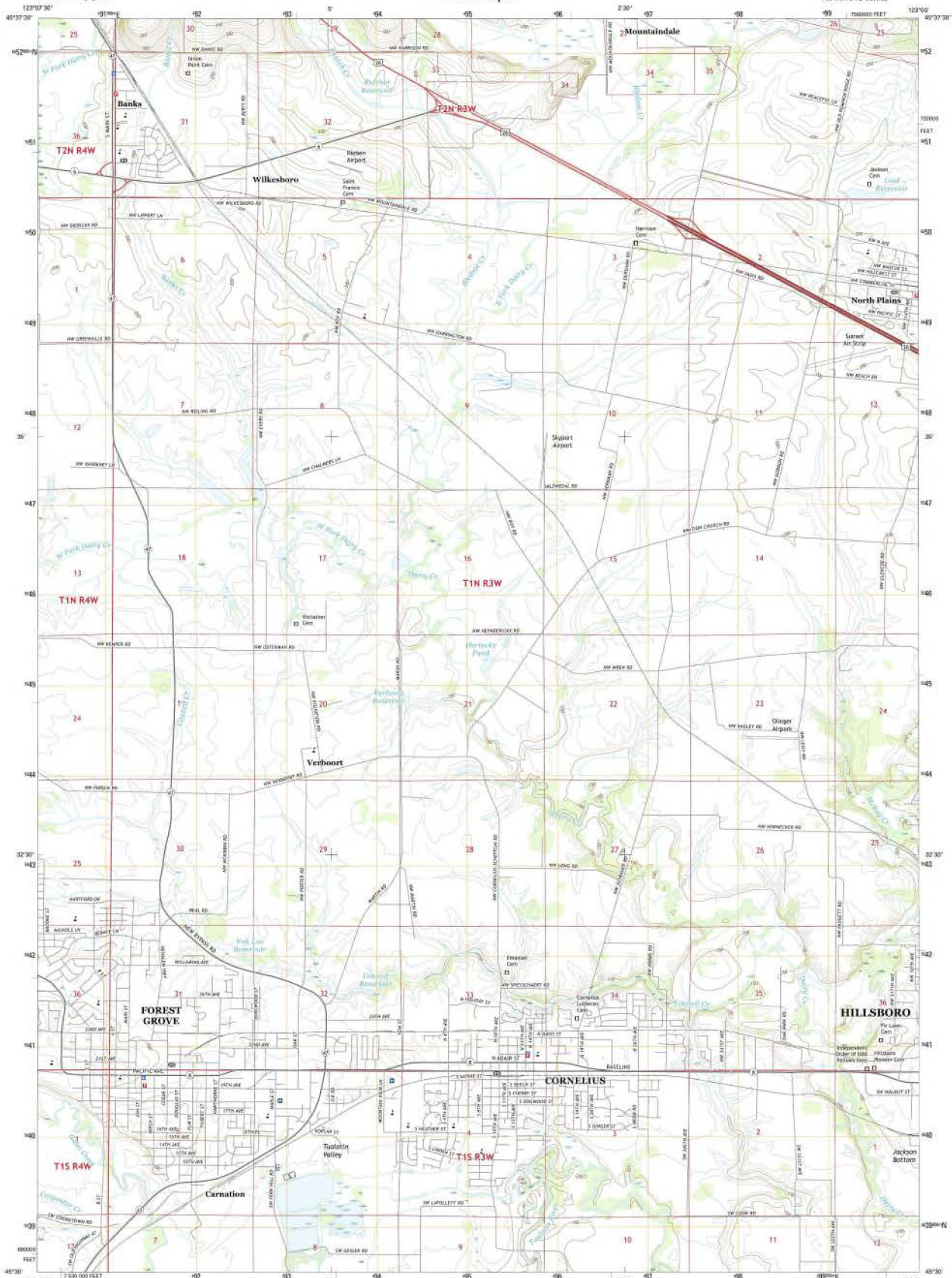
Portland & Western Railroad, Inc. (PNWR) issues this notice that on or about December 22, 2022, it intends to file with the Surface Transportation Board (STB or Board), Washington, DC 20423, a notice of exemption pursuant to the provisions of 49 CFR Part 1152 Subpart F – Exempt Abandonments and Discontinuances of Service and Trackage Rights permitting PNWR to abandon service over approximately 5.6 miles of the line of railroad between milepost 10.28 near Forest Grove, and milepost 4.68, near Hillsboro which traverses through United States Postal Zip Codes 97113, 97116, 97123, and 97124, in Washington County, Oregon. The PNWR proceeding will be docketed as STB Docket No. AB-541 (Sub-No. 3X).

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC or by calling that office at 202-245-0454.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as offers of financial assistance to subsidize rail service) must be filed directly with the STB's Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423-0001 [see 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [see 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Public Assistance, Governmental Affairs and Compliance at 202-245-0238. Copies of any comments or requests for conditions should be served on PNWR's representative: Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Ave. N.W. Suite 1300 South, Washington, DC 20004; 202-772-0916.

EXHIBIT E

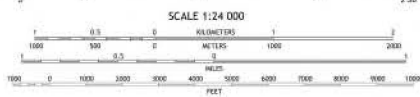
TOPOGRAPHICAL MAPS



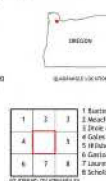
Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84) Projection and
1000 meter grid Universal Transverse Mercator, Zone 10T
10,000 foot Grid, Oregon Coordinate System of 1983 (north
azimuth)

This map is not a legal document. Boundaries may be
generalized for this map scale. Private lands within government
reservations may not be shown. Obtain permission before
entering private lands.

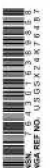
Revised: October 2014
Data: U.S. Census Bureau, 2010
Names: National Hydrography Dataset, 2010
Contours: National Elevation Dataset, 2010
Boundaries: National Wetlands Inventory, 2010
Public Land Survey System: see metadata file
Wellheads: FWS National Wetlands Inventory 1997 - 2014



This map was produced to conform with the
National Geospatial Program (US Topo) Product Standard, 2011.
A metadata file associated with this product is available at www.usgs.gov



FOREST GROVE, OR
2017



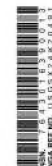
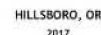


EXHIBIT F

INITIAL E/H REPORT

SHPO CORRESPONDENCE

(Maps Not Included)

CLARK HILL

Justin J. Marks
T 202.772.0916
F 202.772.0930
Email: jmarks@ClarkHill.com

Clark Hill
1001 Pennsylvania Avenue NW
Suite 1300
Washington, DC 20004
T 202.772.0909
F 202.772.0919

clarkhill.com

November 26, 2019

State Historic Preservation Office
Oregon Heritage
Oregon Parks and Recreation Department
725 Summer Street, NE, Suite C
Salem, OR 97301

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

Dear Madam or Sir:

This letter is to advise you that the Portland & Western Railroad, Inc. (“PNWR”) intends to file for the abandonment of a segment of its line between Milepost 10.28 in Forest Grove and Milepost 4.6 in Hillsboro (the “Subject Line”). PNWR owns a perpetual freight easement for the Subject Line; the underlying property is owned by the Oregon Department of Transportation. The Subject Line traverses through United States Postal Service ZIP Codes 97116, 97113, 97123, and 97124, entirely in Washington County, OR. A map of the Subject Line is attached as Exhibit A.

PNWR plans to seek Surface Transportation Board (“STB”) authorization for its abandonment through a notice of exempt abandonment pursuant to the provisions of 49 CFR § 1152.50 on or after February 3, 2020 in Surface Transportation Board Docket No. AB 541 (Sub. No. 3X).

Based upon information in PNWR’s possession, the Subject Line does not contain federally granted rights of way; the owner of the underlying property, the Oregon Department of Transportation, may have additional information. Any documentation in PNWR’s possession will be made available promptly to those requesting it.

No local service has been provided on the Subject Line since November 2015. The Subject Line has no visible structures 50 years old or older on the right-of-way. At this time, PNWR intends to remove, sell, and salvage the rail ties and track and remove and re-use some of the crossing warning systems. PNWR believes that there may be interest in the acquisition of the right of way for trail use. PNWR believes that this may be a reasonable alternative public purpose for the right of way. PNWR believes that the abandonment will not have a significant effect upon the environment or any historic resource.

November 26, 2019

Page 2

In advance of preparing an historic report as required by applicable STB regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental or historic effects of the proposed abandonment.

We would appreciate an expression from you by January 6, 2020 that, within the area of your authority, you do not perceive that the abandonment will have a significant effect upon any historic preservation (or expressing any concerns that you have). If you have any questions about the railroad's proposal or if you need assistance in this matter, please call me at (202) 772-0916.

Thank you for your cooperation.

Sincerely,



Justin J. Marks

*Counsel for Portland & Western
Railroad, Inc.*

Enclosures

cc: Portland & Western Railroad, Inc.



Oregon
Kate Brown, Governor

Parks and Recreation Department
State Historic Preservation Office
725 Summer St NE Ste C
Salem, OR 97301-1266
Phone (503) 986-0690
Fax (503) 986-0793
www.oregonheritage.org



December 27, 2019

Mr. Justin Marks
Clark Hill
1001 Pennsylvania Ave NW, Ste 1300
Washington, DC 20004

RE: SHPO Case No. 19-1862
Portland and Western Railroad, Inc, Abandonment Exemption
Surface Transportation Board authorization for abandonment
Multiple legals, Washington County

Dear Mr. Marks:

Thank you for providing consultation materials for the abandonment for the Portland and Western Railroad (PNWR) in Washington County, Oregon, as referenced above. We assume that PNWR, Inc. is acting on behalf of the Surface Transportation Board (STB) for Section 106 consultation as outlined in the December 10, 2019 "Delegation of Authority for the Section 106 Review of Rail Abandonment Projects" letter. If this assumption is incorrect, please have the STB contact our office to continue consultation or delegate Section 106 responsibilities in writing.

Please note that the abandonment (depending on the future owner) and deconstruction of the railroad would likely result in an adverse effect, if the PNWR was determined eligible for listing. We have no records that the PNWR has been evaluated for National Register of Historic Places eligibility. In order to complete the Section 106 consultation process, an Area of Potential Effect (APE), taking into consideration direct and indirect effects, would need to be established, and appropriate identification efforts for historic properties within that APE would need to occur prior to determining project effects. Further, we recommend inviting consulting parties - including tribes, local historical societies and museums, Hillsboro Certified Local Government, and other interested parties - to participate in Section 106 consultation.

If you have any questions please feel free to contact our office. We look forward to continued consultation on the undertaking.

Sincerely,

Tracy Schwartz
Historic Preservation Specialist
(503) 986-0677
tracy.schwartz@oregon.gov



CLARK HILL

Justin J. Marks
T 202.772.0916
F 202.772.0930
Email: jmarks@ClarkHill.com

Clark Hill
1001 Pennsylvania Avenue NW
Suite 1300
Washington, DC 20004
T 202.772.0909
F 202.772.0919

clarkhill.com

January 24, 2020

Re: SHPO Case No. 19-1862
Portland & Western Railroad, Inc. – Abandonment Exemption –
In Washington County, OR
STB Docket No. AB 541 (Sub-No. 3X)

Dear Ms. Schwartz:

Thank you for your letter of December 27, 2019. We are responding to your letter as counsel for Portland & Western Railroad, Inc. (“PNWR”). This letter will confirm that PNWR is acting on behalf of the Surface Transportation Board (“STB”) as outlined in the STB’s December 10, 2009 delegation letter.

We disagree with your suggestion that an Area of Potential Effect (“APE”) has not yet been established. The National Historic Preservation Act (“NHPA”) requires that federal agencies (such as the STB) must take into account the effect of their actions on any historic properties included or eligible for inclusion in the National Register of Historic Places, 54 U.S.C. 306108, that the scope of the required review is determined by the extent of the APE or “project area,” and that the APE is limited by the extent of the agency’s jurisdiction to control or mitigate any impacts. NHPA does not require an evaluation of the effects on the area outside of the project. In the case of abandonment actions, the STB has determined that the APE or “project area” is limited to the railroad right of way (“ROW”). This is logical because the STB’s conditioning authority extends only to the Applicant’s common carrier rail line and associated property, in this case, the 5.68-mile Subject Line and the associated ROW that is generally 25 feet wide.

PNWR’s reasonable and good faith evaluation of the geographic area where the proposed action would take place revealed no above ground resources within the APE that would be affected by the proposed action. Applicant’s review was consistent with the STB’s regulations implementing the NHPA at 49 C.F.R. 1105.8(d)(7), which requires an opinion, *based on readily available information in the railroad’s possession*, as to whether the site and/or any structures meet the criteria for listing. Here, PNWR did not identify any structures within the APE or any other evidence suggesting the site has historic significance. Further, the proposed abandonment and salvage would have no effect outside of the APE, and would not affect the integrity of the underlying ROW which will continue to be owned by the Oregon Department of Transportation.

January 24, 2020

Page 2

To PNWR's knowledge, the Subject Line is not uniquely associated with any significant events, nor is it a part of a larger historic railroad district as there are no contributing resources such as railroad buildings or identifiable railroad structures within the mostly small to midsize towns and rural landscape through which the Subject Line runs. PNWR does not believe that the graded line, ballast, tracks, minor built culverts, and small scale elements such as switches, should be evaluated as contributing elements unless certain special circumstances exist, none of which are believed by PNWR to exist in this case.

Your suggestion that PNWR investigate and identify other parties that may be interested goes beyond the STB's requirements, and PNWR does not believe such additional consultation is necessary or justified. The fact that you have no records of PNWR or of the Subject Line being evaluated for the National Register of Historic Places is not surprising. The project area itself has presumably not been surveyed because it has been used as a railroad right of way since early 1900's, and any disturbance of resources would have happened with the construction of the rail line and with its use as an active rail line over the past 100+ years. Nonetheless, PNWR will mail consultation letters to the Forest Grove Community Development Department and the Hillsboro Planning Department.

If you have any questions, please feel free to contact me.

Sincerely,



Justin J. Marks
Counsel to Portland & Western Railroad, Inc.

Enclosure

CLARK HILL

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1001 Pennsylvania Avenue NW
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T 202.772.0909
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January 24, 2020

Mr. Bryan Pohl
Community Development Director
Forest Grove Community Development Department
City Hall
1924 Council Street
PO Box 326
Forest Grove, OR 97116-0326

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

Dear Mr. Pohl:

This letter is to advise you that the Portland & Western Railroad, Inc. (“PNWR”) intends to file for the abandonment of a segment of its line between Milepost 10.28 in Forest Grove and Milepost 4.6 in Hillsboro (the “Subject Line”). PNWR owns a perpetual freight easement for the Subject Line; the underlying property is owned by the Oregon Department of Transportation. The Subject Line traverses through United States Postal Service ZIP Codes 97116, 97113, 97123, and 97124, entirely in Washington County, OR. A map of the Subject Line is enclosed.

PNWR plans to seek Surface Transportation Board (“STB”) authorization for its abandonment through a notice of exempt abandonment pursuant to the provisions of 49 CFR § 1152.50 on or after February 10, 2020 in Surface Transportation Board Docket No. AB 541 (Sub. No. 3X).

In advance of preparing an historic report as required by applicable STB regulations, PNWR consulted with the Oregon State Historic Preservation Office. That office in-turn requested that PNWR invite other potentially interested parties, such as your agency, to provide any historic preservation comment you may have.

Based upon information in PNWR’s possession, the Subject Line does not contain federally granted rights of way; the owner of the underlying property, the Oregon Department of Transportation, may have additional information. Any documentation in PNWR’s possession will be made available promptly to those requesting it.

No local service has been provided on the Subject Line since November 2015. The Subject Line has no visible structures 50 years old or older on the right-of-way. At this time and pending

January 24, 2020

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Oregon DOT approval, PNWR intends to remove, sell, and salvage the rail ties and track and remove and re-use some of the crossing warning systems.

PNWR believes that there may be interest in the acquisition of the right of way for trail use and that this may be a reasonable alternative public purpose for the right of way. PNWR believes that the abandonment will not have a significant effect upon the environment or any historic resource.

Please contact me if you do not perceive that the abandonment will have a significant effect upon any historic preservation (or expressing any concerns that you have). If you have any questions about the railroad's proposal or if you need assistance in this matter, please call me at (202) 772-0916.

Thank you for your cooperation.

Sincerely,



Justin J. Marks

*Counsel for Portland & Western
Railroad, Inc.*

Enclosures

cc: Oregon State Historical Preservation Office

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January 24, 2020

Hillsboro Planning Department
150 E Main Street
Civic Center, 4th Floor
Hillsboro, Oregon 97123-4028

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

Dear Sir or Madam:

This letter is to advise you that the Portland & Western Railroad, Inc. (“PNWR”) intends to file for the abandonment of a segment of its line between Milepost 10.28 in Forest Grove and Milepost 4.6 in Hillsboro (the “Subject Line”). PNWR owns a perpetual freight easement for the Subject Line; the underlying property is owned by the Oregon Department of Transportation. The Subject Line traverses through United States Postal Service ZIP Codes 97116, 97113, 97123, and 97124, entirely in Washington County, OR. A map of the Subject Line is enclosed.

PNWR plans to seek Surface Transportation Board (“STB”) authorization for its abandonment through a notice of exempt abandonment pursuant to the provisions of 49 CFR § 1152.50 on or after February 10, 2020 in Surface Transportation Board Docket No. AB 541 (Sub. No. 3X).

In advance of preparing an historic report as required by applicable STB regulations, PNWR consulted with the Oregon State Historic Preservation Office. That office in-turn requested that PNWR invite other potentially interested parties, such as your agency, to provide any historic preservation comment you may have.

Based upon information in PNWR’s possession, the Subject Line does not contain federally granted rights of way; the owner of the underlying property, the Oregon Department of Transportation, may have additional information. Any documentation in PNWR’s possession will be made available promptly to those requesting it.

No local service has been provided on the Subject Line since November 2015. The Subject Line has no visible structures 50 years old or older on the right-of-way. At this time and pending Oregon DOT approval, PNWR intends to remove, sell, and salvage the rail ties and track and remove and re-use some of the crossing warning systems.

January 24, 2020

Page 2

PNWR believes that there may be interest in the acquisition of the right of way for trail use and that this may be a reasonable alternative public purpose for the right of way. PNWR believes that the abandonment will not have a significant effect upon the environment or any historic resource.

Please contact me if you do not perceive that the abandonment will have a significant effect upon any historic preservation (or expressing any concerns that you have). If you have any questions about the railroad's proposal or if you need assistance in this matter, please call me at (202) 772-0916.

Thank you for your cooperation.

Sincerely,



Justin J. Marks

*Counsel for Portland & Western
Railroad, Inc.*

Enclosures

cc: Oregon State Historical Preservation Office

EXHIBIT G

REVISED E/H REPORT

SHPO CORRESPONDENCE



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November 23, 2022

State Historical Preservation Office
Oregon Heritage
Oregon Parks and Recreation Department
725 Summer Street NE, Suite C
Salem, OR 97301

ORSHPO.Clearance@oregon.gov

Re: Portland & Western Railroad, Inc. – Abandonment Exemption –
In Washington County, OR
Surface Transportation Board Docket No. AB 541 (Sub. No. 3X)
SHPO Case 19-1862

Dear Madam or Sir:

In 2019/2020, we had previously exchanged emails and letters pertaining to the Portland & Western Railroad, Inc.'s ("PNWR") intention to abandon a line of railroad between Milepost 10.28 in Forest Grove and Milepost 4.68 in Hillsboro, OR (the "Subject Line"). PNWR did not move forward with the abandonment at that time.

This letter is to inform you that on or about December 22, 2022 PNWR intends to file for the abandonment of the Subject Line. PNWR owns a perpetual freight easement for the Subject Line; the underlying property is owned by the Oregon Department of Transportation. Attached is a Revised Environmental Report and Historic Report describing the proposed action and any expected environmental and historic effects, including a map of the affected area.

PNWR is providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC, telephone 202-245-0245 and refer to the above Docket No. AB 541 (Sub. No. 3X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments, if you have any, to OEA with a copy to me would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly. I can be reached by telephone at 202-772-0916,

November 23, 2022
Page 2

email at jmarks@clarkhill.com or by mail at Clark Hill PLC, 1001 Pennsylvania Ave. N.W. Suite 1300 South, Washington, DC 20004.

Sincerely,



Justin J. Marks
Counsel to Portland & Western Railroad, Inc.

Enclosure