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VIA E-FILING

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

Re: ICC Finance Docket No. 31676
Port of Tillamook Bay Railroad - Modified Rail Certificate
Notice of Intent to Partially Terminate (Abandon) Service
Response to Interim Trail Use Request

Dear Ms. Brown:

Port of Tillamook Bay Railroad ("POTB") has received a copy of the request from the Salmonberry Trail Interagency Authority ("STIA"), seeking the issuance of a Certificate or Notice of Interim Trail Use pursuant to the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. §1152.29(a) for the segment of the POTB's railroad between Milepost 775.01 near Banks, Washington County, Oregon, and Milepost 856.08 near Tillamook, Tillamook County, Oregon.

The POTB is willing to negotiate with the STIA concerning the acquisition of the subject property for the trail use and supports the STIA's request to negotiate for a period of 180 days. A copy of the STIA's request is attached hereto as Exhibit "A" and hereby made a part hereof.

The POTB does not agree to the imposition of a public use condition as requested by STIA. The POTB does not believe that the Board has the power to impose a public use condition under 49 C.F.R. §1152.29(a) with respect to the termination of service under a modified rail certificate. Such conditions are only available in abandonment proceedings, while

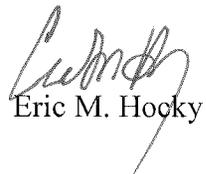
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the POTB as a modified certificate operator is exempt from abandonment requirements. See 49 C.F.R. §1150.22.

Please let me know if there are any questions about this filing.

Respectfully,

CLARK HILL PLC



Eric M. Hocky

EMH/e

cc: POTB
Salmonberry Trail Interagency Authority
Oregon Department of Transportation, Rail Division