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SERVICE DATE - MAY 5, 1998

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FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-541X]

Portland & Western Railroad, Inc.--Abandonment Exemption--In Washington

County, OR

On April 15, 1998, Portland & Western Railroad, Inc. (P&W) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon three segments of its line of railroad extending: (1) from milepost 20.05 to milepost 21.09, a distance of 1.04 miles; (2) from milepost 21.09 to milepost 21.26, a distance of 0.17 mile; and (3) from milepost 21.50 to milepost 22.0, a distance of 0.5 mile, all located at or near Hillsboro, in Washington County, OR.¹ The lines traverse U.S. Postal Service Zip Code 97124 and include the stations of Merle located near milepost 20.8 and Orenco Junction located near milepost 21.5.

¹ Abandonment authority for the segments from milepost 21.09 to milepost 21.26 (0.17 mile) and from milepost 21.50 to milepost 22.09 (0.5 mile) was previously granted to Burlington Northern Railroad Company (BNSF) in Burlington Northern Railroad Company--Abandonment Exemption--In Washington County, OR, Docket No. AB-6 (Sub-No. 363X) (ICC served Dec. 5, 1994). Thereafter, P&W filed a notice of exemption to acquire and operate all three segments proposed here to be abandoned in Portland & Western Railroad, Inc.--Acquisition and Operation Exemption--The Burlington Northern and Santa Fe Railway Company, STB Finance Docket No. 33502 (STB served Nov. 24, 1997). In that proceeding, P&W acquired the rail, track materials, and other personal property necessary for rail service and an exclusive rail easement over the underlying property; BNSF retained the real property with the intent to donate the property to the State of Oregon. P&W questions the need to seek abandonment authority for the segments previously abandoned by BNSF because P&W states that it never exercised its authority because of the absence of traffic.

The line does not contain federally granted rights-of-way. Any documentation in P&W's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in Oregon Short Line R. Co.--Abandonment--Goshen, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by August 3, 1998.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each offer must be accompanied by a \$1,000 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than May 26, 1998. Each trail use request must be accompanied by a \$150 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-541X and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001, and (2) Sebastian Ferrer, Gollatz, Griffin & Ewing, P.C., 213 West Miner Street, P.O. Box 796, West Chester, PA 19381-0796. Replies to the P&W petition are due on or before May 26, 1998.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full

abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1545. [TDD for the hearing impaired is available at (202) 565-1695.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Decided: April 27, 1998.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams

Secretary