

SERVICE DATE - JUNE 17, 1998

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**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

## **ENVIRONMENTAL ASSESSMENT**

NO. AB-541X

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

### **BACKGROUND**

In this proceeding, the Portland & Western Railroad, Inc. (P&W) has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of its railroad line located between milepost 20.05 and milepost 21.09, a distance of 1.04 miles in Orenco, Washington County, Oregon. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

### **DESCRIPTION OF THE LINE**

P&W has not provided any service on the line proposed for abandonment since purchasing it from the Burlington Northern Santa Fe Railroad Company in November, 1997. P&W believes that the last service provided by BNSF on this line was in December of 1994. If abandonment authority is granted, P&W plans to remove a bridge to facilitate a road widening project by the Oregon Department of Transportation. P&W then plans to reuse a portion of the bridge to reconstruct a portion of its Cornelius Pass line.

### **ENVIRONMENTAL REVIEW**

The railroad has submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR

1105.7(b). We have investigated the record in this proceeding. Also, we have consulted with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included U.S. Environmental Protection Agency, Region 10; National Park Service; U.S. Fish and Wildlife Service, Region 1; U.S. Army Corps of Engineers; State Historic Preservation Office; and Offices Washington County Commissioners.

### **CONDITIONS**

We recommend that no environmental conditions be placed on any decision granting abandonment authority.

### **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude that, as currently proposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

### **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. P&W owns the facilities on the line proposed for abandonment, however, the real property underlying the line is owned by BNSF, which according to P&W has declared an intention to donate the property to the Oregon Department of Transportation. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

### **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

**PUBLIC ASSISTANCE**

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Room 848, Washington, DC 20423.

**COMMENTS**

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Suite 700, Washington, DC 20423, to the attention of Victoria Rutson, who prepared this environmental assessment. **Please refer to Docket No. AB-541X in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Ms. Rutson at (202) 565-1545.

Date made available to the public: June 12, 1998.

**Comment due date: July 10, 1998.**

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

PLEASE SCAN MAP