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January 6, 2020

300243

VIA E-FILING

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

ENTERED
Office of Proceedings
January 6, 2020
Part of
Public Record

Re: STB Docket No. AB- 541 (Sub-No. 2X)
Portland & Western Railroad, Inc.
-Discontinuance of Service Exemption-
In Clatsop County, OR

Dear Ms. Brown:

On December 24, 2019, Portland & Western Railroad, Inc. ("PNWR") informed the Board that it used the wrong zip code – 97013 instead of 97103 – in the Verified Notice of Exemption filed on December 6, 2019 in the above captioned proceeding (the "Notice"). At the same time, PNWR requested that the Board hold the Notice in abeyance until January 6, 2020 to allow PNWR to: (1) notify the parties required under 49 CFR §1152.50(d)(1) (notice letters mailed on December 24, 2019) and (2) republish the notice of the proposed discontinuance in a newspaper of general circulation in Clatsop County, as required by 49 CFR §1105.12 (published in the Oregonian on December 27, 2019). By decision served on December 31, 2019, the Board granted PNWR's request to hold the proceeding in abeyance until January 6, 2020 and to extend the effective date until February 25, 2020.

Now that PNWR has both republished the newspaper notice and re-sent the 10-day notice letters as required by 49 CFR §1152.50(d)(1), PNWR requests permission to amend the Notice with the enclosed revised exhibits B and C demonstrating that PNWR has corrected the zip code error.

PNWR also requests the Board remove this proceeding from abeyance.

January 6, 2020
Page 2

If you have any questions, please contact me.

Thank you,

A handwritten signature in blue ink that reads "Justin J. Marks". The signature is written in a cursive style with a large, stylized "J" and "M".

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

EXHIBIT B NEWSPAPER NOTICE – PUBLISHED DECEMBER 27, 2019

LES SCHWAB INVITATIONAL

Bittle piles up palindromic 41, 14

Bob Lundeberg *For The Oregonian/OregonLive*

HILLSBORO — The highly anticipated first-round Les Schwab Invitational showdown between junior forwards Nathan Bittle and Ben Gregg lived up to the hype for a half.

But as Thursday’s game wore on, Bittle stayed hot while a hobbled Gregg couldn’t keep pace at Liberty High School. Bittle, a 6-foot-11 shooter and rim protector, dazzled with 41 points and 14 rebounds, carrying Class 5A Crater past Class 6A Clackamas, 71-54.

“It was a great team win — we really pulled it together,” Bittle said. “Before the game we spent like an hour, an hour and a half studying film in our coaches’ room, just relaxing and having fun but still being serious. We came out here, we knew our personnel, we matched up good, and we just came to win.”

Bittle, a five-star prospect and the nation’s No. 14-ranked player in the class of 2021 according to 247Sports, shot 18 of 25 from the field and 4 for 10 from three-point land. He also shined on defense with three blocks, two steals and several altered shots.

After Clackamas (2-2) pulled within seven at 57-50 through three quarters, Bittle knocked down consecutive threes to open the fourth. Crater (4-1), a fourth-place Class 5A state finisher last season, outscored the Cavaliers 14-4 in the final period.

“We started off pretty strong, started off with some energy and confidence,” said Gregg, rated No. 54 nationally in the 247Sports composite rankings. “As the game kept going on, getting fatigued I think was the biggest thing for us.

“I’m proud of the way we started off; we just couldn’t finish it that way. I think we’ll bounce back tomorrow.”

The 6-foot-8 Gregg didn’t practice all week because of back soreness.

Despite the injury, Gregg tallied 19 points, five rebounds and four steals.

“I just tried to play through it,” Gregg said. “I’m going to try to finish the tournament out no matter how bad it gets, but we’ll see how it feels tomorrow.”

The two highest-rated juniors in Oregon, Bittle and Gregg had not faced off in a real game before Thursday. Both

Les Schwab Invitational

First round Thursday
Central Catholic 78, Grant 34
Jefferson 82, Battle Ground (WA) 54
Churchill 55, Barlow 52
Crater 71, Clackamas 54
Norcross (GA) 62, West Linn 58
Eastside Catholic (WA) 78, Wilsonville 69
Mater Dei (CA) 77, Jesuit 52
Bishop Gorman (NV) vs. Lake Oswego, late

players were excited for the opportunity to test their skills against another Power 5 recruit.

“Ben is cool. He’s a great guy, a great player,” Bittle said. “He can shoot really good — I mean, he can pull it three, four, five feet from behind the three-point line. That’s just a great thing for a big guy. If you can shoot and score inside, that’s just another thing college coaches want.”

Added Gregg: “(Nate’s) a great player and I’ve been waiting for that matchup. He is super long — it’s hard to get shots up on him. He’s a great shot blocker, a great rebounder. Finishes at the rim well, can shoot the ball. He’s just overall a good player.”

Bittle holds offers from Oregon, Oregon State, Arizona, UCLA and Gonzaga, among others. Gregg’s top offers include Oregon, Oregon State and Texas.

Kruger Edwards added 10 points, six assists and five rebounds for Crater, which is making its first LSI appearance. Jayden Vranes had 10 assists.

Damon Erickson was Clackamas’ second-most productive player with 15 points and five rebounds.

Bittle had three early dunks — including a putback slam over Gregg — as Crater surged to a nine-point first-quarter lead.

“We’ll get another chance at him at the MLK tournament (in January),” Gregg said. “So, hopefully we can bounce back and get a good win then.”



Clackamas’ Ben Gregg tries to get a shot over Crater’s Nathan Bittle on Thursday during the first round of the Les Schwab Invitational. *Leon Neuschwander*

Schwab

FROM B1

“I think we present the type of team this year to give ourselves a chance.”

The Democrats (4-2) started their three bigs next to guards Lamar Washington and Trejon’ Williams and paid close attention to Perry, a 6-foot-8 junior center who committed to Gonzaga over the summer. Perry is rated the nation’s No. 109 player for the class of 2021 in 247Sports’ composite rankings.

Facing double teams on a consistent basis, Perry had 10 points, 11 rebounds, four blocks, two assists and two steals before fouling out with 2:56 left in the third quarter. He was whistled his final three fouls in about a minute of game time.

“We had to box him out, make him frustrated, not let him get any second-chance points, take charges and double-team him when he spun,” said Rawlins-Kibonge, a Washington State commit. “Pretty much shut him down mentally before you shut him down physically.”

Rawlins-Kibonge often was Perry’s primary defender while help came from Robinson, Cook and others.

“They are all so strong and my height,” Perry said. “I had to be patient with the ball, like I couldn’t just power through them every time. I had to be smarter and look for a kickout to one of my teammates.”

Added Strickland: “We executed our game plan to contain their shooters and to trap Kaden Perry once he spun back to his right. He got loose a few times, which a good player like that is bound to do, but we executed our game plan.”

Cook shined in his LSI debut, leading all scorers with 22 points while tallying eight rebounds and three assists. Kes-hawn Hall (19 points, six assists, five rebounds), Robinson (15 points, nine rebounds), Jalen Adams (10 points), Washington (eight points, eight assists, five rebounds) and Rawlins-Kibonge (six points, 17 rebounds, three blocks) also were major contributors.

Jefferson opened the game with a 10-0 run, a stretch that included two three-pointers by Washington. Cook, projected to be one of the nation’s top recruits for the class of 2023, made it 14-1 Democrats with a putback.

“Mookie is the real deal,” Strickland said of Cook. “I think



Freshman Marquis Cook slams in two points during Jefferson’s opening-round win over Battle Ground in the Les Schwab Invitational. *Serena Morones*

he can get to the Division I level, and after that the sky is the limit. But he is only a freshman, and we are excited to have him right now and for the future because he is definitely a diaper dandy, as Dick Vitale says.”

Brendan Beall had a team-high 18 points for Battle Ground, a first-time LSI participant. The Tigers compete in Class 4A, the largest in Washington.

“I don’t think a lot of people know about little old Battle Ground,” Perry said. “We want to come out here and show that Battle Ground is good and has guys — that’s the goal.”

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NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE

The Portland & Western Railroad, Inc. (PNWR) issues this notice that on or about **January 6, 2020**, it will file with the Surface Transportation Board (STB), 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 discontinue service over approximately 22.58 miles of the line of railroad between milepost 96.88 near Tongue Point/Astoria and milepost 74.3 near Wauna, in Clatsop County, Oregon. The Line traverses through United States ZIP Code 97103. The PNWR proceeding will be docketed as STB Docket No. AB-541 (Sub-No. 2X).

Because the proposed action entails the discontinuance of service over the Line, rather than abandonment, no environmental or historic documentation is required under 49 CFR 1105.6 and 1105.8. Appropriate offers of financial assistance to subsidize rail service can be filed with the STB. Trail use / rail banking and public use condition requests are not appropriate in discontinuance proceedings.

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 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.

Today’s New York Times Crossword Puzzle Solved

S	I	N	A	R	O	M		S	E	I	M	I	S
O	G	O	T	E	N	O		T	R	O	P	S	U
K	C	I	S	R	V	C		S	T	E	R	R	E
		S	I	D				E	R	O		E	O
T	R	A	N	S		S	D	S	N		E	D	O
N	E	O			P	W			E	R	N	E	G
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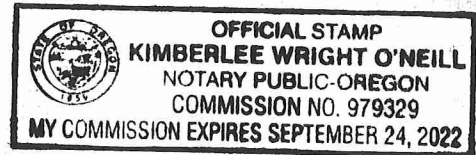
State of Oregon,) ss
County of Multnomah)

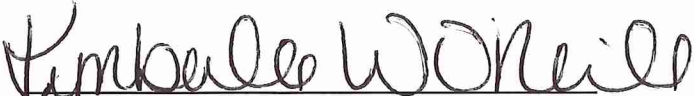
Justin Eubanks being duly sworn, deposes that he/she is principal clerk of Oregonian Media Group; that The Oregonian is a public newspaper published in the city of Portland, with general circulation in Oregon, and this notice is an accurate and true copy of this notice as printed in said newspaper, was printed and published in the regular edition and issue of said newspaper on the following date(s):

The Oregonian 12/27/2019


Principal Clerk of the Publisher

Sworn to and subscribed before me this 27th day of December 2019




Notary Public

NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE

The Portland & Western Railroad, Inc. (PNWR) issues this notice that on or about **January 6, 2020**, it will file with the Surface Transportation Board (STB), 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 discontinue service over approximately 22.58 miles of the line of railroad between milepost 96.88 near Tongue Point/Astoria and milepost 74.3 near Wauna, in Clatsop County, Oregon. The Line traverses through United States ZIP Code 97103. The PNWR proceeding will be docketed as STB Docket No. AB-541 (Sub-No. 2X).

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EXHIBIT C - 10 DAY NOTICE LETTERS

CLARK HILL

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December 24, 2019

To: All Persons on the Attached Service List

Re: STB Docket No. AB- 541 (Sub-No. 2X)
Portland & Western Railroad, Inc.
-Discontinuance of Service Exemption-
In Clatsop County, OR

Dear Sir or Madam:

This letter is being sent to you pursuant to the requirements of 49 C.F.R. §1152.50(d), to advise you that the Portland & Western Railroad, Inc. (“PNWR”) plans to seek authorization from the Surface Transportation Board (“STB”) to discontinue service over the line of railroad described below, by filing a verified notice of exemption pursuant to the provisions of 49 CFR Part 1152 Subpart F. PNWR expects to file the notice of exemption with the STB on or about January 6, 2020, under STB Docket No. AB 541 (Sub-No. 2X).

PNWR will invoke the STB’s exemption procedures to discontinue service of the line of railroad between milepost 96.88 near Tongue Point/Astoria and milepost 74.3 near Wauna, extending through Clatsop County, Oregon (the “Line”). The Line traverses through United States Zip Code 97103. A map of the Line is enclosed with this letter.

Because this proceeding would involve the discontinuance of common carrier service and not abandonment of the Line, PNWR understands that the question of whether the Line contains federally granted rights-of-way is inapplicable, and that the Line would not be suited at this time for alternative public use. Any pertinent documentation in the railroads’ possession will be made available promptly to those requesting it.

PNWR has no current plans to salvage the track along the Line as a result of discontinuance.

December 24, 2019
Page 2

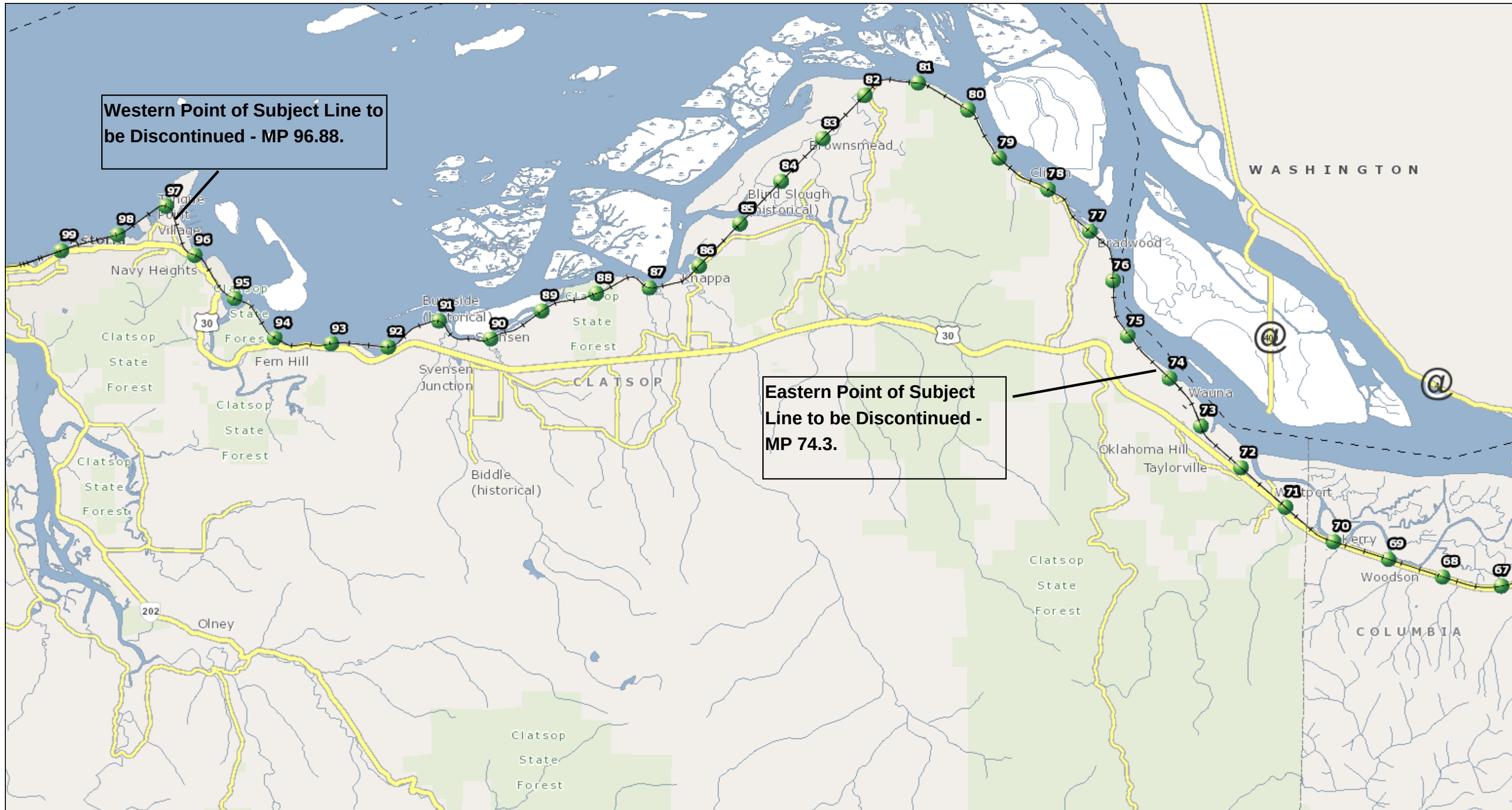
Sincerely,

A handwritten signature in blue ink that reads "Justin J. Marks". The signature is written in a cursive style with a large, stylized "J" and "M".

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

Enclosures

PNWR Astoria to Wauna Discontinuance



✚ Rail Network ● Rail Mile Posts



0 1.5 3 6 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

Agency Service List

Oregon Department of
Transportation
Rail and Public Transit Division
555 13th St. NE
Salem, OR 97301-4179

United States Department of the Army
Military Surface Deployment and
Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for
National Defense)
1 Soldier Way, Building 1900W
Scott AFB, IL 62225

U.S. Department of the Interior -
National Park Service
RTCA Program
1849 C Street, NW
Washington, DC 20240

Office of Chief of Forest Service
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250-1111