



Oregon

Tina Kotek, Governor

Parks and Recreation Department

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310748

ENTERED

Office of Chief Counsel

January 26, 2026

Part of

Public Record

January 23, 2026

Re: Docket No. FD31676 – Port of Tillamook Bay Railroad – Modified Rail Certificate
Joint Petition for Substitution of Interim Trail User
Request for Fee Waiver

Dear Chief of Case Administration:

Attached please find a “Joint Petition for Substitution of Interim Trail User” from the Salmonberry Trail Intergovernmental Agency (STIA) and Oregon Parks and Recreation Department (OPRD), along with a Statement of Willingness to Assume Financial Responsibility from OPRD. The Port of Tillamook Bay (POTB) has indicated that it will separately file a letter consenting to the proposed substitution.

As government entities working to preserve the corridor and support interim trail use in the best interest of the public, OPRD and STIA are requesting a waiver of the filing fee, as outlined in 49 CRF 1002(e)(1).

If you have questions or need further documents, please contact:

Jessica Horning
Salmonberry Trail Project Manager
725 Summer St. NE, Suite C; Salem, Oregon 97301
971-701-5593
Jessica.R.Horning@oprds.oregon.gov

Sincerely,

/s/ Kate Skinner

Salmonberry Trail Intergovernmental Agency

/s/ Stefanie Coons

Interim Director, Oregon Parks and Recreation Department

CC: Parties of Record (via email)

FILING FEE WAIVED

**BEFORE THE SURFACE TRANSPORTATION BOARD
Docket No. FD 31676 - Port of Tillamook Bay Railroad
ABANDONMENT EXEMPTION
IN TILLAMOOK AND WASHINGTON COUNTIES, OREGON**

JOINT PETITION FOR SUBSTITUTION OF INTERIM TRAIL USER

Pursuant to 49 CFR § 1152.29(f), the Salmonberry Trail Intergovernmental Agency (STIA), and the STATE OF OREGON, by and through the Oregon Parks and Recreation Department (OPRD), jointly submit this petition to the Surface Transportation Board requesting that the Board reopen the above-captioned proceedings so that OPRD may be substituted as the interim trail user on the above-captioned line.

In support of this petition, the parties state as follows:

1. Pursuant to 49 CFR 1150.24, on May 26, 2016, the Port of Tillamook Bay Railroad (POTB), a division of the Port and operator of the Line, filed a notice of its intent to terminate service over an 81.07-mile segment of the Line, between milepost 775.01, near Banks, Washington County, Or., and milepost 856.08, near Tillamook, Tillamook County,
2. By decision and notice served on July 26, 2016, Notice of Interim Trail Use under 16 U.S.C. § 1247(d) was accepted by STB. The NITU authorized STIA to negotiate with POTB for interim trail use on the above-described rail line.
3. STB entered a fully executed Joint Notice of Interim Trail Use / 2018 Rail Line Lease between POTB and STIA into the public record on October 27, 2017. (A copy of the NITU is attached as Exhibit A.)
4. On October 3, 2025, POTB, OPRD, the Oregon Department of Forestry, Tillamook County, Washington County, and the Salmonberry Trail Foundation entered into a “Memorandum of Understanding Supporting the Salmonberry Trail Project Governance” to replace STIA as the collaborative governance structure for the Salmonberry Trail. It is the intent of the Parties of this agreement to contemporaneously execute the MOU, obtain STB approval of OPRD as the new Interim Trail User, and reassign STIA’s interest in the 2018 Rail Line Lease Agreement with POTB to OPRD.
5. Attached as Exhibit B is a Statement of Willingness to Assume Financial Responsibility from the OPRD, consistent with the requirements of 49 CFR § 1152.29(a), in which OPRD agrees to assume full responsibility for management of the right-of-way, any legal liability arising from its use as a trail, and payment of taxes, if any.
6. OPRD acknowledges that interim trail use is subject to the possible future reconstruction and reactivation of the right-of-way for rail service, as provided by the Trails Act and STB regulations.
7. The parties agree that responsibility for the right-of-way will transfer from STIA to OPRD within 10 business days of STB issuance of a replacement NITU as requested below.
8. Upon STB approval of this petition, OPRD and POTB will reassign STIA’s interest in the 2018 Rail Line Lease Agreement to OPRD.
9. As government entities working to preserve the corridor and support interim trail use in the best interest of the public, OPRD and STIA are requesting a waiver of the filing fee, as outlined in 49 CFR 1002(e)(1).

January 23, 2026

Accordingly, the parties respectfully request that the Board reopen the abandonment proceedings, vacate the existing NITU issued to STIA, and issue a replacement NITU naming the OPRD as the interim trail user.

Respectfully submitted,

SALMONBERRY TRAIL INTERGOVERNMENTAL AGENCY

By: /s/ *Kate Skinner*

Name: Kate Skinner

Title: State Forester

Date: 1/23/26

STATE OF OREGON, by and through its Parks and Recreation Department

By: /s/ *Stefanie Coons*

Name: Stefanie Coons

Title: Interim Director

Date: 1/23/26

Attachments:

- Exhibit A – Copy of Extant NITU
- Exhibit B – OPRD Statement of Willingness to Assume Financial Responsibility
- Exhibit C – Map of Right-of-Way

January 23, 2026

EXHIBIT A

**Docket No. FD 31676 - Port of Tillamook Bay Railroad
ABANDONMENT EXEMPTION
IN TILLAMOOK AND WASHINGTON COUNTIES, OREGON**

EXTANT NOTICE OF INTERIM TRAIL USE

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

Docket No. FD 31676

PORT OF TILLAMOOK BAY RAILROAD—MODIFIED RAIL CERTIFICATE

Decided: July 26, 2016

In a decision served on June 1, 1990 (and corrected by decision served on June 4, 1990), the Port of Tillamook Bay (Port) was issued a modified certificate of public convenience and necessity (modified certificate) under 49 C.F.R. § 1150.23 to operate rail service over the Tillamook Branch line between milepost 770.5, at Schefflin, Or., and milepost 856.08, at Tillamook, Or. (the Line).

On May 26, 2016, the Port of Tillamook Bay Railroad (POTB), a division of the Port and operator of the Line, filed a notice of its intent to terminate service over an 81.07-mile segment of the Line, between milepost 775.01, near Banks, Washington County, Or., and milepost 856.08, near Tillamook, Tillamook County, Or.¹ POTB states that it will continue to provide service on the portion of the Line that remains covered by the modified certificate, between milepost 774.0 and milepost 775.01.²

On June 17, 2016, the Salmonberry Trail Intergovernmental Agency (STIA) filed a request for issuance of a notice of interim trail use (NITU) under the National Trails System Act (Trails Act), 16 U.S.C. § 1247(d), for a portion of the Line between milepost 775.01 and milepost 856.06 (the Trail Use Segment). STIA has submitted a statement indicating its willingness to assume financial responsibility for management of the right-of-way (ROW) as required pursuant to 49 C.F.R. § 1152.29, and has acknowledged that the use of the ROW for trail purposes is subject to future reconstruction and reactivation for rail service. By letter filed on July 1, 2016, POTB indicated its willingness to negotiate interim trail use with STIA.

¹ POTB stated that its notice to terminate service would be effective July 28, 2016. By letter filed July 26, 2016, POTB states that it is extending the effective date of termination to August 31, 2016.

² In 2015, Portland & Western Railroad acquired 3.5 miles of the Line that was originally included in the modified certificate, between milepost 770.5 and milepost 774.0. Portland & W. R.R.—Acquis. & Operation Exemption—Port of Tillamook Bay, FD 35911 (STB served Apr. 1, 2015).

The Board has jurisdiction to impose interim trail use in a proceeding where a notice is filed under 49 C.F.R. § 1150.24 to terminate operations under a modified certificate. See Wis. & Calumet R.R.—Notice of Interim Trail Use & Termination of Modified Certificate, FD 30724 (Sub-No. 1) (ICC served Aug. 8, 1989); Sammamish Transp. Co.—Notice of Interim Trail Use & Termination of Modified Certificate, FD 33398 (Sub-No. 1) (STB served Feb. 26, 1998).

Because STIA's request complies with the requirements of 49 C.F.R. § 1152.29 and POTB agrees to negotiate for interim trail use, a NITU will be issued for the Trail Use Segment. STIA is free to negotiate an agreement during the 180-day period prescribed below. If an interim trail use agreement is reached (and thus, interim trail use is established), the parties shall jointly notify the Board within 10 days that an agreement has been reached. 49 C.F.R. § 1152.29(d)(2) and (h). Because POTB has already filed its termination notice under 49 C.F.R. § 1150.24, if no interim trail use agreement is reached, the modified certificate shall be considered terminated as of the end of the NITU negotiating period. Use of the right-of-way for trail purposes is subject to future restoration for railroad purposes. See 49 C.F.R. § 1152.29(d)(2).

STIA has also requested the imposition of a public use condition under 49 U.S.C. § 10905 for the right-of-way to allow STIA to explore alternative public use of the Line, namely use as a recreational trail. In its July 1 letter, POTB states that it objects to the imposition of a public use condition because such a condition is available only in the course of abandonment proceedings, from which it is exempt. STIA's request for a public use condition will be denied. Public use conditions under 49 U.S.C. § 10905 are available under certain circumstances where the Board authorizes abandonment of a rail line, either by application or through an exemption. See 49 U.S.C. § 10905; 49 C.F.R. § 1152.28. However, under 49 C.F.R. § 1150.22, carriers operating under a modified certificate are exempt from the statutory requirement to seek Board authority to abandon the operated line. While granting a NITU is consistent with agency precedent, STIA has not shown that public use conditions are appropriate in modified certificate proceedings.

It is ordered:

1. The request for a notice of interim trail use under 16 U.S.C. § 1247(d) is accepted. STIA may negotiate with POTB for interim trail use for the Trail Use Segment for a period of 180 days from the service date of this decision and notice, until January 22, 2017.

2. If an interim trail use/rail banking agreement is reached, it must require the trail user to assume, for the term of the agreement, full responsibility for: (i) managing the right-of-way; (ii) any legal liability arising out of the transfer or use of the right-of-way (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and (iii) the payment of any and all taxes that may be levied or assessed against the right-of-way.

3. Interim trail use/rail banking is subject to any future use of the property for restoration of railroad operations and to the trail sponsor's continuing to meet the financial obligations for the right-of-way described in paragraph 2 above.

4. If interim trail use is implemented, and subsequently the user intends to terminate trail use, it must send the Board a copy of this decision and notice and request that it be vacated on a specified date.

5. If an interim trail use agreement is reached by January 22, 2017 (and thus, interim trail use is established), the parties shall jointly notify the Board within 10 days that an agreement has been reached. 49 C.F.R. § 1152.29(d)(2) and (h). If no interim trail use agreement is reached, the modified certificate shall be considered terminated as of the end of the NITU negotiating period.

6. STIA's request for a public use condition is denied.

7. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

CLARK HILL

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ENTERED
Office of Proceedings
October 27, 2017
Part of
Public Record

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October 27, 2017

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
Joint Notice of Interim Trail Use / Rail Banking Agreement

Dear Ms. Brown:

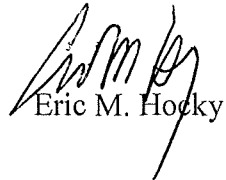
In accordance with 49 C.F.R. §1152.29(h), the undersigned counsel for Port of Tillamook Bay Railroad (POTB) submits for filing, the attached fully executed Joint Notice of Interim Trail Use / Rail Banking Agreement Between POTB and the Salmonberry Trail Interagency Authority (STIA) covering the line of railroad approved for abandonment between milepost 775.01, near Banks, Washington County, Oregon., and milepost 856.08, near Tillamook, Tillamook County, Oregon.

Cynthia T. Brown
October 27, 2017
Page 2

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

October 23, 2017

VIA E-FILE

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, S.W.
Washington, DC 20024

Re: ICC Finance Docket No. FD 31676
Port of Tillamook Bay Railroad – Modified Rail Certificate Notice of Intent to Partially
Terminate (Abandon) Service

JOINT NOTICE OF INTERIM TRAIL USE / RAIL BANKING AGREEMENT BETWEEN
PORT OF TILLAMOOK BAY AND SALMONBERRY TRAIL INTERGOVERNMENTAL
AGENCY IN ACCORDANCE WITH 49 C.F.R. 1152.29(h)

Dear Ms. Brown:

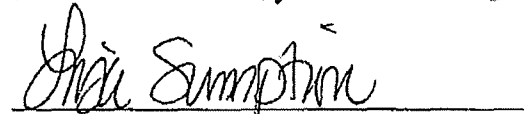
The Port of Tillamook Bay ("POTB") and the Salmonberry Trail Interagency Authority ("STIA") hereby jointly notify the Board that they have entered into a trail use/rail banking agreement (the "Trail Use Agreement") covering the rail line from milepost 775.01, near Banks, Washington County, Oregon, to milepost 856.08, near Tillamook, Tillamook County, Oregon, for a total distance of 81.07 miles.¹ Attached to this Joint Notice as Exhibit A and made a part hereof is a map depicting an accurate description of the railroad right-of-way, including mileposts, that is the subject of said Trail Use Agreement. In accordance with the requirements of 49 C.F.R. 1152.29(h), POTB and STIA hereby certify that the Trail Use Agreement includes provisions requiring the trail sponsor, STIA, to fulfill the responsibilities described at 49 C.F.R. 1152.29(a)(2). A copy of STIA's Statement of Willingness to Assume Financial Responsibility under the Trail Use Agreement is attached hereto as Exhibit B and is hereby made a part hereof.

¹ STIA has discovered that there was a discrepancy in its original trail use request filed with the Board on June 17, 2016. In the "statement of willingness" the line was correctly described as ending at milepost 856.08 near Tillamook, and being a total of 81.07 miles (as also described in POTB's notice of intent to partially terminate); however, in the body of the letter there was a typographical error showing the endpoint as milepost 856.06. STIA always intended to acquire the entire line for trail use, and the Trail Use Agreement covers the entire line. To the extent necessary, STIA and POTB request that the Board correct its records to show that the NITU covers through milepost 856.08.

Please let us know if there are any questions regarding this filing.

Sincerely,


Port of Tillamook Bay


Salmonberry Trail Interagency Authority

Enclosures:

Exhibit A. MAP

Exhibit B. June 7, 2016 Trail Use Request / Statement of Willingness

EXHIBIT B

**Docket No. FD 31676 - Port of Tillamook Bay Railroad
ABANDONMENT EXEMPTION
IN TILLAMOOK AND WASHINGTON COUNTIES, OREGON**

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under [16 U.S.C. 1247\(d\)](#) and [49 CFR 1152.29](#) with respect to the right-of-way owned by Port of Tillamook Bay, the STATE OF OREGON, by and through its Parks and Recreation Department (OPRD) is willing to assume full responsibility for: (1) Managing the right-of-way, (2) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify the railroad against any potential liability), and (3) the payment of any and all taxes that may be levied or assessed against the right of way. The property, known as the Port of Tillamook Bay Railroad, extends from railroad milepost 775.01, near Banks, Washington County, Oregon, to milepost 856.08, near Tillamook, Tillamook County, Oregon, a distance of approximately 81.07 miles. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB FD 31676. A map of the property depicting the right-of-way is attached as Exhibit C.

OPRD acknowledges that use of the right-of-way is subject to the sponsor's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served via email on the parties of record on the same date it is being served on the Board.

Upon STB approval of this petition, OPRD and POTB will reassign the interest of the current trail user, the Salmonberry Trail Intergovernmental Agency (STIA), in the 2018 Rail Line Lease Agreement to OPRD.

Respectfully submitted,

STATE OF OREGON, by and through its Parks and Recreation Department

By: /s/ *Stefanie Coons*

Name: Stefanie Coons

Title: Interim Director, Oregon Parks and Recreation Department

Address: 725 Summer Street NE, Ste. C, Salem, Oregon 97301

Phone: (971) 718-1966

Email: stefanie.coons@oprds.oregon.gov

January 23, 2026

EXHIBIT C

**Docket No. FD 31676 - Port of Tillamook Bay Railroad
ABANDONMENT EXEMPTION
IN TILLAMOOK AND WASHINGTON COUNTIES, OREGON**

MAP OF RIGHT-OF-WAY

Port of Tillamook Bay Railroad Proposed Railbanking Corridor

