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OEA

SERVICE DATE – JULY 30, 2026

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

SUPPLEMENTAL FINAL ENVIRONMENTAL ASSESSMENT

Docket No. AB 541 (Sub-No. 4X)

**The Portland & Western Railroad, Inc. – Abandonment Exemption –
in Washington County, Or.**

ABANDONMENT TYPE

The time for comments on the Draft Environmental Assessment (Draft EA) has expired in this:

(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

In this proceeding, Portland & Western Railroad, Inc. (PNWR) filed a notice of exemption under 49 C.F.R. § 1152.50 with the Surface Transportation Board (Board) seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Washington County, Oregon. The rail line proposed for abandonment extends approximately 264 feet from milepost 27.84 to milepost 27.79 in Banks, Oregon (the Line). By decision served on May 31, 2024, the Board imposed a historic preservation condition pursuant to Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108 (Section 106 condition).

The Section 106 condition requires PNWR to: (a) retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effects) that are eligible for or listed in the National Register of Historic Places (National Register) until the Section 106 process of the NHPA has been completed; (b) report back to the Board's Office of Environmental Analysis (OEA) regarding any consultations with the Oregon State Historic Preservation Office (SHPO) and the public; and (c) not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

Comments

On October 14, 2025, PNWR submitted a report to the SHPO titled "Built Environment Study of the Proposed Banks-Veronia Gathering Site, Banks, Washington County, Oregon," (AAR Report) in response to the SHPO's request for additional information regarding the proposed abandonment. The AAR Report concluded that the Line was eligible for the National

Register and that the proposed abandonment would have an adverse effect on that resource. On December 5, 2025, the SHPO concurred with the determination of eligibility and adverse effect.

On December 11, 2025, PNWR submitted a comment to OEA noting several inaccuracies in the AAR Report and requested that OEA review the information and the status of the Section 106 process accordingly. After reviewing the entire record in the proceeding, OEA determined that the AAR Report was flawed and included inaccurate information. On July 2, 2026, OEA submitted a letter to the SHPO clarifying the Area of Potential Effect (APE) and requested concurrence with its determination that the proposed abandonment would have no adverse effect on historic properties. In a letter dated July 21, 2026, the SHPO concurred with OEA's no adverse effect determination.

Accordingly, pursuant to the Section 106 regulations of the NHPA at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA has determined that PNWR's proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register.¹ The Board has satisfied its responsibilities under Section 106 of the NHPA in this proceeding. Therefore, OEA is recommending that the Board remove the Section 106 condition imposed in its May 31, 2024 decision.

Conclusions

For the reasons stated above, OEA recommends that the Board remove the Section 106 condition imposed in its May 31, 2024 decision.

By the Board, Danielle Gosselin, Director, Office of Environmental Analysis.

¹ The documentation for this finding, as specified at 36 C.F.R. § 800.11(e), consists of PNWR's E&H Report, all relevant correspondence, the Draft EA, the Final EA, and this Supplemental Final EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <https://www.stb.gov/>.