

SERVICE DATE—AUGUST 26, 2026

SURFACE TRANSPORTATION BOARD

DECISION

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

PORTLAND & WESTERN RAILROAD, INC.—ABANDONMENT EXEMPTION—IN
WASHINGTON COUNTY, OR.

Decided: August 26, 2026

Portland & Western Railroad, Inc. (PNWR), filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon approximately 264 feet of rail line extending between milepost 27.84 and milepost 27.79 in Banks, Or. (the Line).¹ Notice of the exemption was served and published in the Federal Register on May 3, 2024 (89 Fed. Reg. 36,840). The exemption became effective on June 2, 2024.

By decision served May 31, 2024, a historic preservation condition pursuant to Section 106 of the National Historic Preservation Act, 54 U.S.C. § 306108 (Section 106 condition) was imposed on the abandonment of the Line, as recommended by the Board’s Office of Environmental Analysis (OEA).

In a Supplemental Final Environmental Assessment (Supplemental Final EA) served on July 30, 2026, OEA states that, on October 14, 2025, PNWR submitted a report to the Oregon State Historic Preservation Office (SHPO) titled “Built Environment Study of the Proposed Banks-Veronia Gathering Site, Banks, Washington County, Oregon” (the 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 of Historic Places 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 certain inaccurate information, and, on July 2, 2026, OEA wrote to the SHPO requesting concurrence with OEA’s 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. As a result,

¹ PNWR states that it owns a perpetual freight easement for the Line and that the underlying property is owned by the Oregon Department of Transportation (ODOT).

OEA recommends in the Supplemental Final EA that the Board remove the Section 106 condition.

Based on OEA's analysis and consistent with its recommendation, this proceeding will be reopened, and the previously imposed Section 106 condition will be removed.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the Section 106 condition is removed.
3. This decision is effective on its service date.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.