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GRIFFIN
& EWING
ATTORNEYS - AT - LAW

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

February 11, 2005
VIA: FEDERAL EXPRESS

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
Mercury Building, #711
1925 K Street, N.W.
Washington, DC 20423-0001

Re: Portland & Western Railroad, Inc. - Abandonment
Exemption - Washington County, Oregon
STB Docket No. AB-541 (Sub-No. 1X)
Notice of Exemption

Dear Secretary Williams:

Enclosed for filing please find the original and ten (10) copies of the (a) Notice of Exemption, and (b) Supplement No. 1 to Environmental/Historic Report. A check in the amount of \$3,000 representing the filing fee for the Notice of Exemption is also enclosed.

Please time stamp the extra copy of this letter to indicate receipt, and return it to me in the stamped self-addressed envelope provided for your convenience.

Respectfully,

FILED

FEB 11 2005

**SURFACE
TRANSPORTATION BOARD**

Leanore D. Bellis
Leanore D. Bellis

Enclosures

cc: C. Gilbert / PNWR
Eric M. Hocky, Esq.
All parties on the service list

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Office of Proceedings

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FEB 11 2005

TRANSPORTATION BOARD

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

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Before the
SURFACE TRANSPORTATION BOARD

**NOTICE OF
PORTLAND & WESTERN RAILROAD, INC.
FOR EXEMPTION OF ABANDONMENT
FROM REGULATION PURSUANT TO
49 C.F.R. §1152.50**

Washington County, Oregon

Docket No. AB-541 (Sub-No. 1X)

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FEB 14 2005

**SURFACE
TRANSPORTATION BOARD**

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**SURFACE
TRANSPORTATION BOARD**

ERIC M. HOCKY
GOLLATZ, GRIFFIN & EWING, P.C.
Four Penn Center
Suite 200
1600 JFK Blvd.
Philadelphia, PA 19103
(215) 563-9400
Attorney for
Portland & Western Railroad, Inc.

Dated: February 11, 2005

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public record

Before the
SURFACE TRANSPORTATION BOARD

**NOTICE OF
PORTLAND & WESTERN RAILROAD, INC.
FOR EXEMPTION OF ABANDONMENT
FROM REGULATION PURSUANT TO
49 C.F.R. §1152.50**

Washington County, Oregon

This Notice of Abandonment is given pursuant to the requirements of 49 C.F.R. §1152.50. In accordance with such requirements, Portland & Western Railroad, Inc. ("Applicant") hereby states as follows:

1. The exact name of Applicant is Portland & Western Railroad, Inc.
2. Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.
3. The relief sought is the abandonment of a portion of Applicant's line of railroad which runs between milepost 17.10 and milepost 20.05, located near the City of Hillsboro in Washington County, Oregon.
4. A detailed map of the subject line showing the exact location of the rail line to be abandoned and its relation to other rail lines in the area, highways, water routes and population centers is attached hereto as Exhibit A.

5. The representative of Applicant to whom correspondence should be sent is:

Eric M. Hocky, Esquire
GOLLATZ, GRIFFIN & EWING, P.C.
Four Penn Center
Suite 200
1600 JFK Blvd.
Philadelphia, PA 19103
(215) 563-9400

6. The line to be abandoned traverses United States Postal Service ZIP Code 97124.

7. The property proposed for abandonment runs through a rural semi-forested area, and then traverses between an industrial area and residential developments. Applicant has an easement for the right-of-way, and the underlying fee title is held by the State of Oregon through its Department of Transportation. The property may be useful for public purposes, and applicant's easement rights are being sold to the Oregon Department of Transportation for such public use.

8. Applicant proposes to consummate the abandonment on or after April 5, 2005.

9. Applicant certifies that:

(a) No local traffic has moved over the line for at least two years, and overhead traffic, if any, could be rerouted over other lines.

(b) No formal complaint by a user of rail service on the line, or a state or local government entity acting on behalf of such user, regarding cessation of service over the line either is pending with the Board or any U.S. District Court or has been decided in favor of the complainant within the two year period.

10. Although no employees of Applicant will be affected by the abandonment, Applicant recognizes that this abandonment will be made subject to the employee protective conditions in Oregon Short Line Railroad Co.--Abandonment--Goshen, 360 I.C.C. 91 (1979).

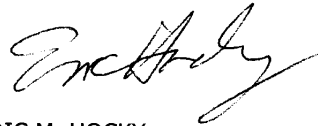
11. An environmental/historic report in accordance with the requirements of 49 C.F.R.

§§1105.7 and 1105.8 was filed with the Board on January 12, 2005.¹ As noted in the report, Applicant has complied with the notice requirements of 49 C.F.R. §1105.11.

12. Applicant has complied with the notice requirements of 49 C.F.R. §1152.50(d)(1).

Copies of the notices are attached as Supplemental Exhibit A to the Supplement No. 1 to Environmental/Historic Report that is being filed together with this Notice.

Respectfully submitted,



ERIC M. HOCKY
GOLLATZ, GRIFFIN & EWING, P.C.
Four Penn Center
Suite 200
1600 JFK Blvd.
Philadelphia, PA 19103
(215) 563-9400
Attorney for
Portland & Western Railroad, Inc.

DATED: February 11, 2005

¹ Applicant is filing a supplement to its environmental/historic report together with this Notice.

VERIFICATION

I hereby verify on behalf of Portland & Western Railroad, Inc., under penalty of perjury,
that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file
this Verification.

Executed on February 10, 2005.

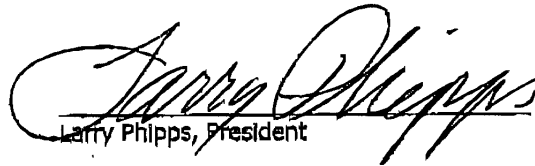
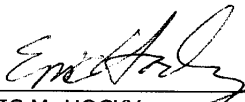

Larry Phipps, President

EXHIBIT A
MAP

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing Notice of Abandonment was served on the persons shown on the attached list by first class mail, postage prepaid.


ERIC M. HOCKY

Dated: February 11, 2005

SERVICE/ADDRESS LIST

Oregon Department of Transportation
Rail Division
555 13th Street NE
Salem, OR 97301

Oregon Department of Environmental Quality
811 SW Sixth Avenue
Portland, Oregon 97204-1390

Commissioner Andy Duyck
Washington County Board of Commissioners
155 N. First Avenue
Suite 300
MS 22
Hillsboro, OR 97124

US Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, WA 98101

David Allen
Regional Director
US Fish and Wildlife Service
- Pacific Region
Eastside Federal Complex
911 NE 11th Ave
Portland, OR 97232

U. S. Army Corps of Engineers
P.O. Box 2946
Portland, OR 97208-2946

National Park Service
Pacific West Region
One Jackson Center
1111 Jackson Street
Suite 700
Oakland, CA 94607

USDA Natural Resources Conservation Service
101 SW Main Street
Suite 1300
Portland, OR 97204-3221

USDA Natural Resources Conservation Service
Washington County
Hillsboro Service Center
1080SW Baseline Ste. B2
Hillsboro, OR 97123

Mr. Richard A. Snay
Chief, Spatial Reference
System Div.
United States Dept. of
Commerce
NOAA, N/NGS2
SSMC3, Room 8828
1315 East-West Highway
Silver Spring, MD 20910

Oregon Department of Fish and Wildlife
3406 Cherry Avenue NE
Salem, OR 97303

Richard Dunlap
Oregon Department of Transportation
Right of Way
555 13th Street NE
Salem, OR 97301

Darrell Hedin
Water Master District 18
1400 SW Walnut Street
Suite 240
Hillsboro, OR 97123

Ocean and Coastal Services Division
Department of Land Conservation and Development
635 Capitol Street, NE
Suite 150
Salem, OR 97301

Oregon Parks and Recreation Department
Heritage Conservation Division
725 Summer St NE
Suite C
Salem OR 97301

Mr. Dave Dorfman
Policy and Programs Division
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
720 Thimble Shoals Blvd., Ste. 130
Newport News, VA 23606-4537

National Park Service
National Center For Recreation
and Conservation
M.S. 3622
1849 C Street, NW
Washington, DC 20240-0001

National Park Service
Land Resources Division
M.S. 3622
1849 C Street, NW
Washington, DC 20240-0001

Office of Chief of Forest Service
U.S. Department of Agriculture
Auditorcs Building
201 14th Street S.W. and Independence Ave., S.W.
Washington, DC 20250