and associated facilities, removal of the temporary roadway and associated facilities, and restoration of the grade and vegetation. Other related activities, such as surveying site review for environmental analysis and permitting, traffic control and work supervision, will also occur during and within the limits of the temporary occupancy. No permanent structures will be removed, moved or constructed as a part of the temporary occupancy. The scope of work entailed in the temporary occupancy will effect up to approximately 0.27 acres of the 136-acre resource, and thereby is seen as minor both in scale and in effects.

3. There are no anticipated permanent adverse physical impacts, nor will there be any interference with the activities or purpose of the resource on either a temporary or permanent basis. All activities within the SP Newsprint Company property will be allowed to continue without interruption during and within the limits of the temporary occupancy. Implementation of traffic control for the temporary road detour will be coordinated with the owners of the resource to ensure that truck and other vehicle movements into, out of and within the SP Newsprint Company’s property are not hindered, and that any delays to vehicles are minimized within the limits of safe traffic operations. The temporary activities on the resource will cease following removal of the temporary roadway and restoration of grading and vegetation to their original state and all temporary roadways and associated facilities will be permanently removed from within the historic resource boundaries.

4. The land being used must be fully restored. The project’s Preferred Alternative will not result in any permanent changes to the historic resource. All temporary roadways and associated facilities will be permanently removed from within the historic resource boundaries. Prior to construction, the original condition of the temporary site will be documented (i.e., surveyed, photographed). That documentation will be used to aid in the restoration of the site to its original conditions. No existing structures within the historic resource will be removed, moved, demolished, or altered as a result of the temporary occupancy.

5. There must be documented agreement of the appropriate local official having jurisdiction over the resource regarding the above conditions. See box below.

Please let me know if you have any questions concerning this request for concurrence.

Sincerely,

[Signature]

James B. Norman
Environmental Planning Unit Manager
The Oregon State Historic Preservation Office (SHPO), which is the agency with historic jurisdiction over the SP Newsprint Company, concurs that the Newberg Dundee Bypass Project (SHPO case #07-0352) meets the conditions of temporary occupancy of a Section 4(f) resource described herein.

SHPO Official

Signature:

[Signature]

Title:

Historian

Date:

11/8/2002

Ian Johnson

Print Name:

503-986-0578

ian.johnson@state.or.us

Attachments:

Section 106 Documentation Form – SP Newsprint Company
Level of Effect Form – SP Newsprint Company

Copies to:

Chris Bell, ODOT Cultural Resource Program Coordinator
Kelly Amador, ODOT Senior Project Leader, Region 2
Rod Thompson, ODOT Senior Environmental Project Manager, Region 2
Sarah Jalving, ODOT Cultural Resource Specialist, Region 2
Temporary Occupancy of Southern Pacific/Willamette & Pacific Railroad
February 8, 2012

Michelle Eraut
Environmental Program Manager
Federal Highway Administration
Oregon Division
530 Center Street NE, Suite 420
Salem, Oregon 97301

Subject: Temporary Occupancy of a Section 4(f) Resource
Southern Pacific/Willamette & Pacific Railroad
Newberg Dundee Bypass Project
Yamhill County, Oregon
ODOT Key Number: 09320
Federal Aid Number: S091(018), S01W(036) and S091(015)

This cover letter and its attachments fulfill the Section 4(f) Temporary Occupancy ODOT and FHWA Oregon Division documentation requirements. Below is a brief background on the determination that the resource in question (Southern Pacific/Willamette & Pacific Railroad) is protected by Section 4(f) and a description of how the project will temporarily use the Section 4(f) resource. Also attached is the Request for Concurrence letter from the Oregon State Historic Preservation Office (SHPO) which outlines and meets all 5 conditions for Attachment #1 and the figures that fulfill Attachment #2 of the ODOT and FHWA documentation requirements.

The Southern Pacific/Willamette & Pacific Railroad is considered an eligible Section 106 resource as part of the Southern Pacific Linear Historic District. The boundary of the resource is generally defined as the right-of-way of the historic Newberg Branch of the Southern Pacific Railroad, including a spur line that extends to SP Newsprint in Newberg. The resource was determined to meet National Register of Historic Places Criterion A for integrity of location, design and setting and Criterion C for specific and distinctive features and structures. Figure 1 generally illustrates the extent of the resource within the project’s historic Area of Potential Effect.
In preparing the project's Final Environmental Impact Statement, ODOT determined that ODOT and/or its contractors will need to gain temporary rights of access to small portions of the historic railroad right-of-way to complete construction of the roadway structures over the railroad right-of-way, to remove the Phase 1 interim railroad over crossing when the Bypass is extended to connect to Oregon 18 and to relocate the at-grade crossing of the railroad by Dayton Road. For example, temporary rights of entry (i.e., temporary occupancy) will be needed at each proposed overcrossing location for cranes and associated staff and equipment that will install beams onto abutments that will be constructed on either side of the historic railroad right-of-way (or to remove the beams from the interim overcrossing). In addition, construction staff will need temporary access to the historic railroad right-of-way while the beams are installed or removed to flag trains when railroad clearances are temporarily reduced. Temporary occupancy of the railroad right-of-way at each of the seven proposed overcrossing locations will occur for approximately less than one calendar month for each location, which will generally occur at different times during construction of the project (with an additional approximately two-month temporary occupancy to remove the interim Phase 1 over crossing). Rights of entry allowing for those temporary construction activities will be executed between ODOT and the owner of the railroad right-of-way prior to the temporary occupancy by ODOT or its contractor.

The duration of the temporary occupancy of the Southern Pacific/Willamette & Pacific Railroad property will be less than the time needed for constructing the project. There will be no change of land ownership. The scope of the work will be minor, both in nature and in magnitude. The project anticipates no permanent adverse physical impacts, nor interference with protected activities, features, or attributes of the property, either on a temporary or full-time basis. The land being occupied, if disturbed during construction, will be fully restored to its original condition.
December 16, 2011

Mr. James Norman  
ODOT Environmertal  
3930 Fairview Industrial Dr SE  
Salem, OR 97302-1166

RE: SHPO Case No. 07-0352  
ODOT Proj. 09320 Newberg Dundee Bypass DEIS

Dear Mr. Norman:

We have reviewed the materials submitted on the project referenced above, and we reaffirm our previous determination made in February 2010 that the Southern Pacific/Willamette & Pacific rail road alignment in Yamhill County is eligible for listing in the National Register of Historic Places. We also concur with the finding of no adverse effect for the proposed project. Due to the length of the resource and the minor and/or temporary nature of the changes, the modifications proposed to the original project will not adversely affect the eligible rail grade.

This letter refers to above-ground historic resources only. Comments pursuant to a review for archaeological resources, if applicable, will be sent separately.

Unless there are changes to the project, this concludes the requirement for consultation with our office under Section 106 of the National Historic Preservation Act (per 36 CFR Part 800) for above-ground historic resources. Please feel free to contact me if you have any questions, comments or need additional assistance.

Sincerely,

Ian P. Johnson  
Historian  
(503) 986-0678  
ian.johnson@state.or.us
December 5, 2011

Roger Roper
OPRD Assistant Director
Oregon State Historic Preservation Office
725 Summer Street NE, Suite C
Salem, OR 97301-1012

Attention: Ian Johnson

Subject: Request for Concurrency - Determination of Temporary Occupancy of a
Section 4(f) Resource (Section 106 Historic Resource)
Southern Pacific/Willamette & Pacific Railroad
Newberg Dundee Bypass Project
OR 99W/OR 18, Yamhill County, Oregon
ODOT Key Number: 09320
Federal Aid Numbers: S091 (018), S01W(036) and S091 (015)
SHPO Case Number: 07-0352

Dear Mr. Roper,

This letter requests concurrence from the Oregon State Historic Preservation Office’s (SHPO) on the Oregon Department of Transportation’s (ODOT’s) determination that the Newberg Dundee Bypass Project will result in the temporary occupancy of a Section 4(f) resource. The resource is currently known and referred to within this memorandum as the Southern Pacific/Willamette & Pacific Railroad (SP/WPRR) alignment through Yamhill County. The SP/WPRR is considered an eligible Section 106 resource as part of the Southern Pacific Linear Historic District1. The boundary of the resource is generally defined as the right-of-way of the historic Newberg Branch of the Southern Pacific Railroad, including a spur line that extends to SP Newsprint in Newberg. Figure 1 generally illustrates the extent of the resource within the project’s historic Area of Potential Effect.

The Newberg Dundee Bypass Project’s Preferred Alternative will result in six new permanent grade-separated (elevated) roadway crossings of the SP/WPRR right-of-way, as documented in

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1 Parametrix, Rosalind Keeney; Newberg Dundee Bypass Project; Oregon Inventory of Historic Properties – Section 106 Documentation Form; December 2009 (attached). SHPO originally concurred with the resource’s Section 106 eligibility on May 23, 2007. The resource is currently known as the Willamette and Pacific Railroad – historically, it was known as the Newberg Branch of the Southern Pacific Railroad that extended between Cook (east of Jean Way and Boones Ferry Road in Lake Oswego) and St. Joseph (west of Lafayette). The resource was determined to meet National Register of Historic Places Criterion A for integrity of location, design and setting, and Criterion C for specific and distinctive features and structures (see the attached Section 106 Documentation Form for additional detail). The track quality in the project area limits trains to 25 miles per hour. Currently, one approximately 40 to 50-car train operates daily in each direction, with up to two additional smaller trains operating periodically.
the attached Oregon Inventory of Historic Properties – Section 106 Level of Effect Form. In addition, the existing at-grade crossing of the railroad by Dayton Avenue will be permanently moved approximately 1,000 feet northeast of its current location as a result of the project’s Preferred Alternative. Finally, Phase 1 of the Bypass Project will result in the construction of an interim elevated roadway crossing of the railroad, connecting the Bypass to Oregon 99W just south of Dundee (the interim overcrossing will be removed when the Bypass is extended to connect to Oregon 18 near Dayton). Figures 2 through 6 illustrate the locations of the proposed permanent roadway overcrossings; Figure 4 illustrates the location of the at-grade crossing to be relocated; and Figure 7 illustrates the location of the proposed interim Phase 1 roadway overcrossing.

ODOT, FHWA and SHPO concurred that the project would not have an adverse effect on the historic resource, based on the proposed project description and on the Criteria of Adverse Effect set forth in Section 106 of the National Historic Preservation Act as documented in the project’s Draft Environmental Impact Statement (see Section 3.7; ODOT/FHWA: June 2010). In summary, the historic railroad right-of-way alignment will remain unchanged as a result of the project and any effects to the historic property (i.e., spanning the railroad with new permanent roadway structures, installation and subsequent removal of the interim structure and relocation of one at-grade crossing) will not be adverse. Further, the project will not remove the property from its overall historic location, nor will it change the character of the property’s use. The project will also not result in a deterioration of the historic property and it will not require the transfer, lease or sale of the property. In preparing this memorandum, ODOT determined that all of the findings of effect included in the attached Level of Effect Form remain accurate and unchanged, as does the determination of level of effect (i.e., an effect with no adverse effect).

In preparing the project’s Final Environmental Impact Statement, ODOT determined that ODOT and/or its contractors will need to gain temporary rights of access to small portions of the historic railroad right-of-way to complete construction of the roadway structures over the railroad right-of-way, to remove the Phase 1 interim railroad over crossing when the Bypass is extended to connect to Oregon 18 and to relocate the at-grade crossing of the railroad by Dayton Road. For example, temporary rights of entry (i.e., temporary occupancy) will be needed at each proposed overcrossing location for cranes and associated staff and equipment that will install beams onto abutments that will be constructed on either side of the historic railroad right-of-way (or to remove the beams from the interim overcrossing). In addition, construction staff will need temporary access to the historic railroad right-of-way while the beams are installed or removed to flag trains when railroad clearances are temporarily reduced. Temporary occupancy of the railroad right-of-way at each of the seven proposed overcrossing locations will occur for approximately less than one calendar month for each location, which will generally occur at different times during construction of the project (with an additional approximately two-month temporary occupancy to remove the interim Phase 1 overcrossing). Rights of entry allowing for those temporary construction activities will be executed between ODOT and the owner of the railroad right-of-way prior to the temporary occupancy by ODOT or its contractor.
According to FHWA Section 4(f) Policy Paper (FHWA: March 1, 2005), temporary occupancy of a Section 4(f) resource does not constitute a use of the Section 4(f) resource if all of the four conditions set forth in 23 CFR 771.135(p)(7) are met and if the agency with jurisdiction over the resource concurs in writing with the determination. Following is ODOT’s determination of how the project’s proposed temporary occupancy of the historic resource described herein meets each of those four criteria, followed by a signature block to be completed if SHPO concurs with this determination. Following receipt of written concurrence, ODOT will forward the executed letter to FHWA to complete the Section 4(f) temporary occupancy process for the historic resource.

1. **Duration (of the occupancy) must be temporary.** While ODOT has not prepared a detailed construction schedule, construction of the Bypass and related roadway improvements included in the project’s Preferred Alternative will span several years and will be conducted over two or more phases. ODOT or its contractor will need to occupy the historic resource right-of-way for approximately less than one month total at each new overcrossing location and less than six months at Dayton Road. Temporary occupancy of up to approximately two months will also be needed to remove the interim Phase 1 overcrossing of the railroad. Further, temporary occupancy will be gained by ODOT or its contractor from the owner of the historic railroad through a temporary grant of access (i.e., right of entry) – there will be no temporary or permanent change of ownership of the historic railroad right-of-way.

2. **Scope of work must be minor.** At seven of the locations (i.e., the new overcrossings), work performed on the historic railroad right-of-way will generally include the installation of roadway overpass beams and related activities and equipment (e.g., installation of precast concrete beams via one or more heavy cranes) and flagging of trains when railroad clearances are temporarily reduced. At one location (i.e., the interim Phase 1 overcrossing), work performed on the historic railroad right-of-way will generally include the removal of roadway overpass beams and related activities and equipment (e.g., removal of precast concrete beams via one or more heavy cranes) and flagging of trains when railroad clearances are temporarily reduced. At one location, work performed on the historic railroad right-of-way will entail removal and relocation of the at-grade crossing of Dayton Road, which will generally include activities such as grading, concrete work, paving, landscaping and removal/installation of grade-crossing signals. All work at all locations will conform to Federal Railroad Administration requirements. Other than the construction of the seven new roadway structures over the railroad right-of-way, the removal of the one interim Phase 1 structure and the relocation of the one at-grade road crossing of the railroad, there will be no permanent changes to any existing historic railroad facility, equipment or operations as a result of the temporary occupancies.

3. **There are no anticipated permanent adverse physical impacts, nor will there be any interference with the activities or purpose of the resource, on either a temporary or permanent basis.** As documented in the Level of Effect Form, the project’s Preferred Alternative will not permanently alter the historic railroad right-of-way, facilities, equipment or
operations. Further, temporarily reduced clearances will be of short durations (less than approximately two hours for each occurrence), which will allow for the railroad to continue its freight movement activities on a day-by-day basis, without prolonged delays. ODOT will work with the owner of the current operator of trains using the historic railroad to schedule reduced clearances due to construction activities to avoid or minimize any conflicts with scheduled railroad use.

4. The land being used must be fully restored. The project’s Preferred Alternative will not result in any changes to the land or facilities within the historic railroad right-of-way at the new overcrossings. If any changes inadvertently occur to the resource within the historic railroad right-of-way, ODOT or its contractor will restore the resource to its original condition that existed prior to the temporary occupancy. ODOT or its contractor will document (e.g., with photographs and notes) the original condition of the resource prior to temporary occupancy and will inspect that documentation after temporary occupancy to ensure that no changes to the resource’s right-of-way or facilities occurred as a result of the temporary occupancy. At Dayton Road, the existing roadway crossing facilities will be moved and fully restored at a new location, approximately 1,000 feet northeast of the existing location – the existing at-grade crossing will be removed.

5. There must be documented agreement of the appropriate local official having jurisdiction over the resource regarding the above conditions.

Please let me know if you have any questions concerning this request for concurrence.

Sincerely,

[Signature]

James B. Norman
Environmental Planning Unit Manager
Oregon Department of Transportation
The Oregon State Historic Preservation Office (SHPO), which is the agency with historic jurisdiction over the SP/WPRR (i.e., the Newberg Branch of the Willamette & Pacific Railroad), concurs that the Newberg Dundee Bypass Project (SHPO case #07-0352) meets the conditions of temporary occupancy of a Section 4(f) resource described herein.

SHPO Official

[Signature]

Title

[Title]

Date

[Date]

Attachments:

- Newberg Branch of the Willamette & Pacific Railroad Section 106 Documentation Form
- Newberg Branch of the Willamette & Pacific Railroad Section 106 Level of Effect Form
- Figures 1 through 7

Copies to:

Kelly Amador, Senior Project Leader, Region 2, ODOT
Rod Thompson, Senior Environmental Project Manager, Region 2, ODOT
Sarah Jalving, Cultural Resource Specialist, Region 2, ODOT
New crossing of Fulquartz Landing Road over the WPRR.

New crossing of Riverwood Road over the WPRR.

Figure 3 Preferred Alternative Segment 2: Dayton Interchange to Dundee UGB

- Bypass Approved Corridor
- Urban Growth Boundary (UGB)
- City Limits
- Roadway
- Railroad

Date: 11/1/2011 Path: P:\GIS\Projects\NewbergDundee\PEIS\Chapter2\NG_PreferredAlternative_Segment2.mxd
New crossing of Bypass over WPRR spur to SP Newsprint.

Figure 5  Preferred Alternative Segments 5 and 6: West Newberg to Oregon 219 Interchange

- Bypass Approved Corridor
- Urban Growth Boundary (UGB)
- City Limits
- Roadway
- Railroad
- Segment 4 Right-of-Way
- Segment 5 Right-of-Way
- Segment 6 Right-of-Way
- Segment 7 Right-of-Way
- Bridges, Overcrossings, or Undercrossings
New crossing of Quarry and Old Parrett Mountain Roads over the WPRR.
New interim crossing of Phase 1 connection of Bypass to OR 99W over the WPRR (to be removed when Bypass is extended to Dayton)

Construct new signalized intersection.

Widen westbound Oregon 99W to two travel lanes.

Widen eastbound Oregon 99W. Include two left turn lanes.

New structure over connects Phase 1 to Oregon 99W.

Figure 7  Phase 1 New Areas South of Dundee