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U.S. Department of  
Homeland Security



United States  
Coast Guard

Commandant  
United States Coast Guard

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16592  
September 26, 2008



Ms. Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423

Dear Ms. Quinlan:

The following comments are to address statements made in the Surface Transportation Board (STB) Environmental Assessment, STB Docket No. AB-515 (Sub-No. 2)(73 FR 45098, August 1, 2008), Central Oregon & Pacific Railroad, Inc. (CORP) - Abandonment and Discontinuance of Service – In Coos, Douglas, and Lane Counties, OR.

To address the repeated statements that CORP does not plan to remove the bridges on the line as part of the proposed project, the Coast Guard wishes to point out that the intention of Congress, under the various bridge statutes, is to take exclusive charge of navigational issues and bridges over navigable waters as they relate to the use and preservation of navigable waters of the United States and place them under the authority of the Secretary of Homeland Security. The Secretary has further delegated this authority and responsibility for bridges over navigable waters to the Commandant of the Coast Guard and the District Commanders. The jurisdiction of the Secretary of Homeland Security and the Coast Guard over bridges includes the authority to require that these structures be removed when the owners want to discontinue their approved use for transportation purposes.

If CORP should transfer the right-of-way to another party for use as a recreational trail, the new owner would be responsible for the maintenance and operation over all bridges over navigable waters. If any of these bridges are drawbridges, the new owner will be responsible for operating these bridges per the operating schedule specified in 33 CFR Part 117.

The Coast Guard agrees with the STB determination that it *“would not be appropriate or consistent with Board precedent for SEA to recommend a condition regarding bridge removal or responsibility for maintenance.”* In the cases of the bridges of the CORP line that cross navigable waters, the jurisdiction concerning removal or maintenance lies with the Coast Guard under the Bridge Statutes. It is Coast Guard policy to require the removal of bridges no longer used for transportation purposes.

The Coast Guard would welcome the opportunity to open discussions with the Surface Transportation Board concerning a Memorandum of Understanding (MOU) with the Board. This MOU would recognize the common and mutual interest of the Board and Coast Guard, in the orderly and efficient administration of their respective responsibilities under their federal statutes.

This MOU would also clarify the areas of jurisdiction and the responsibilities of the Board and the Coast Guard.

If you have any questions concerning the Coast Guard's comments on the CORP Abandonment proceedings or the MOU discussions, please call at (202) 372-1511.

Sincerely,

A handwritten signature in black ink, appearing to read "Hala Elgaaly", with a long horizontal flourish extending to the right.

Hala Elgaaly, P.E.  
Administrator, Bridge Program  
U. S. Coast Guard