

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-364 (Sub-No. 13X)

MID-MICHIGAN RAILROAD, INC.—ABANDONMENT EXEMPTION—IN MUSKEGON
COUNTY, MI

Decided: January 8, 2008

Mid-Michigan Railroad, Inc. (MMRR), filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 3.35-mile line of railroad between milepost 191.40 and milepost 194.75, at the end of the line, in Muskegon County, MI. Notice of the exemption was served and published in the Federal Register on December 10, 2007 (72 FR 69728-29). The exemption is scheduled to become effective on January 9, 2008.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on December 14, 2007. In the EA, SEA indicates that it has not heard from the State Historic Preservation Office (SHPO) and, therefore, has not been able to consider the SHPO's opinion before determining if the rail line potentially may be eligible for listing in the National Register of Historic Places (National Register). Accordingly, SEA recommends that a condition be imposed on any decision granting abandonment authority requiring MMRR to 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 effect) that are eligible for listing or are listed in the National Register until the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA), has been completed, and to report back to SEA regarding any consultations with the SHPO and the public. SEA recommends that MMRR not be permitted to 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 to the EA were due by January 2, 2008. No comments were received. Accordingly, the condition recommended by SEA in the EA will be imposed.

As conditioned, 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 exemption of the abandonment of the line described above is subject to the condition that MMRR 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 effect) that are eligible for listing or are listed in the National Register until the section 106 process of the NHPA has been completed, and report back to SEA regarding any consultations with the SHPO and the public. MMRR may 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.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan
Acting Secretary