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SERVICE DATE - OCTOBER 28, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 635X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–  
IN GRATIOT COUNTY, MI

Decided: October 23, 2003

CSX Transportation, Inc. (CSXT) and Mid-Michigan Railroad, Inc. (collectively, applicants), filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments and Discontinuance of Service for CSXT to abandon and MMR to discontinue service over approximately 5.5 miles of railroad from milepost CBE-40.00 at Alma, to milepost CBE-45.5 at Elwell, in Gratiot County, MI. Notice of the exemption was served and published in the Federal Register (68 FR 38420) on June 27, 2003.<sup>1</sup> The exemption became effective on July 29, 2003.

By decision and notice of interim trail use or abandonment (NITU) served July 29, 2003, the proceeding was reopened, and the exemption was made subject to trail use and public use conditions and the conditions that applicants shall: (1) retain their interest in and take no steps to alter the historic integrity of all sites and structures on the ROW that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f; (2) provide the National Geodetic Survey (NGS) with 90 days' notice prior to salvage activities in order to plan the relocation of the seven geodetic station markers that may be affected by the abandonment (NGS condition); and (3) prior to commencement of any salvage activities on this project, contact the State of Michigan Department of Environmental Quality (MIDEQ) concerning possible impacts on water quality and any water quality permitting requirements (MIDEQ condition).

By letter filed September 26, 2003, the State of Michigan, Department of History, Arts and Libraries, informed the Board's Section of Environmental Analysis (SEA) that, based on the information provided, it has concluded that no historic properties will be affected by the abandonment. SEA, therefore, recommends that the section 106 condition imposed in the July 29 decision be removed.

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<sup>1</sup> The notice served June 27, 2003, embraced STB Docket No. AB-364 (Sub-No. 9X), Mid-Michigan Railroad, Inc.–Discontinuance of Service Exemption–in Gratiot County, MI.

Accordingly, the proceeding will be reopened, and the previously imposed historic preservation condition will be removed.<sup>2</sup>

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 historic preservation condition imposed in the July 29, 2003 decision is removed.
3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary

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<sup>2</sup> The NGS and MIDEQ conditions imposed in the July 29 decision remain in effect. The trail use negotiation period and public use condition are scheduled to expire on January 25, 2004.