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SERVICE DATE - APRIL 30, 1999

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

NO. AB-55(SUB-NO. 571X)

**CSX Transportation, Inc.
Petition for Exemption
In Saginaw County, Michigan**

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment and discontinuance of service on a line of railroad known as the Detroit Service Lane, Dean Subdivision, extending between milepost CBE-7.80 and Milepost CBE-10.09, a distance of approximately 2.29 miles, within the city of Paines, Saginaw County, Michigan. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

CSXT states in its application that the line is used exclusively for the interchange of traffic between CSXT and Mid-Michigan Railroad, Inc. (MMRR) and that upon abandonment authority, CSXT will sell the line to MMRR for continued rail use. CSXT further states that there are no rail patrons location on the line it proposes to abandon.

CSXT states that if MMRR does not acquire the line, CSXT will not consummate the abandonment and will allow its authority to abandon lapse.

ENVIRONMENTAL REVIEW

The railroad has submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any

post-abandonment activities, including salvage and disposition of the right-of-way. The railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated and reviewed the record in this proceeding.

CONDITIONS

Despite the probable continuation of rail service by MMRR, the US Army Corps of Engineers recommends that CSXT contact the Corps' Michigan office to determine whether the proposed abandonment requires authorization under Section 404 of the Federal Clean Water Act. Therefore, we recommend the following condition:

Prior to abandonment, and to determine whether authorization is required under Section 404 of the Federal Clean Water Act, CSXT shall contact the US Army Corp of Engineers as follows: Mr. Gary Mannesto, Chief, Regulatory Branch, US Army Corps of Engineers, PO Box 1027, Detroit MI 48231, telephone (313) 226-2432.

CONCLUSIONS

Based on the information provided from all sources to date, and subject to the recommended conditions, we conclude that, as currently proposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Dana White, who prepared this environmental assessment. **Please refer to Docket No. AB- 55 (Sub No.571X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Dana White at (202) 565-1552.

Date made available to the public: **April 30, 1999.**
Comment due date: May 28, 1999. (30 Days)

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

(Map to be scanned)