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SEA**

SERVICE DATE – FEBRUARY 14, 2006

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-31 (Sub. No. 40X)

**GRAND TRUNK WESTERN RAILROAD INCORPORATED-ABANDONMENT
EXEMPTION-IN GENESEE COUNTY, MI**

BACKGROUND

In this proceeding, the Grand Trunk Western Railroad Incorporated (“GTW”) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for GTW to abandon a 2.2 mile rail line in Genesee County, Michigan. The line begins at milepost 265.3 near Linden Road, and ends at milepost 267.5 near Corunna Road in Flint, Michigan. A map depicting the entire rail line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, GTW will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE RAIL LINE

The line proposed for abandonment was originally constructed in 1877 by the Chicago and Northeastern Railroad Company, a GTW predecessor, and was part of the line that connected Chicago, Illinois and Port Huron, Michigan. This main line was relocated further south in the 1950’s. Thereafter, the rail line proposed for abandonment was used solely to provide rail service to the General Motors Corporation (“GM”) Delphi West gas tank plant of the former Chevrolet Complex in Flint. The shipments consisted of outbound manufactured gas tanks. In 2003, GM closed the Delphi West gas tank plant and no more rail shipments moved over the line proposed for abandonment after that time. Consequently, GTW states that there is now no demand for or prospect of rail service over the line, and that no traffic has originated, terminated, or moved overhead on this line segment for at least two years. No rail traffic will be diverted to highway mode as a result of the abandonment. Alternative rail service is available from GTW and CSX Transportation, Inc. at Flint.

GTW states that the rail line is located in a flat industrialized urban setting. The line includes two circa 1960 bridges that cross over roadways at milepost 266.68 (Graham Road) and milepost 266.76 (I-75/US 23). The right-of-way of the rail line is generally 66 feet wide other than east of I-75 where the line expands to accommodate the tracks at the Old Corunna Yard.

According to GTW, the proposed abandonment will result in the elimination of four at-grade highway crossings at Linden Road (milepost 265.35), Lennon Road (milepost 265.55), Dutcher Road (milepost 265.90) and Utley Road (milepost 266.95). The abandonment of a spur track east of the abandonment limit will also result in the elimination of an at-grade crossing at Corunna Road (milepost 267.54).

GTW has suggested that the rail line may be suitable for public use such as a trail and states that, to its knowledge, the line does not contain any Federally granted rights-of-way. GTW does not believe that the rail line would be useful as a highway or for mass transportation due to its location in an area with many existing roadways.

Following abandonment, GTW states that it intends to salvage rail, ties, and track material. The rail bed, sub-grade and bridges will remain in place. There are no plans to undertake in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment. GTW intends to confine the salvage operations within the right-of-way using existing access routes and will take precautions to ensure public safety during salvage operations.

ENVIRONMENTAL REVIEW

GTW 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. GTW served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The National Geodetic Survey has not advised the Board's Section of Environmental Analysis (SEA) regarding any geodetic station markers that may be affected by the proposed abandonment.

The Michigan Department of Environmental Quality (MDEQ) has indicated the location of wetlands near the rail line at its intersection with Linden Road and in an area east of Dutcher Street. MDEQ has advised GTW that it would need to comply with its permitting requirements prior to excavating, filling, or draining any protected wetlands. GTW states that it does not intend to engage in any actions that would impact the wetlands and will confine all of its proposed salvage activities to within the proposed abandonment right-of-way. However, SEA recommends that GTW consult with MDEQ (Christopher Clampitt, 517-335-6273) prior to the commencement of salvage operations to address any concerns MDEQ may have about potential impacts to wetlands.

MDEQ has stated to GTW that the area of the proposed abandonment lies outside of Michigan's coastal management boundary and any salvage activities associated with the proposed abandonment would not affect any land or water uses in coastal areas.

At the time this EA was prepared, the United States Army Corps of Engineers (USACE) had not responded to GTW's request for assistance in identifying any

designated wetlands or 100-year flood plains that could be affected by the proposed abandonment. Accordingly, in order to determine whether a USACE permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) would be required, we recommend that GTW consult with the USACE prior to commencement of any salvage activities.

According to the United States Department of Agriculture, Natural Resources Conservation Service, the proposed abandonment of the rail line would not cause a conversion of prime farmlands.

The U.S. Fish and Wildlife Service (USFWS), East Lansing Field Office, which has jurisdiction over Section 7 of the Endangered Species Act, has indicated to GTW that the proposed abandonment is within the range of the Federally endangered Indiana bat (*Myotis sodalis*). The USFWS notes, however, that while some foraging habitat of these species may exist in the area, the proposed project is not likely to adversely affect the Indiana bat. The USFWS recommends that in the event that the project specifications change, are modified, or that critical habitat of the bat may be affected to an extent not previously specified, that GTW reinitiate consultation with the USFWS. SEA will ensure that the USFWS is added to the service list for this proceeding and that it receives a copy of this EA for its review and comment.

The Michigan Department of Natural Resources (MDNR), which has local expertise regarding localities of rare species and unique natural features, was queried by GTW regarding the potential location of threatened and endangered species potentially affected by the proposed abandonment. MDNR has indicated to GTW that, according to its records, the location of the proposed abandonment does not contain threatened or endangered species or local species of concern. SEA will ensure that MDNR is added to the service list for this proceeding and that it receives a copy of this EA for its review and comment.

The U.S. Environmental Protection Agency (USEPA), Region 5, provided comments to GTW regarding the proposed action. In order to mitigate potential environmental impacts that may occur as a result of the proposed abandonment, USEPA recommends that GTW ensure that rail steel, crossties, and signal housing that may be removed during salvage activities are appropriately disposed of in non-hazardous waste sites and recommends that GTW take appropriate measures to address potential runoff of silt and other materials that may leach into nearby wetlands during salvage operations. USEPA also requested information from GTW regarding the future disposition of the two railroad bridges located within the project area.¹ In order to appropriately address USEPA's concerns and comments, SEA recommends a consultation condition requiring GTW to consult with USEPA, Region 5 (Norm West, 312-353-5692) prior to commencement of salvage operations.

¹ SEA contacted GTW regarding its future plans for the bridges in February, 2006. According to a spokesperson for GTW, both bridges are located over roadways and do not have the potential to impact wetlands or waterways. The spokesperson further noted that GTW intends to maintain the bridges in safe working order indefinitely as specified by local and state law.

The Michigan Department of Transportation (MDOT) provided its comments to GTW regarding potential impacts which could result from the proposed abandonment. MDOT reviewed its various environmental databases and quadrangle maps of the project area which indicate that the project area is in close proximity to a local park and wetlands. In addition, MDOT states that there may be contaminated soils from I-75 and Leaky Underground Storage Tank sites near Corunna Road. Consequently, SEA recommends that GTW consult with MDOT (Melvin Williams, 517-373-6494) prior to the commencement of salvage operations to ensure that its concerns are appropriately addressed.

HISTORIC REVIEW

GTW submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. GTW served the report on the Michigan State Historic Preservation Officer (SHPO) pursuant to the Section 106 regulations (36 CFR 800) of the National Historic Preservation Act (NHPA), 16 U.S.C. 470f. The SHPO has responded regarding the potential effect of the proposed project on historic properties listed in or eligible for listing in the National Register of Historic Places (National Register) and has determined that the project does not have the potential to affect historic properties. We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process at 36 CFR 800.5(c) and 36 CFR 800.8, we have determined that the proposed abandonment will not adversely affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(e), consists of GTW's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

The National Park Service National Center for Cultural Resources Native American Consultation Database (NACD) was queried for Genesee County, Michigan to identify Federally recognized tribes which might have an interest in the proposed abandonment. The query resulted in the identification of the Saginaw Chippewa Indian Tribe of Michigan as having ancestral connections to the project area. We will recommend that the tribe be added to the service list for this proceeding and that it receive a copy of this EA for its comment.

CONDITIONS

We recommend that the following four environmental conditions be placed on any decision granting abandonment authority:

1. To ensure that the United States Environmental Protection Agency (USEPA) concerns about wetlands, and the disposition of bridges are appropriately

addressed, the Grand Trunk Western Railroad Incorporated shall consult with USEPA (Norm West, 312-353-5692) prior to initiating salvaging activities.

2. Prior to commencement of any salvage activities, the Grand Trunk Western Railroad Incorporated shall consult with the United States Army Corps of Engineers (USACE) to determine whether a USACE permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) is required.
3. Prior to commencement of salvage activities, the Grand Trunk Western Railroad Incorporated shall consult with the Michigan Department of Environmental Quality (Christopher Clampitt, 517-335-6273) regarding potential impacts to wetlands.
4. Prior to commencement of salvage activities, the Grand Trunk Western Railroad Incorporated shall consult with the Michigan Department of Transportation (Melvin Williams, 517-373-6494) regarding its concerns about nearby wetlands and possible contamination from I-75 and Leaky Underground Storage Tank sites near Corunna Road.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended conditions are imposed, 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.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an original and two copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, <http://www.stb.dot.gov> by clicking on the "E-FILING" link. **Please refer to Docket No. AB-31 (Sub No. 40X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 565-1542, fax at (202) 565-9000, or e-mail at gliddenc@stb.dot.gov.

Date made available to the public: February 14, 2006.

Comment due date: **March 1, 2006.**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment