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SERVICE DATE – AUGUST 2, 2010

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB-1053X**

**Michigan Air-Line Railway Co. –  
Abandonment Exemption –  
In Oakland County, Mich.**

**BACKGROUND**

In this proceeding, the Michigan Air-Line Railway Company (MAL Railway) filed a notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a portion of railroad located in West Bloomfield Township, Oakland County, Michigan. The line extends westerly from Engineer's Profile Station 2250+20 at the west line of Arrowhead Road to Engineer's Profile Station 2389+72 at the west line of Haggerty Road, a distance of 2.37 miles. MAL Railway certifies that no rail cars have used the line for at least two years and that no overhead traffic would be rerouted over other lines as a result of the abandonment. MAL Railway indicates that if the proposed abandonment is authorized, the rail road right-of-way would be suitable for use as a trail. The right-of-way adjoins an existing 4.25-mile trail and the West Bloomfield Parks & Recreation Commission has already agreed to purchase it for use as a recreational trail, should the abandonment be authorized.

MAL Railway indicates that construction of the rail system was completed in 1889, but that the West Bloomfield section is all that remains of the system today. The rail line follows land uses that are both residential (suburban) and open space (parkland or natural reserve). MAL Railway indicates that the land adjoining the rail line proposed for abandonment is generally in woodland and wetlands. The right-of-way is generally 50 feet wide and the rail line traverses U.S. Postal Service Zip Codes 48322 and 48323. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

**ENVIRONMENTAL REVIEW**

MAL Railway submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. MAL Railway 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 C.F.R. §

1105.7(b)).<sup>1</sup> The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

### ***Diversion of Traffic***

MAL Railway states that no local traffic has moved over the line for at least two years and no overhead traffic would be rerouted. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

### ***Salvage Activities***

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. Following abandonment, MAL Railway intends to salvage the rail, ties and track material. During salvage, MAL Railway states that it does not intend to perform any activities that would cause erosion and sedimentation. Dredging or the use of fill material is not anticipated. No new access roads would be constructed. All waste material would be transported away from the right-of-way and appropriate measures would be implemented to prevent or control spills of fuels, lubricants or any other potential pollutants.

SEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment. To ensure public safety, MAL Railway indicates that it intends to place each of the at-grade, right-angle crossings associated with the proposed abandonment in a condition that would satisfy the requirements of the jurisdiction having authority over the crossings.

The West Bloomfield Parks and Recreation Commission (WBPRC) commented that it supports the proposed abandonment because it is actively pursuing this portion of rail line right-of-way for use as a recreational trail. To assist in the purchase, WBPRC has received grant money from the Michigan Department of Transportation and Michigan Natural Resources Trust Fund. WBPRC further notes that this acquisition has been identified in its master recreation plan as a multi-use trail that would expand the existing 4.25-mile trail westward to the township boundary line.

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<sup>1</sup> The railroad's environmental and historic reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB-1053 (Sub-No. 0X).

MAL Railway states that between 2008 and 2010, WBPRC conducted Phase I and II Environmental Site Assessments (ESA) to determine the presence, if any, of hazardous substances within the area of the railroad right-of-way proposed for abandonment. Soil and/or groundwater contamination in the form of aluminum, iron, arsenic, copper, and selenium, was found in one location. MAL Railway indicates that test results showed that the samples were in the “normal” range for an industrial facility but “above clean-up criteria” for residential use. Under Michigan Law,<sup>2</sup> the presence of these substances classifies this property as a “facility” that would preclude its use as residential. As stated previously, WBPRC has determined that the proposed trails use is consistent with its master recreation plan; however, SEA has included WBPRC and the two agencies responsible for reviewing remediation activities – the U.S. Environmental Protection Agency and the Michigan Department of Environmental Quality, Division of Remediation and Redevelopment – in the service list for this proceeding so that they may review the EA and provide comments if necessary.

The U.S. Department of Commerce, National Geodetic Survey (NGS) commented that three geodetic station markers have been identified that may be affected by the proposed abandonment. Accordingly, SEA recommends a condition that requires MAL Railway to notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers in order to plan for the possible relocation of the geodetic station markers by NGS.

SEA has not yet received responses from several Federal, state and local agencies regarding potential environmental impacts from the proposed abandonment. Therefore, SEA is sending a copy of this EA to the following agencies for review and comment: the U.S. Department of Agriculture, Natural Resources Conservation Service; the U.S. Fish and Wildlife Service; the National Park Service; the U.S. Environmental Protection Agency; the U.S. Army Corps of Engineers; Michigan Department of Environmental Quality; Michigan Department of Transportation; the Michigan Department of Natural Resources and Environment; the County Executive of Oakland County; the Michigan Department of Commerce; and the River, Trails, and Conservation Assistance Program.

## **HISTORIC REVIEW**

According to MAL Railway, there are no structures in the portion of rail line proposed for abandonment that are 50 years or older. MAL Railway also believes that there are no archeological resources or other railroad related historic properties in the area of the proposed abandonment.

MAL Railway served the historic report on the Michigan State Historic Preservation Office (SHPO), pursuant to 49 C.F.R. § 1105.8(c). SEA received comments from the SHPO indicating that more information was needed. Specifically, the SHPO has requested that a

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<sup>2</sup> Section 20120a(1)(a) of Michigan Public Act 451, 1994, as amended.

completed application and survey be submitted so that it can initiate the historic review process and determine if any of the rail line right-of-way proposed for abandonment may be potentially eligible for listing on the National Register of Historic Places. However, given that MAL Railway has indicated that there are no structures 50 years or older on the rail line proposed for abandonment, and that WBPRC is actively pursuing purchase of the rail line right-of-way proposed for abandonment for use as a trail, SEA has determined that the right-of-way would be preserved and that no historic properties would be affected by this undertaking. SEA has added the SHPO to the service list for this proceeding and will consider any comments it receives from the SHPO in the Post EA.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the National Historic Preservation Act at 36 C.F.R. § 800.5(c) and 36 C.F.R. § 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 C.F.R. § 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

Pursuant to 36 CFR 800.2, SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify federally recognized tribes, which may have ancestral connections to the project area. The database indicated that there are three tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the Area of Potential Effect). The tribes are: the Forest County Potawatomi Community of Wisconsin, the Hannahville Indian Community, and the Saginaw Chippewa Indian Tribe of Michigan. Therefore, SEA has added these tribes to the service list for this proceeding to ensure that they receive a copy of the EA for review and comment.

### **CONDITION**

We recommend that the following condition be imposed on any decision granting abandonment authority:

1. The Michigan Air-Line Railway Company (MAL Railway) shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that would disturb or destroy any geodetic station markers.

### **CONCLUSIONS**

Based on the information provided from all sources to date, SEA concludes that, as currently proposed and if the recommended mitigation is 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 C.F.R. § 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 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 C.F.R. § 1152.29).

### **PUBLIC ASSISTANCE**

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

### **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 Diana Wood, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-1053 (Sub-No. 0X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at [woodd@stb.dot.gov](mailto:woodd@stb.dot.gov).

Date made available to the public: August 2, 2010.

**Comment due date: August 17, 2010.**

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

Attachment