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SEA

SERVICE DATE – DECEMBER 14, 2007

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

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

**Mid-Michigan Railroad, Inc. –
Abandonment Exemption –
In Muskegon County, MI**

BACKGROUND

In this proceeding, the Mid-Michigan Railroad, Inc. (MMRR) filed a notice under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Muskegon County, Michigan. The line extends from Milepost 191.40 to Milepost 194.75, a distance of 3.35 miles. MMRR certifies that no rail cars have used the line for at least two years and the line is a stub end track, therefore no overhead traffic would have to be rerouted over other lines as a result of the abandonment. The portion of line to be abandoned was constructed in 1886 by the Grand Rapids & Indiana Railroad and purchased by Pennsylvania Railroad in 1921. The line then passed through the ownership of the Grand Trunk & Western in 1976, then Central Michigan Railroad in 1987, and finally to Railtex in 1990 who formed the Michigan Shore Railroad, a predecessor to MMRR. Railtex merged into RailAmerica, Inc. in 2000. The line primarily travels through the industrial section of Muskegon Heights and crosses U.S. Highway 31 at the Sherman Boulevard exit. Zip Codes traversed include 49441, 49442 and 49444. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

ENVIRONMENTAL REVIEW

MMRR 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. MMRR 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)].¹ The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

¹ The railroad's environmental and historic reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB-364 (Sub-No. 13X).

Diversion of Traffic

MMRR 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, MMRR intends to salvage the rail, ties and track material. MMRR indicates that salvage would consist of removing the rail, crossties and possibly upper layer of ballast. However, it does not intend to disturb any subgrade or subgrade structures. MMRR states that the proposed abandonment will result in the elimination of 15 public road crossings and one private crossing, as well as the possible removal of the bridge over U.S. Highway 31.

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.

The Natural Resources Conservation Service commented that there would be no impacts on prime or unique farmland. The land adjacent to the proposed abandonment has been converted to non-agriculture uses. SEA has therefore determined that no further consultation is necessary.

The U.S. Fish and Wildlife Service (USF&WS) commented that it does not own any land or have any interests in any land in the vicinity of the proposed abandonment. However, the agency has not yet commented on whether the proposed abandonment would have impacts on wetlands or rare, threatened or endangered species. Therefore, SEA is adding the USF&WS to its service list to ensure that it receives a copy of the EA for comment.

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 Michigan Department of Environmental Quality; the U.S. Army Corps of Engineers; the U.S. Environmental Protection Agency; USF&WS; the National Geodetic Survey; the National Park Service; the County of Muskegon Board of Commissioners, and the City of Muskegon Heights.

HISTORIC REVIEW

SEA has not heard from the State Historic Preservation Officer (SHPO) and therefore has not been able to consider the SHPO's opinion before determining if the rail line may be potentially eligible for listing on the National Register of Historic Places. Accordingly, we are recommending a condition requiring the railroad 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) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

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 the following four tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the Area of Potential Effect) of the proposed abandonment: Bay Mills Indian Community; the Grand Traverse Band of Ottawa and Chippewa Indians; the Little Traverse Bay Bands of Odawa; and the Sault Ste. Marie Tribe of Chippewa Indians. Accordingly, SEA is sending a copy of this EA to the tribes for review and comment.

CONDITION

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

1. The Mid-Michigan Railroad, Inc. (MMRR) shall 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 listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. MMRR shall report back to the Section of Environmental Analysis (SEA) regarding any consultations with the State Historic Preservation Office 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.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed and if the recommended condition 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 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 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 (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 245-0230, 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, 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, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-364 (Sub-No. 13X) 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.

Date made available to the public: December 14, 2007.

Comment due date: January 2, 2008.

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

Vernon A. Williams
Secretary

Attachment