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SERVICE DATE - JANUARY 25, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-31 (Sub-No. 33)

GRAND TRUNK WESTERN RAILROAD INCORPORATED—ABANDONMENT—
IN MACOMB AND OAKLAND COUNTIES, MI

Decided: January 18, 2001

A decision served on December 24, 1998, authorized Grand Trunk Western Railroad Incorporated (GTW) to abandon a line of railroad extending from milepost 19.5 near Washington Station, in Washington, MI, to milepost 37.7 near Pontiac Station, in Pontiac, MI, a distance of 18.2 miles in Macomb and Oakland Counties, MI. As the Michigan State Historic Preservation Officer (SHPO) had identified a bridge (the Clinton River Bridge) located at milepost 34.57 as eligible for the National Registry of Historic Places, the abandonment authorization was made subject to the condition that GTW retain its interest in and take no steps to alter the historic integrity of the bridge until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f. Also, pursuant to the provisions of 49 CFR 1152.29(e)(2), the decision stated that, if GTW did not file a notice of consummation by March 31, 2000, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.

By a decision served March 29, 2000, the deadline for filing a notice of consummation was extended to September 30, 2000. Then, by a decision served October 2, 2000, the deadline was further extended to December 31, 2000.

By a pleading filed November 28, 2000, GTW requested permission to consummate abandonment of the 13.64-mile segment of its line between mileposts 19.5 and 33.14. The railroad proposed to retain the segment between mileposts 33.14 and 37.7, on which the subject bridge is situated. GTW submitted an appropriate notice of consummation with its request and asked that it be accepted.

The Board granted the requested relief in a decision served November 30, 2000. Also, as a regulatory barrier to consummation continued to exist with respect to the line segment between mileposts 33.14 and 37.7, the Board extended the due date for filing a notice of consummation relating to that segment until 60 days after the removal of that barrier.

The Board, the SHPO, and GTW now have executed a Memorandum of Agreement concerning the Clinton River Bridge, thus completing the section 106 process. Therefore, the Board's Section of Environmental Analysis recommends that the historic preservation condition

be removed. The recommendation will be adopted. Accordingly, the proceeding will be reopened, and the condition will be removed.

This action 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 historic preservation condition imposed in the decision served December 24, 1998, is removed.
3. The due date for filing a notice of consummation relating to the segment between mileposts 33.14 and 37.7 is March 26, 2001.
4. This decision is effective on its service date.

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

Vernon A. Williams
Secretary