

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-364 (Sub-No. 14X)

**Mid-Michigan Railroad, Inc. – Abandonment Exemption –
in Kent, Ionia, and Montcalm Counties, Michigan**

BACKGROUND

In this proceeding, Mid-Michigan Railroad Inc. (MMRR) filed a petition of exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Kent, Ionia, and Montcalm Counties, Michigan.¹ The rail line (Line) proposed for abandonment extends from milepost 103.20 in Lowell to milepost 78.50 in Greenville, a distance of 24.70 miles. MMRR states that the Line traverses U.S. Postal Service Zip Codes 48809, 48838, 48887, and 49331 and includes the stations of Lowell, Belding, and Greenville. The right-of-way is generally 100 feet wide and there are no federally granted rights-of-way. A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the petition becomes effective, the MMRR would be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

MMRR 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. MMRR served the environmental report on a number of appropriate Federal, state, and local agencies as

¹ On November 27, 2007, MMRR sought authority to abandon the line that is the subject of this proceeding (STB Docket No. AB-364 (Sub No. 11X)). In a Board decision served on January 25, 2008, the Board rejected MMRR's request stating that MMRR's failure to provide an accurate list of affected counties in its petition constituted a failure to comply with the Board's description requirements listed at 49 CFR 1152.11. Under 49 CFR 1104.10, the Board may reject a document submitted for filing if it finds that the document does not comply with the Board's rules. By omitting Ionia County in its petition, MMRR did not provide the public with proper notice of its intention to abandon the line, eliminating the opportunity for the public in general, and residents of Ionia County in particular, to comment on or oppose the proposed abandonment. The Board also noted that the omission also rendered incomplete any environmental review of the proposed abandonment that the Board could have prepared.

required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

The proposed abandonment would permit MMRR to eliminate 24.70 miles of rail line in Kent, Ionia, and Montcalm Counties, Michigan. According to MMRR, it acquired the stub-ended Line from CSX Transportation, Inc., and began operating over it in 1987. In its first full year of operations, about 3,500 carloads were moved over the Line. However, according to MMRR, rail traffic has since declined to the point where no rail traffic was moved in 2007.

MMRR states that there were two active shippers using the Line, Frigidaire Corporation (Frigidaire) and Crop Production Service (CPS). Through March 2006, Frigidaire moved 98 carloads over the Line. In 2005, it moved 1,002 carloads and in 2004, 846 carloads. In April 2006, Frigidaire closed its facility and relocated its manufacturing to Mexico and South Carolina. MMRR does not expect Frigidaire to use the Line in the future. According to MMRR, CPS shipped a single carload in December 2006. CPS has not used the Line in 2007, nor has any other shipper.

MMRR states that there is no reasonable alternative to the proposed abandonment. There is no other current rail customer on the Line and no location of a new rail served industry along the Line is anticipated. Additionally, there is also no overhead traffic. Therefore, if the abandonment is approved, SEA anticipates no adverse effects on regional or local transportation systems and patterns. MMRR states that if the proposed abandonment is approved, 39 public and 42 private at-grade crossings would be eliminated along the existing rail route.

MMRR also seeks an exemption from 49 U.S.C. 10904, offer of financial assistance procedures. In support, MMRR states that it has entered into a Memorandum of Understanding with the West Michigan Trails and Greenways Coalition (WMTGC) to sell the Line to WMTGC for the public purpose of converting it to interim trail use/rail banking. Moreover, in a letter dated February 28, 2008, the WMTGC filed a statement of its willingness to assume financial responsibility. Therefore, if the proposed abandonment is approved, MMRR intends to salvage only the rails and associated materials but will leave the ballast, ties, bridges and culverts in place. MMRR does not intend to disturb any sub-grade or sub-grade structures and does not intend to remove any bridge structures.

MMRR states that on December 2, 2001, between 13,000 and 14,000 gallons of liquid nitrogen fertilizer, a non-hazardous material, was spilled at a siding near milepost 95.9. According to MMRR, the spill area was contained and remediated under the direction of the Michigan Department of Agriculture on December 4, 2001.

In a letter dated October 29, 2007, Mr. Gary Lee, State Conservationist, Natural Resources Conservation Service, states that the abandonment would not result in the conversion of prime and unique farmland. In its environmental report, MMRR states that it does not believe that the abandonment, as proposed, would adversely affect endangered or threatened species or

areas designated as critical habitat. MMRR states that the Line passes through the Flat River State Game Area. However, due to the proposed limited salvage activities, MMRR does not believe that the State's game reserve would be adversely affected. In a letter dated October 26, 2007, Mr. Patrick Carroll, Senior Realty Officer, U.S. Fish and Wildlife Service, states that it does not own any land or interests in land in the vicinity of the proposed abandonment.

If the abandonment is approved, MMRR states that access to its right-of-way would occur over existing public and private at-grade crossings. No new access roads are contemplated. MMRR does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and does not anticipate any dredging or use of fill in the removal of the track material. Debris will be transported and disposed of properly. In addition, MMRR states that all appropriate measures would be taken to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways.

In its environmental report, MMRR states that the proposed abandonment's salvage activity will be consistent with applicable water quality standards. 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. In addition, MMRR states that it believes that the proposed abandonment is consistent with existing land use plans.

The U.S. Department of Commerce, National Geodetic Survey (NGS) has not completed its review of the proposed abandonment. Therefore, SEA has added NGS to the service list for this EA and specifically invites NGS's comments on this EA.

Based on all information available to date, SEA does not believe that abandonment-related salvage activities would cause significant environmental impacts.

HISTORIC REVIEW

In its Environmental and Historic Report, MMRR states that the Belding to Greenville segment of the Line was opened in 1871 by the Detroit, Lansing & Lake Michigan Railroad Company. The Belding to Lowell segment was opened by the Grand Rapids, Belding and Saginaw Railroad Company in 1899. Both railroads eventually merged into the Pere Marquette Railroad Company in 1900. In 1947, the Pere Marquette Railroad Company was sold to the C&O Railway Company. As part of the Chessie System, the C&O Railway Company was merged into the CSX Transportation, Inc. CSX Transportation, Inc. sold the Line to MMRR in 1987. At that time, MMRR was a subsidiary of RailTex, Inc. RailTex, Inc. merged into RailAmerica, Inc. in 2000. MMRR states that it is in possession of the valuation maps but is not aware of any other documentation.

MMRR states that there are nine bridges and two culverts that are 50 years old or older (Table 1 Bridge Descriptions is included in the Appendix to this EA). MMRR believes that the bridges and culvert structures are not unusual or noteworthy for inclusion into the National Register of Historic Places. It is also MMRR's opinion that there are no archaeological resources or other railroad related historic properties in the project area. Moreover, MMRR is agreeable to converting the Line for use as an interim trail/rail banking. MMRR does not plan to alter, remove or dispose of any of the nine bridges or two culverts on the Line.

MMRR served the historic report on the Michigan Historical Center, State Historic Preservation Officer (SHPO), pursuant to 49 CFR 1105.8(c).² On January 18, 2007, via telephone, the SHPO stated that MMRR had not provided sufficient materials for it to offer an opinion regarding the proposed abandonment. As a result of MMRR's refilling, the SHPO, in a letter dated February 6, 2008, acknowledged receipt of the historic report and requested that MMRR complete an application form for Section 106 review, as required by its office.³ Upon receipt of the application form, the SHPO will begin its review process under Section 106 of the National Historic Preservation Act.

Because of the issues raised by the SHPO, SEA requires further consultation to determine if the Line and/or any of its associated structures 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.

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 seven tribes may have an interest in the proposed abandonment: 1) Bay Mills Indian Community, 2) Grand Traverse Band of Ottawa and Chippewa Indians, 3) Little Traverse Bay Bands of Odawa Indians, 4) Ottawa Tribe of Oklahoma, 5) Red Lake Band of Chippewa Indians, 6) Sault Ste. Marie Tribe of Chippewa Indians and, 7) Saginaw Chippewa Indian Tribe. Accordingly, SEA is sending a copy of this EA to each of the nine identified tribes for review and comment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. SEA is providing a copy of this EA to the following agencies for review and comment: U.S. Army Corps of Engineers, Detroit District;

² Guidance regarding the Board's historic preservation review process is available on the Board's web site at <http://www.stb.dot.gov/stb/environment/preservation.html>.

³ The form can be downloaded from the SHPO's website (<http://www.michigan.gov/shposection106>).

Michigan Historical Center, and the Michigan Department of Environmental Quality, Wastewater Program.

CONDITIONS

SEA recommends the following condition be imposed on any decision granting abandonment authority.

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 regarding any consultations with the Michigan Historical Center 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 would 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).

MMRR also seeks an exemption from 49 U.S.C. 10904, offer of financial assistance (OFA) procedures. In support, MMRR states that it has entered into a Memorandum of Understanding with the West Michigan Trails and Greenways Coalition (WMTGC) to sell the Line to WMTGC for the public purpose of converting it to interim trail use/rail banking.

In a letter dated February 28, 2008, the WMTGC filed a statement of willingness to assume financial responsibility for the Line.

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 Troy Brady, 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. 14X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Troy Brady, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at Troy.Brady@stb.dot.gov.

Date made available to the public: April 18, 2008.

Comment due date: May 19, 2008.

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

Anne K. Quinlan
Acting Secretary

Attachment

APPENDIX

Table 1. Bridge Descriptions

Location	Description	Year Constructed
Milepost 122.21 – Prairie Creek	Open deck girder beam structure that is 232 ft. long, and consists of two spans.	Year unknown or whether it has undergone significant alteration.
Milepost 123.81- Ionia Creek	Timber trestle structure that is 6 ft. long and consists of single span.	Year unknown or whether it has undergone significant alteration.
Milepost 124.95 – Farm Access Road	Timber trestle structure that is 48 ft. long and consists of 4 spans.	Year unknown or whether it has undergone significant alteration.
Milepost 125.96 – Culvert	A 9 foot by 9 foot reinforced concrete culvert.	Year unknown or whether it has undergone significant alteration.
Milepost 126.28 – Grand River	Deck plate girder structure that is 447 ft. long and consists of six spans.	Year unknown or whether it has undergone significant alteration.
Milepost 126.56 – Grand River Flats	Deck plate girder structure that is 128 ft. long and consists of two spans.	Year unknown or whether it has undergone significant alteration.
Milepost 127.77 – Unknown Stream	Timber trestle structure that is 62 ft. long and consists of five spans.	Year unknown or whether it has undergone significant alteration.
Milepost 127.83 – Unknown Stream	Timber trestle structure that is 38 ft. long and consists of three spans.	Year unknown or whether it has undergone significant alteration.
Milepost 131.61 – Hunt’s Creek	Timber trestle structure that is 36 ft. long and consists of three spans.	Year unknown or whether it has undergone significant alteration.
Milepost 132.75 – Saranac Creek	Timber trestle structure that is 102 ft. long and consists of eight spans.	Year unknown or whether it has undergone significant alteration.
Milepost 133.50 – Culvert	A concrete culvert.	Year unknown or whether it has undergone significant alteration.