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SEA

SERVICE DATE – JUNE 5, 2009

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-1030 (Sub - No. 1X)

**Huron & Eastern Railway Company, Inc. – Abandonment Exemption –
in Shiawassee County, MI**

BACKGROUND

In this proceeding, Huron & Eastern Railway Company Inc. (HESR) has filed a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 seeking to abandon 2.5 miles of stub-ended rail line, from milepost 0.0 at Owosso, MI, to milepost 2.5, at the end of the line in Shiawassee County, MI (Line). If the Surface Transportation Board (Board) should approve this abandonment, HESR intends to convert the Line to interim trail use/rail banking under 16 U.S.C. 1247(d) through the sale of the Line to a trails group. At its southern end, the Line connects to the north end of another trail in Michigan. HESR, if approved, would salvage the track and materials but would leave the ballast, bridges, and culverts in places for use with the trail. According to HESR, the Line does not contain any federally granted rights-of-way and traverses U.S. Postal Service Zip Codes 48841 and 48867. A map depicting the proposed abandonment in relationship to the area served is appended to this Environmental Assessment (EA).

ENVIRONMENTAL REVIEW

HESR has submitted an environmental report that concludes that neither the proposed abandonment nor post-abandonment activities, such as salvage and disposition of the right-of-way, would significantly affect the quality of the human environment. HESR 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.

Diversion of Traffic

As explained above, HESR seeks approval to abandon 2.5 miles of stub-ended rail line, from milepost 0.0 at Owosso, MI, to milepost 2.5, at the end of the line in Shiawassee County,

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-1030 (Sub-No. 1X).

MI. If the Board should approve this abandonment, HESR intends to convert the Line to interim trail use/rail banking under 16 U.S.C. 1247(d) through the sale of the Line to a trails group. HESR also states that the Line is stub-ended and therefore carries no overhead rail traffic.

HESR states that it acquired the Line from Central Michigan Railway Company in 2004. HESR notes that there is a single shipper on the Line, Airgas Specialty Products (AGS), located at the Line's end, which receives shipments of Anhydrous Ammonia. According to HESR, the volume of rail cars shipped to AGS has declined over the years: 21 carloads in 2005, 17 carloads in 2006, 14 carloads in 2007, and 7 carloads through October 31, 2008. AGS currently receives rail service on an as needed basis, generally twice per month.

Using the carload traffic levels from 2007 (14)², SEA calculated that abandonment of the Line would result in 63³ additional trucks or 126 additional truck trips annually. When SEA calculated the number of additional trucks on a per day basis, we arrived at an additional 0.3 trucks (or 0.6 truck trips) per day would result during a 240 day year.⁴ SEA believes that this increase in additional truck traffic would not result in any adverse effects to regional or local transportation systems and patterns.

HESR states that it has considered two alternatives to full abandonment: continue to operate the Line or sell the Line for interim trail use/rail banking. HESR prefers to obtain authority to abandon the Line and then convert it to interim trail use/rail banking.

Last, according to HESR, if the Board should approve, the abandonment would result in the elimination of six public at-grade crossings.

Salvage Activities

If the petition becomes effective, HESR would salvage the track and materials but would leave the ballast, bridges, and culverts in places for use with the trail. HESR would salvage the tie and track materials via use of existing right-of-way access roads and at-grade crossings. HESR 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 materials. HESR states that any debris would be transported away from the Line and would not be discarded along the right-of-way nor be placed or left in streams or wetlands or along the banks of waterways. HESR also states that during track removal, all appropriated measures would be implemented to prevent or control spills from fuels, lubricants, or any other pollutant materials from entering any waterway.

² SEA used 2007 carload data as the base year because 2008 carload data was incomplete.

³ SEA used a conversion of 4.5 trucks per rail car.

⁴ 240 workdays result when weekends and holidays are subtracted from a 365 day year.

HESR states that it believes that the proposed abandonment would be consistent with local land use plans and also would not affect prime agricultural lands.

In a letter dated December 11, 2008, the Natural Resources Conservation Service (NRCS) states that the Line does not transverse farmed areas with many acres of prime farmland. Furthermore, NRCS concludes that the proposed abandonment would result in minimal, negative effects resulting primarily from the loss of the anhydrous ammonia currently transported over the Line.

According to HESR, it is not aware of any known hazardous waste sites or sites where there have been known hazardous materials spills on the Line.

HESR does not believe that the abandonment, as proposed, would adversely affect endangered or threatened species or areas designated as critical habitat. Furthermore, HESR states that no wildlife sanctuaries or refuges, National or State parks or forests would be affected.

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 U.S. Department of Commerce, National Geodetic Survey (NGS) has identified three geodetic station markers that may be located within the Line's right-of-way. Therefore, SEA is recommending a condition requiring HESR to notify NGS at least 90 days prior to beginning any salvage activities that could disturb or destroy any geodetic station markers.

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

HISTORIC REVIEW

In its Historic Report, HESR states that in 1858, the Amboy, Lansing and Traverse Bay Railroad constructed the Line as part of the railroad south of Owosso, MI, toward Lainsburg, MI, and eventually built to a point near Lansing, MI. This route became known as the Jackson, Lansing & Saginaw Railroad, then the Michigan Central Railroad, then the New York Central, and then the Penn Central Railroad. HESR acquired the Line from the Central Michigan Railroad Company in 2004.

According to HESR, there are no bridges and other structures on the Line are 50 years old or older. HESR also believes that there are no structures that eligible for inclusion on the National Register of Historic Places. HESR also believes that there are no archeological resources or other railroad related historic properties in the project area. HESR notes that it is willing to convert the Line to interim trail use/railbanking. Furthermore, HESR states that it does not intend to alter, remove or dispose of any of the bridges on the Line.

HESR has served the historic report on the Michigan Department of History, Arts and Libraries, Michigan Historical Center (SHPO), pursuant to 49 CFR 1105.8(c).⁵ SEA has not heard from the SHPO and therefore has not been able to consider the SHPO's opinion before determining if the 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.

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 Federally recognized tribe that may have ancestral connection to the project area: Saginaw Chippewa Indian Tribe of Michigan. SEA will ensure that the tribe receives a copy of this EA for its review and that the tribe be added to the service list for this proceeding.

Based on all information available to date, SEA does not believe that salvage activities would cause significant impacts to historic or cultural resources. SEA is providing a copy of this EA to the following agencies for review and comment: Michigan Department of History, Arts and Libraries, Michigan Historical Center.

CONDITIONS

SEA recommends that two conditions be imposed on any decision granting abandonment authority.

- 1. The Huron & Eastern Railway Company Inc. 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. The Huron & Eastern Railway Company Inc., shall report back to the Section of Environmental Analysis (SEA) regarding any consultations with the Michigan Department of History, Arts and Libraries, Michigan Historical Center and the public. The Huron & Eastern Railway Company Inc., 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.**

⁵ 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>.

- 2. The Huron & Eastern Railway Company Inc. shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will 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 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).

If approved, HESR intends to convert the Line to interim trail use/rail banking under 16 U.S.C. 1247(d) through the sale of the Line to a trails group.

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 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-1030 Sub No. 1X 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: June 5, 2009.

Comment due date: July 5, 2009.

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

Anne K. Quinlan
Acting Secretary

Attachment