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SERVICE DATE – LATE RELEASE DECEMBER 11, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 284X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—  
IN KALAMAZOO COUNTY, MI

Decided: December 11, 2006

Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 1.4-mile rail line extending between milepost CQ 41.3, and milepost CQ 42.7 in Parchment, Kalamazoo County, MI. Notice of the exemption was served and published in the Federal Register on November 9, 2006 (71 FR 65880-81). The exemption is scheduled to become effective on December 12, 2006.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on November 17, 2006. In the EA, SEA notes that, upon contacting the Michigan Department of Environmental Quality's Great Lakes Shoreland Unit, Land and Water Management Division (Michigan DEQ), SEA was informed that Kalamazoo County is not located within Michigan's coastal zone, but that the line crosses the Kalamazoo River and passes through associated 100-year floodplains and wetlands. SEA states in the EA that the United States Department of the Army, Corps of Engineers, Detroit District (Corps) submitted comments stating that proposed salvage activities would not impact any existing floodplains. However, the Corps stated that the Michigan DEQ assumed a portion of the Corps' regulatory responsibilities and NSR may need to obtain a permit from the Michigan DEQ. To ensure that any alterations, such as bridge removal, do not result in flow restrictions of waterways, the Corps advised that NSR contact Mr. Kameron Jordon at the Michigan DEQ. Therefore, SEA recommends that NSR be required to consult with Mr. Jordon prior to commencement of any salvage activities and comply with the reasonable requirements of Michigan DEQ.

Also, SEA in the EA states that, because the Michigan Historical Center (the State Historic Preservation Office or SHPO), has not completed its evaluation of the potential impact of this project on historic resources, SEA recommends that NSR shall: (a) retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or are 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; (b) report to SEA regarding any consultations with the SHPO and any other section 106 consulting parties, and (c) not file its consummation notice or initiate salvage activities (including removal of the tracks and ties) until the section 106 process has been completed and the Board has removed this condition.

Comments to the EA were due by December 4, 2006. In a letter dated December 4, 2006, NSR submitted an email it received from the Michigan DEQ, Kalamazoo District Office, stating that the planned abandonment activities and removal of structures in the area of the Kalamazoo River would require a Michigan DEQ permit. The previously recommended condition for the railroad to consult with the Michigan DEQ should address this concern. In addition, the Michigan DEQ, Kalamazoo District Office, stated that the area of the proposed abandonment may be located in a Federal Superfund site, and that any removal activities may require additional precautions. Therefore, SEA recommends that NSR consult with the U.S. Environmental Protection Agency (USEPA) and the Michigan DEQ, Remediation and Redevelopment Division, regarding the proposed abandonment and to identify any safety precautions that should be taken during salvage activities, and report the results of these consultations in writing to SEA prior to the onset of salvage operations. Accordingly, the environmental conditions recommended by SEA in the EA and the new condition recommended by SEA will be imposed.

Based on SEA's recommendations, the proposed abandonment, if implemented as conditioned, 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 exemption of the abandonment of the line described above is subject to the conditions that NSR shall: (1) prior to commencement of any salvage activities, consult with Mr. Kameron Jordon at the Michigan DEQ, and comply with the reasonable requirements of Michigan DEQ; (2) (a) retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or are listed in the National Register of Historic Places until the section 106 process of the National Historic Preservation Act, 16 U.S.C. 407f, has been completed; (b) report to SEA regarding any consultations with the SHPO and any other section 106 consulting parties; and (c) not file its consummation notice or initiate salvage activities (including removal of the tracks and ties) until the section 106 process has been completed and the Board has removed this condition; and (3) prior to commencement of any salvage activities, consult with the USEPA and Michigan DEQ to identify any safety precautions that should be taken during salvage activities, and submit in writing the results of those consultations to SEA prior to the onset of salvage operations.

3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary