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SERVICE DATE - JULY 1, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-31 (Sub-No. 35X)<sup>1</sup>

GRAND TRUNK WESTERN RAILROAD INCORPORATED--  
ABANDONMENT EXEMPTION--IN MACOMB COUNTY, MI

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

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

Decided: June 28, 1999

By application filed September 8, 1998, and supplemented on September 18, 1998, in STB Docket No. AB-31 (Sub-No. 33), Grand Trunk Western Railroad Incorporated (GTW) sought authority to abandon a line of railroad extending from milepost 19.5 near Washington Station (#55532 at MP 19.9) in Washington, MI, to milepost 37.7 near Pontiac Station (#55610 at MP 25.8 on the Holly Subdivision) in Pontiac, MI, a distance of 18.2 miles in Macomb and Oakland Counties, MI. Notice of the filing of the application was served and published in the Federal Register on September 28, 1998 (63 FR 51635). By decision served on December 24, 1998, the abandonment application was granted, subject to labor protective conditions and the conditions that GTW shall consult with the National Geodetic Survey (NGS) and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers, and that GTW shall retain its interest in and take no steps to alter the historic integrity of the bridge located at milepost 34.57 until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

In STB Docket No. AB-31 (Sub-No. 35X), GTW filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon a 19.08-mile line of its railroad on the Romeo Subdivision between Richmond and Washington from milepost 0.42 to milepost 19.50 in Macomb County, MI.<sup>2</sup> Notice of the exemption was served and published in the Federal Register on July 10, 1998 (63 FR 37445-46). By decision served August 6, 1998, the proceeding was reopened at the

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<sup>1</sup> These proceedings are not consolidated. A single decision is being issued for administrative convenience only.

<sup>2</sup> The 19.08-mile segment in STB Docket No. AB-31 (Sub-No. 35X) meets the 18.2-mile segment in STB Docket No. AB-31 (Sub-No. 33) at milepost 19.5 in Washington. The two segments are distinct parts of the same line.

request of the Board's Section of Environmental Analysis (SEA). The exemption was made subject to the conditions that GTW consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers, and that GTW retain its interest in and take no steps to alter the historic integrity of the line in its entirety until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

These proceedings were the subject of separate filings before the Board. Because the 18.2-mile segment in Sub 33 had recently carried traffic, abandonment authorization was sought under the application process, while the 19.08-mile segment in Sub 35X had no recent traffic on it and thus qualified for a class exemption, which provided for the filing of a notice of exemption.

On June 16, 1999, GTW notified the Board that it will begin exercising its authority to abandon its 19.08-mile line that was the subject of the Sub 35X proceeding on or about June 15, 1999, by commencing track removal and removal of the line from the interstate rail network. A staff member from the Board's SEA subsequently contacted GTW's representative regarding the outstanding historic preservation condition imposed in the decision served August 6, 1998. GTW's representative stated that the Michigan State Historic Preservation Officer considered the 18.2-mile segment and the 19.08-mile segment as a single line for abandonment and therefore recommended that the historic preservation condition be imposed for the entire line. It has now been determined that the section 106 condition is for the bridge located at milepost 34.57 in the Sub 33 proceeding as imposed in the decision in that proceeding served December 24, 1998. Therefore, because the historic preservation condition was designed to apply to the bridge that is not on the line that is the subject of the proposed abandonment in Sub 35X, SEA recommends that the section 106 condition imposed in the Sub 35X decision served August 6, 1998, be removed. The condition will accordingly 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. The proceeding in STB Docket No. AB-31 (Sub-No. 35X) is reopened for the limited purpose of removing the condition imposed in the August 6, 1998 decision requiring GTW to retain its interest in and take no steps to alter the historic integrity of the line in its entirety until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.
2. Upon reconsideration, the section 106 condition imposed in the Sub 35X decision served August 6, 1998, is removed.
3. The section 106 condition imposed in Sub 33 remains in effect.
4. This decision is effective on its service date.

STB Docket No. AB-31 (Sub-No. 35X), et al.

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

Vernon A. Williams  
Secretary