

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-31 (Sub-No. 41X)

**Grand Trunk Western Railroad Incorporated –
Abandonment Exemption –
In Oakland County, MI**

BACKGROUND AND DESCRIPTION OF RAIL LINE

In this proceeding, the Grand Trunk Western Railroad Incorporated (GTW), a wholly-owned subsidiary of Canadian National Railway Company, filed a notice under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of its line of railroad, also referred to as a portion of the Cass City Subdivision, in Orion Township, Oakland County, Michigan. The rail line proposed for abandonment extends from Milepost 7.06 to Milepost 6.36, a distance of 0.7 miles. GTW states that at one time the line provided rail service from a spur track located at Milepost 6.85 to an electrical power substation formerly owned by Detroit Edison, and now believed to be owned by International Transmission Company. The Cass City Subdivision is located in an urban area, serving both residential and light industrial land uses. GTW states that following abandonment, it intends to salvage the line, leaving the roadbed and subgrade in place, and that it believes that state or local parties may have an interest in converting the line to trail use. According to GTW, alternative rail service will continue to be available at GTW's Orion Yard, immediately adjacent to the proposed abandonment. GTW states that there is no overhead traffic or passenger trains on the line and that the abandonment would not impact any at-grade road crossings. The rail line to be abandoned traverses United States Postal Zip Code 48359. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

ENVIRONMENTAL REVIEW

GTW submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. GTW 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.

¹ The railroad's environmental and historic reports are available for viewing on the

Diversion of Traffic

GTW states that no local traffic has moved over the line for at least two years and no overhead traffic would be rerouted. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. As stated previously, GTW indicates that following abandonment, it intends to salvage the line, leaving the roadbed and subgrade in place, and that it believes that state or local parties may have an interest in converting the line to trail use. According to GTW, alternative rail service would continue to be available at GTW's Orion Yard, immediately adjacent to the proposed abandonment.

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.

GTW states that it has no knowledge of hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way or in adjacent areas. Additionally, GTW states that the abandonment would have no adverse effect on health or public safety because there are no public or private crossings on the line.

The State of Michigan Department of Transportation commented that the proposed abandonment would have no environmental impacts on transportation, therefore, no further action is required.

The Natural Resources Conservation Service commented that the proposed abandonment would have no effect on prime farmland, therefore no further action is required.

The Michigan Department of Environmental Quality reviewed the proposed abandonment for consistency with Section 307 of the state's Coastal Zone Management Act

Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB-31 (Sub-No. 41X).

Program and has determined that the project is located outside Michigan's coastal management boundary. As such, SEA has determined that no further action is warranted.

The Michigan Department of Natural Resources commented that it has jurisdiction over endangered or threatened species; critical habitats; wildlife sanctuaries or refuges; and state parks or state forests, and has determined that the proposed abandonment would not impact any of these resources at the state level. Therefore, no further action is required.

The U.S. Fish and Wildlife Service (USFWS) commented that Oakland County is within the breeding range of the endangered Indiana bat (*Myotis sodalists*). However, based on the nature of the project, USFWS has determined that the species is unlikely to be affected by the proposed abandonment and that pursuant to Section 7 of the Endangered Species Act of 1973, as amended, this would conclude the consultation process. However, USFWS notes that should project plans change; more than six months pass; or new information become available that would indicate a change in listed or proposed species, additional consultation would be required.

The U.S. Army Corps of Engineers commented that it does not have jurisdiction within the area of the proposed abandonment; rather, the wetland permitting program for this location is administered by the Michigan Department of Environmental Quality (MIDEQ). According to MIDEQ, wetlands exist along the southeast perimeter of the proposed abandonment. However, providing salvage is limited to removal of track and ties as the railroad has indicated, and not grading or filling, then MIDEQ states that the proposed abandonment would not have a negative impact on water quality. Accordingly, the permit requirements of Section 402 (National Pollutant Discharge Elimination System) and Section 404 (wetlands) of the Clean Water Act would not apply. SEA has therefore determined that no further consultation is required.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, SEA is providing a copy of this EA to the following agencies for review and comment: U.S. Environmental Protection Agency, the Federal Emergency Management Agency, the National Geodetic Survey, and the National Park Service.

HISTORIC REVIEW

GTW served the historic report on the Michigan Department of History, Arts and Libraries (State Historic Preservation Office or SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that the proposed abandonment would not affect any known archaeological sites or historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register). We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the National Historic Preservation Act at 36 CFR 800.5(c) and 36 CFR 800.8, we have determined that the proposed abandonment will not

adversely affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

SEA conducted a search of the National Park Service's Native American Consultation Database <http://home.nps.gov/nacd/> to identify Federally recognized tribes that may have an interest in the project. The data base indicated that the Forest County Potawatomi Community of Wisconsin, the Hannahville Indian Community Council, and the Saginaw Chippewa Indian Tribe of Michigan may have an interest in the proposed abandonment. Consequently, SEA will ensure that the tribes receive a copy of this EA for their review and comment.

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 will 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).

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 Diana Wood, 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-31 (Sub-No. 41X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at woodd@stb.dot.gov.

Date made available to the public: May 25, 2007.

Comment due date: June 12, 2007.

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

Vernon A. Williams
Secretary

Attachment