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SERVICE DATE – LATE RELEASE AUGUST 26, 2010

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1053X

MICHIGAN AIR-LINE RAILWAY CO.—ABANDONMENT EXEMPTION—IN OAKLAND COUNTY, MICH.

Decided: August 26, 2010

Michigan Air-Line Railway Co. (MAL Railway), filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon approximately 2.37 miles of its line of railroad extending westerly from Engineer's Profile Station 2250+20 at the west line of Arrowhead Road to Engineer's Profile Station 2389+72 at the west line of Haggerty Road, in West Bloomfield Township, Oakland County, Mich. Notice of the exemption was served and published in the Federal Register on July 28, 2010 (75 Fed. Reg. 44,305-06). The exemption is scheduled to become effective on August 27, 2010.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on August 2, 2010. In the EA, SEA states that the National Geodetic Survey (NGS) commented that 3 geodetic station markers have been identified that may be affected by the proposed abandonment. Accordingly, SEA recommends a condition that MAL Railway be required to consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers.

Pursuant to 36 C.F.R. § 800.2, SEA conducted a search of the Native American Consultation Database (Database) at <http://home.nps.gov/nacd/> to identify Federally recognized tribes, which may have ancestral connections to the project area. According to SEA, the Database indicated that there are 3 tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the Area of Potential Effect). The tribes are: the Forest County Potawatomi Community of Wisconsin; the Hannahville Indian Community; and the Saginaw Chippewa Indian Tribe of Michigan. SEA states that it had added these tribes to the service list for this proceeding to receive a copy of the EA for review and comment.

Comments to the EA were due by August 17, 2010. SEA received 4 comments to the EA. First, the U.S. Fish and Wildlife Service (USFWS) commented that the proposed abandonment would have no effect on Federally listed species. Therefore, according to SEA, no further consultation with USFWS is necessary. Second, the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS), commented that the proposed abandonment would have no effect on prime and unique farmland. Therefore, according to SEA, no further consultation with NRCS is necessary. Third, a private citizen commented that he did not want

part of the rail infrastructure to be destroyed given ongoing efforts to rebuild it. SEA states that it did discuss the comment with MAL Railway and MAL Railway informed SEA that no improvements are occurring on the rail line proposed for abandonment. According to SEA, MAL Railway reports that no local traffic has moved on this segment of rail line in the past 2 years, and that, due to this inactivity, the line has not been maintained. SEA notes that the West Bloomfield Parks and Recreation Commission previously had commented that it plans to purchase this segment of the right-of-way for use as a multi-use recreational trail that would link it to an existing 4.25-mile trail. SEA also notes that, if the abandonment is authorized, the rail appurtenances would be salvaged, but the right-of-way would remain intact. Fourth, MAL Railway commented that the EA contained an error in the first sentence of the second paragraph. MAL Railway indicates that the sentence incorrectly identified the West Bloomfield section of the MAL Railway system as the only section left of the MAL Railway system. Accordingly, SEA states that it is retracting the following statement made in the EA: "MAL Railway indicates that construction of the rail system was completed in 1889, but that the West Bloomfield section is all that remains of the system today." SEA is replacing that statement with: "MAL Railway indicates that construction of the rail system was completed in 1889."

In response to the comments received to the EA, SEA does not recommend any additional conditions. SEA does recommend that the condition recommended in the EA be imposed. Accordingly, the condition recommended by SEA in the EA will be imposed.

As conditioned, this decision 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 notice served and published in the Federal Register on July 28, 2010, exempting the abandonment of the line described above, is subject to the condition that MAL Railway be required to consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.