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SERVICE DATE - MARCH 29, 2000

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: March 24, 2000

A decision served on December 24, 1998, authorized Grand Trunk Western Railroad Incorporated (GTW), 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. The December 24, 1998 decision stated that, if consummation has not been effected by GTW's filing of a notice of consummation by March 31, 2000, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire. Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings.

On March 2, 2000, GTW filed a request to extend, until September 30, 2000, the time to consummate the abandonment and to file its notice of consummation. GTW states that, over the past several months, it and the Michigan State Historic Preservation Office, with the assistance of the Board's Section of Environmental Analysis, have been in active negotiations to develop and execute a Memorandum of Agreement (MOA) governing preservation of the bridge that is the subject of an historic condition imposed on the abandonment authority. GTW also states that these negotiations are continuing, but have not resulted in the execution of a MOA or the completion of the process required by section 106 of the National Historic Preservation Act, 16 U.S.C. 470f. GTW contends that the historic condition thus remains a barrier to consummation of the abandonment at this time. Accordingly, GTW requests a 6-month extension to complete the section 106 process.

GTW has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. Accordingly, the request will be granted.¹

¹ It is not clear that it is necessary to issue a decision to extend the deadline for consummation. Section 1152.29(e)(2) requires the filing of a notice of consummation within 1 year from the date of the decision authorizing abandonment only if there are no regulatory barriers to consummation. While the fact that the historic condition has not been satisfied is such a barrier, issuance of a decision makes clear that the deadline for filing the notice of consummation has indeed been extended.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. GTW's request for an extension of time to exercise the abandonment authority is granted.
2. The authority to abandon must be exercised on or before September 30, 2000.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary