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SERVICE DATE - APRIL 22, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-534 (Sub-No. 2X)

LAKE STATE RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN
ALPENA AND PRESQUE ISLE COUNTIES, MI

Decided: April 20, 2004

By decision and notice of interim trail use or abandonment (NITU) served on May 22, 2000, a 180-day period was authorized for the Michigan Department of Natural Resources (MIDNR) to negotiate an interim trail use/rail banking agreement with Lake State Railway Company (Lake State) for a portion of Lake State's Huron Subdivision (the main line) extending northward from the U.S. Highway 23 crossing in Alpena (milepost 125.2) to the end of the main line just north of Metz, MI (milepost 151.25), and Lake State's entire Rogers City Branch extending northward from a point on the main line at Posen, MI (milepost 141.8), to Rogers City, MI, ending at RCB milepost 11.5, a distance of 37.55 miles, in Alpena and Presque Isle Counties, MI. The 180-day period under the NITU was extended by decisions served on November 17, 2000, May 4, 2001, December 18, 2001, May 17, 2002, November 8, 2002, May 23, 2003, and November 10, 2003. The latest extension is scheduled to expire on May 1, 2004.

In the May 23, 2003 decision, the NITU negotiating period was extended, at the request of Lake State, only for the portion of Lake State's Huron Subdivision extending northward from the U.S. Highway 23 crossing in Alpena (milepost 125.2) to the end of the main line just north of Metz, MI (milepost 151.25), and Lake State's Rogers City Branch extending northward from a point on the main line at Posen, MI (milepost 141.8), to Rogers City, MI, ending at milepost 6.7. The decision excluded from the NITU the portion of the right-of-way extending from milepost 6.7 to milepost 11.5 on the Rogers City Branch and stated that Lake State may fully abandon that portion, subject to meeting the conditions imposed in the May 22, 2000 decision. By decision served on August 8, 2003, Lake State's request to modify the May 23, 2003 decision to include interim trail use/rail banking for the portion of the right-of-way extending from milepost 6.7 to milepost 11.5 on the Rogers City Branch was granted.

On April 7, 2004, Lake State filed a letter advising the Board that Lake State discovered that it had inadvertently described in its petition for exemption the point at which the Rogers City Branch comes to a dead end as RCB milepost 11.5 and that the actual end point should have been identified as RCB milepost 12.7. Lake State requests that the Board clarify the May 22, 2000 decision and the Board's subsequent decisions in this proceeding to reflect RCB milepost 12.7 as the correct end point of the Rogers City Branch. Because it does not appear that anyone has been

prejudiced by the description of the Rogers City Branch line, Lake State's request will be granted. The decisions refer to the "entirety" of the branch and so it appears that whether the end point is milepost 11.5 or milepost 12.7 is not critical to the notice given and the action taken in the proceeding.

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

It is ordered:

1. Lake State's request to clarify the Board's May 22, 2000 decision and the subsequent decisions in this proceeding is granted and the decisions are modified to show that RCB milepost 12.7 is the end point of the Rogers City Branch.

2. This decision is effective on its service date.

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

Vernon A. Williams
Secretary