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SEA

SERVICE DATE – NOVEMBER 17, 2006

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-290 (Sub-No. 284X)**

**Norfolk Southern Railway Company - Abandonment Exemption -  
In Kalamazoo County, MI**

**BACKGROUND**

In this proceeding, Norfolk Southern Railway Company (NS) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of an approximately 1.4-mile line of railroad in Parchment, Kalamazoo County, Michigan. The rail line extends between milepost CQ 41.3 and milepost CQ 42.7. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

**ENVIRONMENTAL REVIEW**

NS 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. NS 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)].<sup>1</sup> The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

***Diversion of Traffic***

NS states that no local traffic has moved over the line for at least two years and that any overhead traffic can 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

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<sup>1</sup> The railroad's environmental and historic reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB-290 (Sub-No. 284X).

diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

### *Salvage Activities*

NS states that the line, also known as the CK&S Industrial Track, is located in an area that is primarily industrial. The right-of-way is generally 50 feet from the centerline of track and traverses the Kalamazoo River at milepost CQ 42.4. NS states that it intends to salvage rail and track materials and remove the bridge over the Kalamazoo River. The proposed abandonment would also allow for the elimination of seven grade crossings.<sup>2</sup>

As indicated above, the line is located in an industrial area, and NS states in the environmental report that no effects on any prime agricultural land are anticipated as a result of the proposed abandonment. In addition, the National Geodetic Survey reported that there are no geodetic station markers in the area that would be affected by the proposed abandonment.

SEA contacted the Michigan Department of Environmental Quality's (Michigan DEQ) Great Lakes Shoreland Unit, Land and Water Management Division, which indicated that Kalamazoo County is not located within Michigan's coastal zone.

The line crosses the Kalamazoo River and passes through associated 100-year flood plains and wetlands. The U.S. Army Corps of Engineers' Detroit District (Corps) submitted comments stating that proposed salvage activities would not impact any existing floodplains. However, the Corps further stated that the Michigan DEQ assumed a portion of the Corps' regulatory responsibilities and NS may need to obtain a permit from the Michigan DEQ. To ensure that any alterations, such as bridge removal, do not result in flow restrictions of waterways, the Corps advised that NS contact Mr. Kameron Jordon at the Michigan DEQ, Land and Water Management Division. Accordingly, we recommend that a condition be imposed upon any decision granting abandonment authority requiring the railroad to consult with the Michigan DEQ's Land and Water Management Division prior to commencement of any salvage activities and to comply with the reasonable requirements of Michigan DEQ.

NS states in the environmental report that it does not plan to remove or alter the roadbed underlying the line or to dredge or use any fill materials. Michigan DEQ's Water Bureau, Permit Section stated that the proposed abandonment is not considered regulated activity under the National Pollutant Discharge Elimination System Construction Storm Water Program.

The U.S. Fish and Wildlife Service (USFWS) Division of Realty reviewed the proposed project and stated that it does not own any lands in the vicinity of the proposed

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<sup>2</sup> According to NS, the track between milepost CQ 41.3 at Rosedale Street and milepost CQ 41.52 at G Avenue has been removed, including the grade crossing at Rosedale Street.

abandonment, and it does not have any concerns regarding real estate matters. USFWS has not submitted comments regarding potential impacts to Federally listed threatened and endangered species. Accordingly, SEA is sending a copy of this EA to USFWS' Region 3 Office for its review and comment.

The U.S. Environmental Protection Agency, Region 5 (USEPA), has not submitted any comments. Accordingly, SEA is sending a copy of this EA to USEPA for its review and comment.

NS states that it has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way or in adjacent areas. Additionally, NS states that the line does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. SEA is providing a copy of this EA to the following groups and agencies for review and comment: Michigan DEQ, Land and Water Management Division; USFWS; and USEPA.

#### ***Additional Comments***

The City of Parchment (City) submitted comments stating that it has interest in acquiring a portion of the right-of-way for development purposes. In the event that the line is abandoned and the City acquires the property, the City states that the development would be a mixed use project including residential, office, retail, and recreational use. In addition, the City indicated that the Kalamazoo River Valley Trailways Organization has expressed interest in acquiring the southern portion of the line, including the bridge over the Kalamazoo River.

The National Trails System Act (Trails Act), 16 U.S.C. 1247(d), gives interested parties the opportunity to negotiate voluntary agreements to use, for recreational trails, railroad right-of-way that otherwise would be abandoned. The Trails Act is intended to preserve railroad rights-of-way for future railroad use.

Under the Trails Act and the Board's implementing procedures (49 CFR 1152.29), a state or local government or private organization can request a trail condition. This process allows railroad rights-of-way to be preserved by allowing interim trail use on lines that otherwise would be abandoned.

#### **HISTORIC REVIEW**

NS submitted the historic report on the Michigan Historical Center (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). However, the SHPO has requested additional information regarding the proposed abandonment. SEA is currently working with the railroad to provide the SHPO with the requested

information. There is one timber trestle bridge on the line that is 50 years old or older. The bridge was built in 1921, and is approximately 300 feet long.

The SHPO has not completed its review of the proposed abandonment. Accordingly, we will recommend a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process has been completed.

SEA conducted a search of the Native American Consultation Database at <http://www.nps.gov/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area. The database indicated that the following tribes may have an interest in the proposed abandonment: Citizen Potawatomi Nation, Oklahoma; Forest County Potawatomi Community, Wisconsin; Hannahville Indian Community, Michigan; Huron Potawatomi, Inc., Michigan; Ottawa Tribe of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band of Potawatomi Nation, Kansas; and Saginaw Chippewa Indian Tribe of Michigan. Accordingly, SEA is sending a copy of this EA to these tribes for their review and comment.

## **CONDITIONS**

SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

1. Prior to commencement of any salvage activities Norfolk Southern Railway Company shall consult with Mr. Kameron Jordon at the Michigan Department of Environmental Quality (Michigan DEQ), Land and Water Management Division, and shall comply with the reasonable requirements of Michigan DEQ.
2. Norfolk Southern Railway Company (NS) shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. NS shall report back to the Section of Environmental Analysis regarding any consultations with the Michigan Historical Center (State Historic Preservation Office or SHPO) and any other Section 106 consulting parties. The railroad may not file its consummation notice or initiate salvage activities (including removal of the tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

## **CONCLUSIONS**

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of

the line would 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 for 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) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

### **COMMENTS**

If you wish to file comments regarding this EA, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Christa Dean who prepared this EA. Environmental comments may also be filed electronically on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-290 (Sub-No. 284X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Christa Dean the environmental contact for this case, by phone at (202) 565-1606, fax at (202) 565-9000, or e-mail at [deanc@stb.dot.gov](mailto:deanc@stb.dot.gov).

Date made available to the public: November 17, 2006.

**Comment due date: December 4, 2006.**

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

Vernon A. Williams  
Secretary

Attachment