

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-364 (Sub-No. 14X)

MID-MICHIGAN RAILROAD, INC.–ABANDONMENT EXEMPTION–IN
KENT, IONIA, AND MONTCALM COUNTIES, MI

Decided: September 22, 2008

By decision served on June 9, 2008 (June 9 decision), the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903 the abandonment by Mid-Michigan Railroad, Inc. (MMRR) of a 24.70-mile rail line between milepost 103.20 at Lowell, MI, and milepost 78.50, at Greenville, MI, at the end of the line in Kent, Ionia, and Montcalm Counties, MI, subject to historic preservation, trail use, and standard employee protective conditions. The Board denied MMRR's request for an exemption from 49 U.S.C. 10904. Notice of the filing was served and published in the Federal Register on March 11, 2008 (73 FR 13069).

As pertinent here, the historic preservation condition required MMRR to (1) retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register of Historic Places until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, (2) report back to the Board's Section of Environmental Analysis (SEA) regarding any consultations with the Michigan Department of History, Arts and Libraries, State Historic Preservation Office (SHPO) and the public, and (3) not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the section 106 process has been completed and the Board has removed this condition.

SEA notes that, by letter dated June 16, 2008, the SHPO has stated that the proposed abandonment would have no effect on historic properties. Therefore, based on the information provided, SEA recommends that the section 106 historic preservation condition imposed in the June 9 decision be removed.

Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.

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 section 106 historic preservation condition imposed in the June 9 decision is removed.
3. This decision is effective on its service date.

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

Anne K. Quinlan
Acting Secretary