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SEA

SERVICE DATE – APRIL 6, 2009

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB Docket No. AB-308 (Sub-No. 4X)**

**Central Michigan Railway Company – Abandonment Exemption –  
in Kent County, MI**

**BACKGROUND**

In this proceeding, the Central Michigan Railway Company (CMRY) filed a notice under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of three interconnected sections of rail line between milepost 157.96 through valuation map marker 9+87.2 to the end of the track at a point immediately north of Bridge Street (Section A), between valuation map marker 3+00 and valuation map marker 9+87.2 (Section B), and between valuation map marker 0+00 and valuation map marker 11+15.0 (Section C) (together, the Line),<sup>1</sup> a total distance of 1.75 miles in Grand Rapids, Kent County, MI. A map depicting the 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 to dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

According to CMRY, the Line was purchased from the Grand Trunk Western Railroad Company (GTW) in 1987. Thereafter, CMRY used Section A and Section B to transport inbound paper to the Grand Rapids Press (GRP) in downtown Grand Rapids until GRP moved its production facility to Walker, MI. Section C has been out of service since CMRY acquired it from GTW in 1987.

**ENVIRONMENTAL REVIEW**

CMRY submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. CMRY 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

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<sup>1</sup> Except for the northern connection of Section A, the Line does not possess milepost markers. Therefore, CMRY has supplied valuation map markers where available.

1105.7(b)].<sup>2</sup> The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

### ***Diversion of Traffic***

According to CMRY, no local traffic has moved over the Line for at least two years, and there is no overhead traffic to 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 diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

### ***Salvage Activities***

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

CMRY indicates that ten inactive urban rail-highway crossings would be eliminated as a result of the proposed abandonment. CMRY also states that it is not aware of any known hazardous material waste sites or sites where known hazardous material spills have occurred on the Line. CMRY anticipates entering into a trails use agreement with the Michigan Department of Natural Resources, pursuant to which the Line's right-of-way would be used as a trail if the abandonment is authorized by the Board.

The State of Michigan, Department of Environmental Quality, reviewed the proposed abandonment and indicated that the project is located outside of Michigan's coastal management boundary. Therefore, no impacts to coastal resources would be anticipated.

The National Geodetic Survey commented that no geodetic station markers have been identified that may be affected by the proposed abandonment.

The U.S. Environmental Protection Agency's Region 5 Office (USEPA) has not submitted comments regarding this proposed abandonment. Accordingly, SEA will provide a copy of this EA to USEPA for its review and comment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service

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<sup>2</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-308 (Sub-No. 4X).

list for this proceeding, SEA is providing a copy of this EA to USEPA for its review and comment.

## **HISTORIC REVIEW**

CMRY served the historic report on the Michigan State Historic Preservation Officer (SHPO), pursuant to 49 CFR 1105.8(c). SEA has not heard from the Michigan SHPO and therefore has not been able to consider the Michigan SHPO's opinion before determining if the rail line may be potentially eligible for listing on the National Register of Historic Places (National Register). Accordingly, we are recommending a condition requiring the railroad to 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 until completion of the Section 106 process.

SEA conducted a search of the Native American Consultation Database at <http://home.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: Bay Mills Indian Community, Michigan; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Little Traverse Bay Bands of Odawa Indians, Michigan; Ottawa Tribe of Oklahoma; Red Lake Band of Chippewa Indians, Minnesota; and Sault Ste. Marie Tribe of Chippewa Indians of Michigan.

## **CONDITIONS**

We recommend that the following condition be imposed on any decision granting abandonment authority:

The Central Michigan Railway Company (CMRY) 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 (generally, 50 years old or older) until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. CMRY shall report back to the Section of Environmental Analysis regarding any consultations with the SHPO and any other Section 106 consulting parties. CMRY may 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.

## **CONCLUSIONS**

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the Line will 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 of 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 Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use or public use. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Danielle Gosselin, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-308 (Sub-No. 4X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Danielle Gosselin, the environmental

contact for this case, by phone at (202) 245-0300, fax at (202) 245-0454, or e-mail at [danielle.gosselin@stb.dot.gov](mailto:danielle.gosselin@stb.dot.gov).

Date made available to the public: April 6, 2009.

**Comment due date: April 20, 2009.**

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

Anne K. Quinlan  
Acting Secretary

Attachment