

31483
DO

SERVICE DATE - NOVEMBER 30, 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: November 29, 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, in Washington, MI, to milepost 37.7 near Pontiac Station, in Pontiac, MI, a distance of 18.2 miles in Macomb and Oakland Counties, MI. As the Michigan State Historic Preservation Officer (SHPO) had identified a bridge located at milepost 34.57 as eligible for the National Registry of Historic Places, the abandonment authorization was made subject to the condition that GTW retain its interest in and take no steps to alter the historic integrity of the bridge until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f. Also, pursuant to the provisions of 49 CFR 1152.29(e)(2), the decision stated that, if GTW did not file a notice of consummation by March 31, 2000, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.

By a decision served March 29, 2000, the deadline for filing a notice of consummation was extended to September 30, 2000. Then, by a decision served October 2, 2000, the deadline was further extended to December 31, 2000.

By a pleading filed November 28, 2000, GTW requests permission to consummate abandonment of the 13.64-mile segment of its line between mileposts 19.5 and 33.14. The railroad would retain the segment between mileposts 33.14 and 37.7, on which the subject bridge is situated. GTW has submitted an appropriate notice of consummation with its request and asks that it be accepted.¹

In support of its request, GTW indicates that the railroad has been working closely with the SHPO to complete the section 106 process with respect to the bridge, and has been in contact with the Board's Section of Environmental Analysis (SEA) regarding the progress of its negotiations. GTW has informed the SHPO and SEA that, during the week of December 4, 2000, it expects to submit to the SHPO a final historic report, a Memorandum of Agreement, and an Historic Preservation Covenant. According to GTW, once the SHPO has reviewed and executed the agreements, they will be submitted for Board approval, following which the section

¹ According to GTW, its counsel has been advised by telephone that the SHPO does not foresee any problems with the request and will not oppose it.

106 process will be complete, and the railroad will be able to consummate abandonment of the entire line.

GTW indicates that it is scheduled to sell the portion of its line between mileposts 31.05 and 33.14 to the City of Auburn Hills, MI, on November 30, 2000, and that it is scheduled to sell the portion of its line between mileposts 24.0 and 26.50 to the Trust for Public Lands on December 8, 2000. GTW adds that there also is a strong possibility that, prior to the end of the year, it will sell the portions of the line between mileposts 19.5 and 23.99 and between mileposts 26.51 and 31.04. GTW states that, in total, the segments run contiguously between mileposts 19.5 and 33.14. GTW would like to consummate abandonment of these segments before selling them. For financial reasons, the railroad would like to sell them before the end of the year.

GTW has shown good cause for the Board to grant the relief it seeks. Accordingly, the relief sought will be granted, and the notice of consummation will be accepted. As a regulatory barrier to consummation exists with respect to the line segment between mileposts 33.14 and 37.7, the due date for filing a notice of consummation relating to that segment will be extended until 60 days after the removal of that barrier. See 49 CFR 1152.29(e)(2).

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 permission to consummate abandonment of the 13.64-mile segment of its line between mileposts 19.5 and 33.14 is granted, and its notice of consummation is accepted.
2. The due date for filing a notice of consummation relating to the segment between mileposts 33.14 and 37.7 is extended pursuant to 49 CFR 1152.29(e)(2) until 60 days after removal of the regulatory barrier to consummation.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary