

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

ENTERED
Office of Proceedings
April 21, 2025
Part of
Public Record

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

April 21, 2025

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20423-0001

Re: **Docket No. AB-534 (Sub-No. 4X)**
Lake State Railway Company -- Abandonment
Exemption -- In Saginaw County, Michigan

Dear Ms. Brown:

Attached for filing in the above-captioned proceeding is the **Verified Notice of Exemption of Lake State Railway Company Pursuant to 49 C.F.R. § 1152.50**, dated April 21, 2025. The sum of \$5,200, representing the appropriate fee for this filing, has been tendered electronically via Pay.gov.

A copy of the Environmental/Historic Report accompanying the Notice has been provided directly to the Board's Office of Environmental Analysis. If you have any questions regarding this filing, please feel free to contact me. Thank you for your assistance on this matter.

Respectfully submitted,

/s/ Thomas J. Litwiler

Thomas J. Litwiler
Attorney for Lake State Railway Company

TJL:tl

Attachment

FILED
April 21, 2025
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
April 21, 2025
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-534 (SUB-NO. 4X)

LAKE STATE RAILWAY COMPANY
-- ABANDONMENT EXEMPTION --
IN SAGINAW COUNTY, MICHIGAN

**VERIFIED NOTICE OF EXEMPTION OF
LAKE STATE RAILWAY COMPANY
PURSUANT TO 49 C.F.R. § 1152.50**

Thomas J. Litwiler
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208
(312) 252-1508

**ATTORNEY FOR LAKE STATE
RAILWAY COMPANY**

Dated: April 21, 2025

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-414 (SUB-NO. 7X)

LAKE STATE RAILWAY COMPANY
-- ABANDONMENT EXEMPTION --
IN SAGINAW COUNTY, MICHIGAN

**VERIFIED NOTICE OF EXEMPTION OF
LAKE STATE RAILWAY COMPANY
PURSUANT TO 49 C.F.R. § 1150.50**

Lake State Railway Company ("LSRC") hereby submits this Verified Notice of Exemption under 49 C.F.R. § 1152.50 for the abandonment of LSRC's rail line (the "West Shore Spur") extending from Sta. 9+00 approximately 270 feet northeast of the intersection of Carrollton Road and Ellsworth Road to the end of line at Sta. 77+05 approximately 1,000 feet southwest of the North Niagara Street at-grade railroad crossing of the Huron & Eastern Railway Company, a distance of approximately 6,805 feet, in Saginaw, Saginaw County, Michigan. A map showing the line to be abandoned is attached hereto as Exhibit A.

In accordance with the requirements of 49 C.F.R. § 1152.50(d)(2), LSRC submits the following information:

General Corporate Information: 49 C.F.R. § 1152.22(a)(1) - (2)

Petitioner LSRC is a Class III common carrier by rail which owns or operates approximately 350 miles of rail line in the Lower Peninsula of the state of Michigan, extending generally from near Plymouth through Flint and Saginaw/Bay City/Midland to Gaylord and Alpena. LSRC began operations in 1992. *Lake State Railway Company – Lease and Operation Exemption – Detroit and Mackinac Railway Company*, Docket No. FD 32012 (ICC served Feb.

27, 1992); *see also Lake State Railway Company – Acquisition and Operation Exemption – Detroit & Mackinac Railway Company*, Docket No. FD 33372 (STB served Mar. 28, 1997); *Lake State Railway Company – Lease Exemption with Interchange Commitment – Line of CSX Transportation, Inc.* Docket No. FD 36262 (STB served Mar. 8, 2019). LSRC’s rail system includes the routes formerly operated by Saginaw Bay Southern Railway Company (“SBS”), an LSRC affiliate which in 2005 acquired lines from CSX Transportation, Inc. (“CSXT”) extending primarily from Mount Morris (near Flint) to Saginaw. *Saginaw Bay Southern Railway Company – Acquisition and Operation Exemption – Rail Line of CSX Transportation, Inc.*, Docket No. FD 34729 (STB served Sep. 27, 2005); *Saginaw Bay Southern Railway Company – Acquisition and Operation Exemption – In Saginaw County, MI*, Docket No. FD 34729 (Sub-No. 1) (STB served Jun. 23, 2006). SBS was merged into LSRC in 2012. *Lake State Railway Company -- Intra-Corporate Family Merger Exemption – Saginaw Bay Southern Railway Company*, Docket No. FD 35561 (STB served Dec. 2, 2011).¹

The complete name and address of LSRC is:

Lake State Railway Company
750 North Washington Avenue
Saginaw, Michigan 48607
(989) 393-9800

Relief Sought: 49 C.F.R. § 1152.22(a)(3)

Pursuant to the Board’s class exemption for the abandonment of out-of-service rail lines, codified at 49 C.F.R. § 1152.50(b), LSRC seeks to abandon its line of railroad extending from Sta. 9+00 approximately 270 feet northeast of the intersection of Carrollton Road and

¹ LSRC also leases and operates approximately four miles of track in Port Huron, Michigan which is disconnected from the remainder of its rail system. *Lake State Railway Company – Lease Exemption – Grand Trunk Western Railroad Company*, Docket No. FD 36179 (STB served May 25, 2018).

Ellsworth Road to the end of line at Sta.77+05 approximately 1,000 feet southwest of the North Niagara Street at-grade railroad crossing of the Huron & Eastern Railway Company, a distance of approximately 6,805 feet, in Saginaw, Saginaw County, Michigan. No rail freight service has been provided on the West Shore Spur in a number of years.

LSRC owns the trackage of the West Shore Spur and holds a freight railroad easement in the underlying right-of-way property. Ownership of the underlying real estate remains with CSXT, from which SBS acquired the West Shore Spur (and other rail lines in the area) in 2005. A short segment at the far southern terminus of the West Shore Spur, part of which was in the pavement of Niagara Street, was previously removed.

Map: 49 C.F.R. § 1152.22(a)(4)

A map showing the location of the West Shore Spur and its relation to other rail lines, highways and geographic features in the area is attached hereto as Exhibit A.

Applicant's Representative: 49 C.F.R. § 1152.22(a)(7)

Any correspondence regarding the proposed abandonment should be sent to LSRC's representative at the following address:

Thomas J. Litwiler
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 800
Chicago, IL 60606-3208
(312) 252-1508

ZIP Codes Traversed: 49 C.F.R. § 1152.22(a)(8)

The West Shore Spur traverses United States Postal Service ZIP Codes 48604 and 48602.

Qualification for Class Exemption: 49 C.F.R. § 1152.50(b)

LSRC certifies that no local traffic has moved over the West Shore Spur for at least two years and that no overhead traffic could be or was previously handled on the stub-ended line. LSRC further certifies that no formal complaint by a user of rail service on the West Shore Spur (or a state or local governmental entity acting on behalf of such user) regarding cessation of service on the line either is pending with the Board or any U.S. District Court or has been decided in favor of such complainant during the last two years. See Certification and Verification of Mark A. Rosner, attached hereto as Exhibit B.

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

LSRC intends to consummate abandonment of the West Shore Spur on or shortly after June 10, 2025.

Suitability for Other Public Purposes: 49 C.F.R. § 1152.22(e)(4)

Pursuant to agreement among LSRC, CSXT and the Saginaw Public School District (“SPSD”), a portion of the West Shore Spur right-of-way will be conveyed to SPSPD and incorporated into the campus of the new Saginaw United High School, which is immediately adjacent to the right-of-way. LSRC does not otherwise believe that the right-of-way is appropriate for use for other public purposes. As indicated above, CSXT holds ownership of the land underlying the right-of-way of the West Shore Spur. Based on information in LSRC’s possession, the West Shore Spur does not appear to contain any federally granted right of way.

Notice Requirements: 49 C.F.R. §§ 1152.50(d)(2), 1105.7(c)

A certificate that the agencies designated in 49 C.F.R. § 1152.50(d)(1) have been served with written prefiling notice of the proposed abandonment is attached hereto as Exhibit C.

A certificate that the Environmental/Historic Report accompanying this Notice as Exhibit D has been served on the agencies designated in 49 C.F.R. § 1105.7(b), and that an appropriate notice has been published in a newspaper of general circulation in the county through which the line passes, is attached as Appendix O to that Report.

Labor Protection: 49 C.F.R. § 1152.50(d)(2)

The appropriate level of labor protection for the transaction proposed herein is that set forth in *Oregon Short Line R. Co. -- Abandonment -- Goshen*, 360 I.C.C. 91 (1979). No LSRC employees will be adversely affected by the proposed abandonment.

Environmental and Historic Preservation Data: 49 C.F.R. § 1105

An Environmental/Historic Report prepared in compliance with the requirements and specifications of 49 C.F.R. § 1105 is attached hereto as Exhibit D. That report concludes that the proposed abandonment, if implemented, will not significantly affect either the quality of the human environment or the conservation of energy resources.

Respectfully submitted,

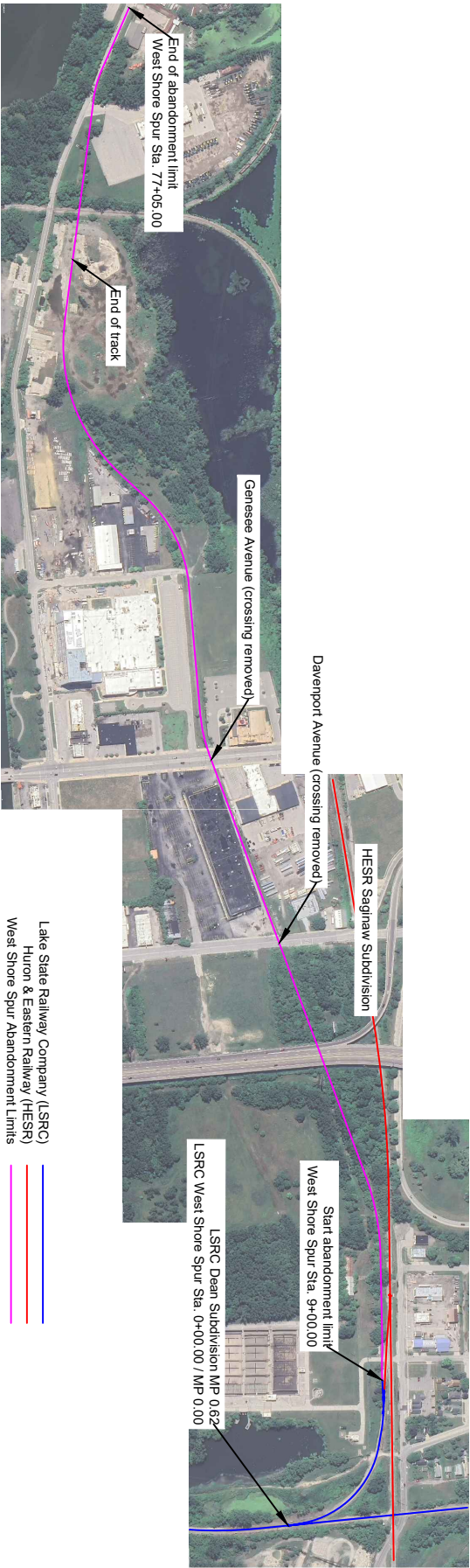
/s/ *Thomas J. Litwiler*

By: _____

Thomas J. Litwiler
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208
(312) 252-1508

**ATTORNEY FOR LAKE STATE
RAILWAY COMPANY**

Dated: April 21, 2025



Not to Scale

REVISION #		BY	DATE		Docket No. AB-534 (Sub-No. 4X)	
					West Shore Spur	
					Saginaw, Michigan	
					Drawn By: S. Pengelly	
					Date: 9/23/2024	
				DWG:		

VERIFICATION

State of Michigan)
) SS:
County of Saginaw)

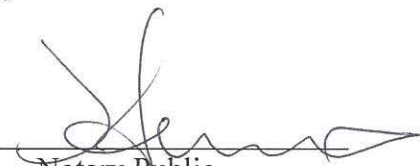
Mark Rosner, being duly sworn, deposes and says that he is Executive Vice President and Chief Operating Officer of Lake State Railway Company ("LSRC") and that:

- 1) No local traffic has moved over LSRC's rail line known as the West Shore Spur extending from Sta. 9+00 to the end of line at Sta.77+05 in Saginaw, Saginaw County, Michigan for at least two years; no overhead traffic could be or was previously handled on the stub-ended line; and no formal complaint filed by a user of rail service on the line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or any U.S. District Court or has been decided in favor of such complainant during the last two years; and
- 2) He has read the foregoing Notice of Exemption and knows the facts asserted therein, and the same are true as stated.



Mark A. Rosner

SUBSCRIBED AND SWORN TO
before me this 21 day
of April, 2025.



Notary Public

My Commission expires:

6/26/31



CERTIFICATE OF NOTIFICATION

I hereby certify that on April 4, 2025, written notice in the form attached hereto and containing the information specified in 49 C.F.R. § 1152.50(d)(1) was served by first class mail, postage prepaid, upon the following agencies designated in that subsection:

Mr. Peter C. Anastor
Administrator, Office of Rail
Michigan Department of Transportation
425 West Ottawa Street
Lansing, MI 48909

Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
1 Soldier Way, Bldg. 1900W
Scott AFB, IL 62225-5006

Mr. Stephan J. Nofield
National Lead, Rivers, Trails & Conservation Assistance Program
National Park Service
1849 C Street, N.W., Org. Code 2220
Washington, DC 20240-0001

Mr. Thomas M. Schultz, Jr.
Chief of the Forest Service
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250-0003

/s/ Thomas J. Litwiler

Thomas J. Litwiler

Dated: April 21, 2025

COPY

FLETCHER & SIPPEL LLC

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Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

April 4, 2025

Mr. Peter C. Anastor
Administrator, Office of Rail
Michigan Department of Transportation
425 West Ottawa Street
Lansing, MI 48909

Re: **Docket No. AB-534 (Sub-No. 4X)**
Lake State Railway Company -- Abandonment
Exemption -- In Saginaw County, Michigan

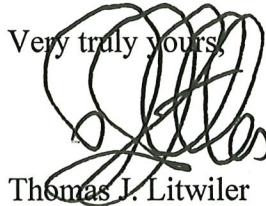
Dear Mr. Anastor:

On or after April 16, 2025, Lake State Railway Company ("LSRC") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of LSRC's rail line extending from Sta. 9+00 approximately 270 feet northeast of the intersection of Carrollton Road and Ellsworth Road to the end of line at Sta. 77+05 approximately 1,000 feet southwest of the North Niagara Street at-grade railroad crossing of the Huron & Eastern Railway Company, a distance of approximately 6,805 feet, in Saginaw, Saginaw County, Michigan. The line traverses United States Postal Zip Codes 48604 and 48602. LSRC's notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved for at least the previous two years.

We are notifying you of the proposed abandonment in accordance with the requirements of 49 C.F.R. § 1152.50(d)(1). As also required by that regulation, LSRC states that, based on information in its possession, the line **does not** contain any federally granted rights-of-way. Any documentation on this subject in the railroad's possession will be made available promptly to those requesting it.

Should you have any questions or need additional information regarding this abandonment, please feel free to contact me at 312-252-1508.

Very truly yours,



Thomas J. Litwiler
Attorney for Lake State Railway Company

TJL:tl

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-534 (SUB-NO. 4X)

LAKE STATE RAILWAY COMPANY
-- ABANDONMENT EXEMPTION --
IN SAGINAW COUNTY, MICHIGAN

ENVIRONMENTAL/HISTORICAL REPORT

Lake State Railway Company ("LSRC") submits this Environmental/Historic Report in compliance with the reporting requirements of 49 C.F.R. §§ 1105.7 and 1105.8. Supporting correspondence is attached. It is the conclusion of this Report that the proposed abandonment, if implemented, will not significantly affect either the quality of the human environment or the conservation of energy resources.

ENVIRONMENTAL REPORT - 49 C.F.R. § 1105.7(e)

1. Proposed Action and Alternatives. LSRC seeks to abandon its rail line in the City of Saginaw, Saginaw County, Michigan, extending from Sta. 9+00 approximately 270 feet northeast of the intersection of Carrollton Road and Ellsworth Road to the end of line at Sta. 77+05 approximately 1,000 feet southwest of the North Niagara Street at-grade railroad crossing of the Huron & Eastern Railway Company, a distance of approximately 6,805 feet (the "West Shore Spur"). A short distance of track at the end of the West Shore Spur has been previously removed.

The West Shore Spur has not been required to serve any customer in recent years. There have been no rail shipments of any kind on the West Shore Spur for more than two years, and no reasonably foreseeable possibility for the development of new rail traffic exists.

LSRC owns the rail and track material on the West Shore Spur as well as an exclusive freight railroad operating easement in the right-of-way. Ownership of the underlying property is held by CSX Transportation, Inc. (“CSXT”). Following abandonment, a portion of the right-of-way of the West Shore Spur will be conveyed by CSXT to the Saginaw Public School District (“SPSD”) and incorporated into the campus of the new Saginaw United High School, which is immediately adjacent to the right-of-way. Rails, ties and track materials will be lifted by either LSRC or PSD and removed.

No alternatives to the proposed abandonment have been considered. The only alternative is retention of the West Shore Spur in its current unused state, which would have no environmental impact but would prevent the intended development of athletic fields for Saginaw United High School.

A map showing the location of the West Shore Spur is attached hereto as **Appendix A.**

2. Transportation System. LSRC does not anticipate that existing regional or local transportation systems or patterns will be affected by the proposed abandonment. No rail service is currently provided on the West Shore Spur, and no traffic has been handled on the line for at least several years. Thus, no traffic will be diverted to other transportation systems or modes as a result of the proposed abandonment. There is no overhead traffic handled on the stub-ended West Shore Spur, and no passenger trains are operated over the line. There are two public grade crossings located on the West Shore Spur, at Davenport and West Genesee Avenues, which have been previously removed and paved over.

LSRC has contacted and requested comments from the Michigan Department of Transportation (“Michigan DOT”). See correspondence attached hereto as **Appendix B.**

Michigan DOT has contacted LSRC regarding fulfilling the requirements of Michigan's right-of-first-refusal statute, but has not otherwise commented on the proposed abandonment. See e-mail correspondence attached hereto as **Appendix B-1**.

3. Land Use.

(i) LSRC does not foresee any inconsistency with regional and/or local land use plans, but has contacted and requested comments from the Chairman of the Saginaw County Board of Commissioners as well as from the City of Saginaw Planning and Economic Development Department. See correspondence attached hereto as **Appendices C and D**. To date, LSRC has received no comments from the County or the City.

(ii) The West Shore Spur is located in a developed urban area within the City of Saginaw, and LSRC does not believe the proposed abandonment will affect any prime or unique farmland. LSRC has contacted and requested comments from the Natural Resources Conservation Service of the United States Department of Agriculture ("NRCS"). See correspondence attached hereto as **Appendix E**. To date, NCRS has not provided a response.

(iii) The West Shore Spur is not located in a designated Coastal Zone Management Area, and thus its proposed abandonment will not affect any land or water uses in such an area or result in any coastal impacts. LSRC has contacted and requested comments from the Water Resources Division of the Michigan Department of Environment, Great Lakes and Energy ("EGLE"), as the State coastal zone manager. See correspondence attached hereto as **Appendix F**. To date, EGLE has not provided a response.

(iv) LSRC does not believe that the right-of-way of the West Shore Spur is suitable for alternative public use under 49 U.S.C. § 10905. A portion of the right-of-way was previously located within a city street, and abandonment of the West Shore Spur is being undertaken to facilitate conveyance of another portion of the right-of-way to the Saginaw Public School District to be incorporated into the campus of the new Saginaw United High School.

4. Energy.

(i) The proposed abandonment will not have any effect on the transportation of energy resources. No freight traffic has moved on the West Shore Spur for at least several years, and LSRC foresees little or no possibility that on-line energy resource traffic would develop in the future.

(ii) The movement and/or recovery of recyclable commodities will not be adversely affected by this abandonment. No such traffic has been recently handled on this line, and LSRC foresees little or no possibility that any online recyclable commodity traffic would develop in the future.

(iii) Abandonment will not result in an increase or decrease in overall energy efficiency. There is no freight traffic on the West Shore Spur and thus there will be no changes in existing transportation patterns or energy usage as a result of the proposed abandonment.

(iv) Not applicable. Abandonment of the West Shore Spur will not cause the diversion of more than 1,000 rail carloads per year or an average of 50 rail carloads per mile per year to motor carriers.

5. Air.

(i) Not applicable. Abandonment will not result in (A) a minimum increase in rail traffic of 100% or eight trains per day on any segment of rail line, (B) an increase in rail yard activity of at least 100%, or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles per day on any road segment.

(ii) Not applicable. Saginaw County is not a class I or nonattainment area under the Clean Air Act. Abandonment of the West Shore Spur will not result in traffic increases which exceed the thresholds specified in 49 C.F.R. § 1105.7(e)(5)(i)(A), (B) or (C).

(iii) Not applicable. No ozone depleting materials have been transported over the West Shore Spur for at least several years, and no such shipments will be diverted as a result of this abandonment.

LSRC has contacted and requested comments from Region V of the U.S Environmental Protection Agency (“EPA”) and the Michigan Department of Natural Resources (“Michigan DNR”). See correspondence attached hereto as **Appendices G and H**. To date, LSRC has received no comments from EPA or Michigan DNR.

6. Noise. Not applicable. As indicated above, none of the thresholds identified in 49 C.F.R § 1105.7(c)(5)(i) will be exceeded as a result of the proposed abandonment.

7. Safety.

(i) The proposed action will have no adverse effect upon public health or safety. As indicated above, public grade crossings on the West Shore Spur at Davenport and West Genesee Avenues have previously been removed and paved over. During salvage operations on the West Shore Spur, precautions will be taken to ensure public safety.

(ii) Not applicable. As the West Shore Spur has not had any traffic for at least several years, the proposed abandonment will have no effect on the transportation of hazardous materials.

(iii) There are no known hazardous waste sites or sites where there have been known hazardous material spills on right-of-way of the West Shore Spur.

8. Biological Resources.

(i) LSRC does not believe that any critical habitat will be destroyed, altered or affected as a result of the proposed abandonment, or that any endangered or threatened species are present in the area or would be adversely affected. The West Shore Spur is located in a largely developed commercial and industrial area of Saginaw. Salvage operations will be handled using existing access routes. LSRC has contacted the Wildlife Division of Michigan DNR and the U.S. Fish and Wildlife Service (“FWS”), which to date have provided no comments. See correspondence attached hereto as **Appendices H and I**.

(ii) LSRC is not aware of any national or state parks or forests or wildlife sanctuaries or refuges that are adjacent to or in the vicinity of the West Shore Spur. LSRC has contacted and requested comments from the Parks and Recreation Division of Michigan DNR and the National Park Service (“NPS”), as set forth in **Appendices J and K**. Neither agency has to date commented on the abandonment.

9. Water.

(i) LSRC believes that the proposed abandonment of the West Shore Spur is consistent with applicable federal, state and local water quality standards. The West Shore Spur does not have any bridges or cross any bodies of water.

LSRC contacted and requested comments from the Water Resources Division of EGLE and the Detroit District of the U.S. Army Corps of Engineers (“the Corps”). See correspondence attached hereto as **Appendices F and L**. To date LSRC has not received comments from either agency.

(ii) The proposed abandonment does not involve the placement of dredged or fill materials into waters of the United States, and thus a permit under Section 404 of the Clean Water Act is not required. LSRC is unaware of any designated wetlands or 100-year flood plains that would be affected by the proposed abandonment. LSRC has requested comments from the Corps and from EGLE and Michigan DNR. See correspondence attached hereto as **Appendices F, H and L**. Those agencies have not provided comments on the proposed abandonment.

(iii) No permits under Section 402 of the Clean Water Act are required. No material will be disposed of into a waterway as part of the abandonment.

10. Proposed Mitigation. As no adverse impact is anticipated from the proposed abandonment, LSRC does not propose any mitigation measures.

11. Additional Information for Rail Constructions. Not applicable.

* * * * *

In addition to the agencies referenced above, LSRC has contacted and requested comments from the National Geodetic Survey (“NGS”), by e-mail to NGS.InfoCenter@noaa.gov. See correspondence attached hereto as **Appendix M**. NGS has found that no NGS geodetic survey markers would be disturbed or destroyed by the proposed abandonment. See e-mail correspondence attached hereto as **Appendix M-1**.

HISTORIC REPORT - 49 C.F.R. § 1105.8(d)

1. Map. A map of the West Shore Spur is attached hereto as **Appendix A**.
2. Description of Line. The line to be abandoned consists of a single, industrial spur-type track running near the west side of the Saginaw River in Saginaw, Saginaw County, Michigan. It diverges from LSRC's east-west main line at the west end of LSRC's bridge over the Saginaw River and proceeds in a generally southern direction, passing under Interstate 675 and into a developed urban industrial and commercial area. The topography of the area is flat. The right-of-way of the West Shore Spur alternates between 66 and 33 feet north of West Genesee Street, is 50 feet to the south of West Genesee Street, and becomes 33 feet and then 20 feet towards its southern end. The far southern terminus of the line (since removed) was in the pavement of Niagara Street.
3. Photographs. Not applicable. There are no structures on the West Shore Spur that are 50 years old or older. Indeed, there are no railroad buildings, bridges or other structures of any kind on the West Shore Spur, and do not appear to have been any in the past.
4. Information on Structures. Not applicable. There are no structures of any kind on the West Shore Spur.
5. History of Operations. The West Shore Spur was constructed in stages between 1888 and 1891 by the Flint & Pere Marquette Railroad Company ("F&PM"). F&PM was consolidated with several other rail carriers on January 1, 1900 (some sources say December 6, 1899) to form the Pere Marquette Railroad Company (later the Pere Marquette Railway Company). Pere Marquette was merged into The Chesapeake and Ohio Railway Company ("C&O") on June 6, 1947. *Pere Marquette Ry. Co. Merger*, 267 I.C.C. 207 (1947). Forty years later, C&O was merged into CSX Transportation, Inc. ("CSXT") on August 31, 1987. *The Chesapeake and Ohio Railway Company and CSX Transportation, Inc. – Merger Exemption*, Docket No. FD 31106 (ICC

served Sep. 18, 1987). In 2005 the West Shore Spur and other CSXT rail lines in the Saginaw/Bay City/Midland area were acquired by Saginaw Bay Southern Railway Company (“SBS”), an LSRC affiliate. *Saginaw Bay Southern Railway Company -- Acquisition and Operation Exemption -- Rail Line of CSX Transportation, Inc.*, Docket No. FD 34729 (STB served Sep. 27, 2005). SBS was merged into LSRC in 2012. *Lake State Railway Company -- Intra-Corporate Family Merger Exemption -- Saginaw Bay Southern Railway Company*, Docket No. FD 35561 (STB served Dec. 2, 2011).

The West Shore Spur was utilized by LSRC and its predecessors to serve several customers in Saginaw west of the Saginaw River. The last of those customers relocated to a different location in Saginaw in the mid-2010’s, and LSRC has not conducted rail operations on the West Shore Spur since that time. Grade crossings on the line at Davenport Avenue and West Genesee Avenue have been removed and paved, and the new Saginaw United High School has been constructed adjacent to a portion of the right-of-way.

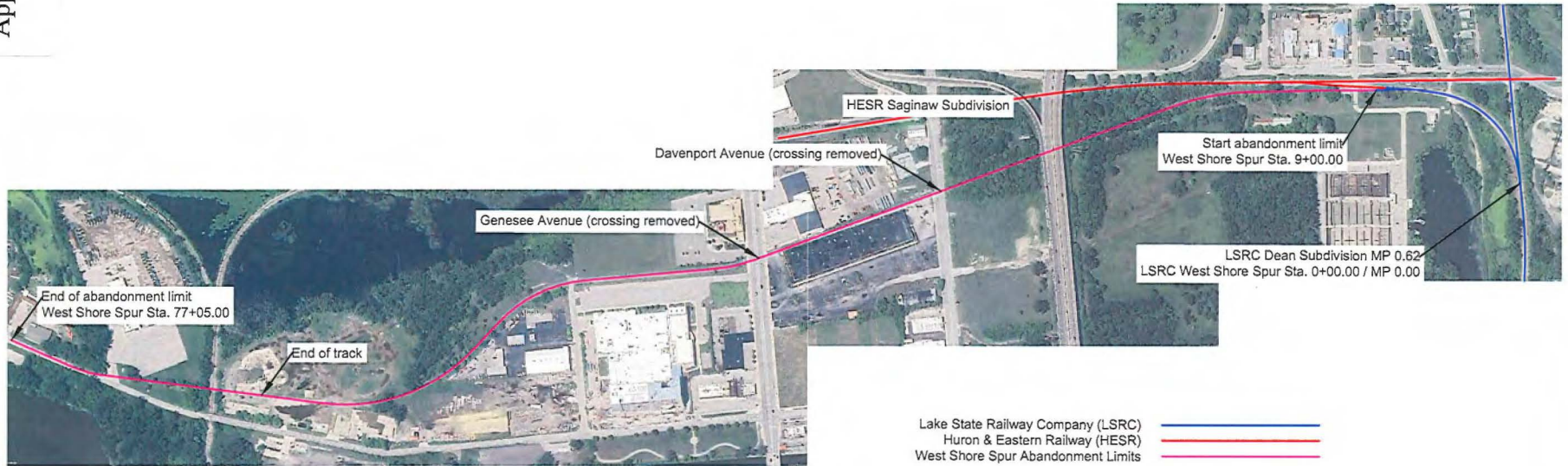
6. Engineering Documents. Because there are no structures on the West Shore Spur, LSRC does not possess engineering drawings or records that would be useful in documenting any such structures. LSRC will provide copies of any other documents in its possession.

7. Historic Criteria. Based on readily available information in its possession, LSRC does not believe that any site or structure listed in or meeting the criteria for listing in the Register of Historic Places is located on the West Shore Spur or will be affected by the abandonment. The Area of Potential Effect (“APE”) for this rail line abandonment is the right-of-way of the West Shore Spur. There are no structures of any kind located on that right-of-way. There also are no historic districts or National Register-listed properties in the immediate vicinity

of the line. LSRC also believes that no culturally significant locations, archaeological sites or unique land forms will be affected by the abandonment.

LSRC has given notice of the proposed abandonment to the Michigan State Historic Preservation Office (“SHPO”). See correspondence attached hereto as **Appendix N**. The SHPO has indicated that additional information is needed for it to undertake review of the proposed abandonment. See e-mail correspondence attached hereto as **Appendix N-1**. LSRC is providing additional information to the SHPO as part of this Environmental/Historic Report.

8. Ground Disturbances. Based on readily available information in its possession, LSRC believes that subsurface ground disturbance occurred when the West Shore Spur was constructed 135 years ago, and during the construction of adjacent roads and industrial facilities since that time. LSRC is unaware of other environmental conditions that might affect the archaeological recovery of resources. Access to the line is generally very good.



Not to Scale

REVISION #	BY	DATE



Docket No. AB-534 (Sub-No. 4X)

West Shore Spur
 Saginaw, Michigan

Drawn By: S. Pengelly

Date: 9/23/2024

DWG:

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

December 17, 2024

Mr. Peter C. Anastor
Administrator, Office of Rail
Michigan Department of Transportation
425 West Ottawa Street
P.O. Box 30050
Lansing, MI 48909

Re: **Docket No. AB-534 (Sub-No. 4X)**
Lake State Railway Company -- Abandonment
Exemption -- In Saginaw County, Michigan

Dear Mr. Anastor:

On or about January 27, 2025, Lake State Railway Company ("LSRC") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of LSRC's rail line in the City of Saginaw, Saginaw County, Michigan, referred to herein as the West Shore Spur, extending from Sta. 9+00 approximately 270 feet northeast of the intersection of Carrollton Road and Ellsworth Road to the end of line at Sta. 77+05 approximately 1,000 feet southwest of the North Niagara Street at-grade railroad crossing of the Huron & Eastern Railway Company, a distance of approximately 6,805 feet. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved during at least the previous two years. A map showing the location of the West Shore Spur is attached for your reference. After abandonment, a portion of the right-of-way of the West Shore Spur will be conveyed to the Saginaw Public School District and incorporated into the campus of the new Saginaw United High School.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the West Shore Spur so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
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4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;

FLETCHER & SIPPEL LLC

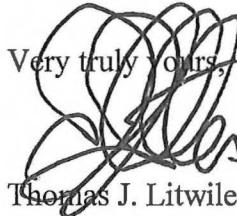
Mr. Peter C. Anastor
December 17, 2024
Page 2

6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land;
10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

Because of the limited nature of the proposed abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-534 (Sub-No. 4X) and be sent to the undersigned, as counsel for LSRC.

In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this abandonment will be forwarded to you at least twenty days before LSRC's notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance.

Very truly yours,



Thomas J. Litwiler
Attorney for Lake State Railway Company

TJL:tl

Attachment

From: Sean Pengelly
To: Thomas J. Litwiler
Subject: FW: [EXTERNAL] Lake State Abandonment - CSX Property; Saginaw spur (old track relocation project footprint)
Date: Friday, January 24, 2025 7:43:28 AM

From: Foondle, Kris (MDOT) <FoondleK@michigan.gov>
Sent: Thursday, January 23, 2025 5:27 PM
To: Sean Pengelly <pengellys@lsr.com>
Cc: Johnson, Nikkie (MDOT) <JohnsonN15@michigan.gov>
Subject: [EXTERNAL] Lake State Abandonment - CSX Property; Saginaw spur (old track relocation project footprint)

Hi Sean – per our discussion earlier today, MDOT received a notice of intent that Lake State was going to file for abandonment of the subject line. Within that letter it also indicated that after abandonment the property was going to be conveyed to the Saginaw Public School District. If I'm summarizing and remembering properly, Lake State has a permanent easement for operating rights on this track so it is Lake State that must file for the cessation of service/abandonment, after which it plans to give up its easement, which would then allow the underlying owner of the right of way (CSX) to dispose of the property.

Because it was apparent from the letter that some type of deal may have already been made with the school district, I wanted to make sure that Lake State was aware of the state law requiring that prior to a railroad's sale of any right of way approved for abandonment, the railroad must first offer the property to MDOT and then to MDNR. If both MDOT and MDNR decline the opportunity to purchase the right of way, only then may the railroad dispose of the property at its discretion.

Title companies make a big deal out of this and routinely contact MDOT for proof that our right of first refusal has been issued so that there is clear title to the property. I'm sharing this with you so that Lake State/CSX are aware of the law and can take proper steps to ensure that any proposed sale of the property is not compromised by complications that may arise if the appropriate legal process is not followed. I'm including a link to the relevant section of law and an excerpt highlighting the applicable portions:

MCL - Section 474.58 - Michigan Legislature

474.58 Notice of abandonment; acquisition of rights of railroad company by state department of transportation or department of natural resources; warranty or quitclaim deed; acquisition of rights in rights of way approved for abandonment.

Sec. 8.

(1) A railroad company operating within this state shall notify the department at the time it files with the appropriate governmental agencies for abandonment of a line.

(2) The rights a railroad company may have in all rights of way approved for abandonment within the state shall not be offered for sale without offering the department, on reasonable terms in the first instance, and the department of natural resources, on reasonable terms in the second instance, the right to purchase those rights. The offer shall include a detailed description of the property and appropriate valuation maps and track charts. Additional information or documents may be provided as agreed to by the parties. The department shall reimburse the railroad company for the expense of providing all such additional information or documents. Upon receipt of such an offer, the department shall notify the departments of natural resources, agriculture, and commerce. The purchase or other acquisition may be by warranty or quitclaim deed. The department or the department of natural resources may purchase or acquire those rights a railroad company may have in all rights of way approved for abandonment unless within 60 days of the offer for sale by the railroad company, the department determines that the abandoned route does not have potential for a use described in section 6 or the department of natural resources determines that the abandoned route does not have potential for management as a recreational resource. If the department determines that the abandoned route does not have potential for a use described in section 6 and the department of natural resources determines that the abandoned route does not have potential for management as a recreational resource or the department or the department of natural resources does not make a reasonable offer, in writing, to purchase within 60 days, the railroad company may dispose of the rights it has in those rights of way as it sees fit. If a right of way abandoned before January 1, 1977, is available and the department determines that the right of way has potential for a use described in section 6, the department may purchase by warranty or quitclaim deed the rights a railroad company or others have in the right of way.

I have also copied Nikkie on this message as she is the brave soul accepting the torch of responsibility for all future abandonment and right of first refusal filing and processing. Thank you, Nikkie for lightening my load! I'll still be available to assist as needed on these special situations, just stepping into the background to stay focused on Rail Safety. I hope this proves helpful.

Kristian Foondle, Rail Safety Manager
Michigan Department of Transportation
Office of Rail | 425 W Ottawa | Lansing, MI 48909
Phone: 517-648-7588 (new number)
e-mail: FoondleK@Michigan.gov
web site: [//www.Michigan.gov/mdotrail](http://www.Michigan.gov/mdotrail)
hours: Monday-Thursday 7:30am-6:00pm

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208

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tlitwiler@fletcher-sippel.com

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Fax: (312) 252-2400
www.fletcher-sippel.com

December 17, 2024

Mr. Christopher S. Boyd
Chairman, Board of Commissioners
Saginaw County, Michigan
111 South Michigan Avenue
Saginaw, MI 48602

Re: **Docket No. AB-534 (Sub-No. 4X)**
Lake State Railway Company -- Abandonment
Exemption -- In Saginaw County, Michigan

Dear Mr. Boyd:

On or about January 27, 2025, Lake State Railway Company ("LSRC") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of LSRC's rail line in the City of Saginaw, Saginaw County, Michigan, referred to herein as the West Shore Spur, extending from Sta. 9+00 approximately 270 feet northeast of the intersection of Carrollton Road and Ellsworth Road to the end of line at Sta. 77+05 approximately 1,000 feet southwest of the North Niagara Street at-grade railroad crossing of the Huron & Eastern Railway Company, a distance of approximately 6,805 feet. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved during at least the previous two years. A map showing the location of the West Shore Spur is attached for your reference. After abandonment, a portion of the right-of-way of the West Shore Spur will be conveyed to the Saginaw Public School District and incorporated into the campus of the new Saginaw United High School.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the West Shore Spur so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

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3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;

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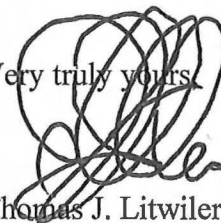
Mr. Christopher S. Boyd
December 17, 2024
Page 2

7. Endangered or threatened species and critical habitats;
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9. Prime agricultural land;
10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

Because of the limited nature of the proposed abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-534 (Sub-No. 4X) and be sent to the undersigned, as counsel for LSRC.

In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this abandonment will be forwarded to you at least twenty days before LSRC's notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance.

Very truly yours,



Thomas J. Litwiler
Attorney for Lake State Railway Company

TJL:tl

Attachment

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ATTORNEYS AT LAW

29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208

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Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

December 17, 2024

Ms. Cassi Zimmerman
Director of Planning & Economic Development
City of Saginaw
1315 South Washington Avenue
Saginaw, MI 48601

Re: **Docket No. AB-534 (Sub-No. 4X)**
Lake State Railway Company -- Abandonment
Exemption -- In Saginaw County, Michigan

Dear Ms. Zimmerman:

On or about January 27, 2025, Lake State Railway Company ("LSRC") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of LSRC's rail line in the City of Saginaw, Saginaw County, Michigan, referred to herein as the West Shore Spur, extending from Sta. 9+00 approximately 270 feet northeast of the intersection of Carrollton Road and Ellsworth Road to the end of line at Sta.77+05 approximately 1,000 feet southwest of the North Niagara Street at-grade railroad crossing of the Huron & Eastern Railway Company, a distance of approximately 6,805 feet. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved during at least the previous two years. A map showing the location of the West Shore Spur is attached for your reference. After abandonment, a portion of the right-of-way of the West Shore Spur will be conveyed to the Saginaw Public School District and incorporated into the campus of the new Saginaw United High School.

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6. Designated wetlands and 100-year flood plains;

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Ms. Cassi Zimmerman

December 17, 2024

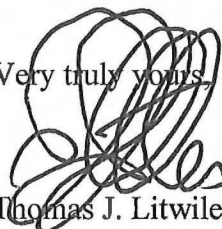
Page 2

7. Endangered or threatened species and critical habitats;
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In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this abandonment will be forwarded to you at least twenty days before LSRC's notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance.

Very truly yours,



Thomas J. Litwiler

Attorney for Lake State Railway Company

TJL:tl

Attachment

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

December 17, 2024

Mr. Garry D. Lee
State Conservationist
USDA Natural Resources Conservation Service
3001 Coolidge Road
Suite 250
East Lansing, MI 48823-6349

Re: **Docket No. AB-534 (Sub-No. 4X)**
Lake State Railway Company -- Abandonment
Exemption -- In Saginaw County, Michigan

Dear Mr. Lee:

On or about January 27, 2025, Lake State Railway Company ("LSRC") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of LSRC's rail line in the City of Saginaw, Saginaw County, Michigan, referred to herein as the West Shore Spur, extending from Sta. 9+00 approximately 270 feet northeast of the intersection of Carrollton Road and Ellsworth Road to the end of line at Sta. 77+05 approximately 1,000 feet southwest of the North Niagara Street at-grade railroad crossing of the Huron & Eastern Railway Company, a distance of approximately 6,805 feet. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved during at least the previous two years. A map showing the location of the West Shore Spur is attached for your reference. After abandonment, a portion of the right-of-way of the West Shore Spur will be conveyed to the Saginaw Public School District and incorporated into the campus of the new Saginaw United High School.

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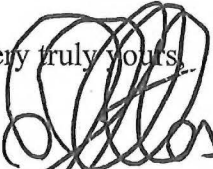
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Mr. Garry D. Lee
December 17, 2024
Page 2

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Very truly yours,


Thomas J. Litwiler
Attorney for Lake State Railway Company

TJL:tl

Attachment

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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Chicago, Illinois 60606-3208

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tlitwiler@fletcher-sippel.com

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

December 17, 2024

Mr. Matthew Smar
Federal Consistency Specialist
Michigan Department of Environment,
Great Lakes and Energy
Water Resources Division
P.O. Box 30458
Lansing, MI 48909-7958

Re: **Docket No. AB-534 (Sub-No. 4X)**
Lake State Railway Company -- Abandonment
Exemption -- In Saginaw County, Michigan

Dear Mr. Smar:

On or about January 27, 2025, Lake State Railway Company ("LSRC") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of LSRC's rail line in the City of Saginaw, Saginaw County, Michigan, referred to herein as the West Shore Spur, extending from Sta. 9+00 approximately 270 feet northeast of the intersection of Carrollton Road and Ellsworth Road to the end of line at Sta. 77+05 approximately 1,000 feet southwest of the North Niagara Street at-grade railroad crossing of the Huron & Eastern Railway Company, a distance of approximately 6,805 feet. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved during at least the previous two years. A map showing the location of the West Shore Spur is attached for your reference. After abandonment, a portion of the right-of-way of the West Shore Spur will be conveyed to the Saginaw Public School District and incorporated into the campus of the new Saginaw United High School.

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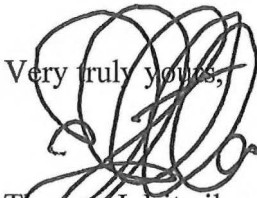
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Mr. Matthew Smar
December 17, 2024
Page 2

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Thomas J. Litwiler
Attorney for Lake State Railway Company

TJL:tl

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December 17, 2024

Ms. Debra E. Shore
Administrator, Region V
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Mail Code RE-19J
Chicago, IL 60604-3590

Re: **Docket No. AB-534 (Sub-No. 4X)**
Lake State Railway Company -- Abandonment
Exemption -- In Saginaw County, Michigan

Dear Ms. Shore:

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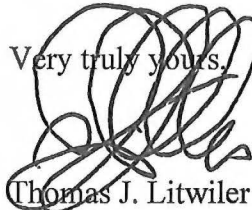
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Ms. Debra E. Shore
December 17, 2024
Page 2

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Thomas J. Litwiler
Attorney for Lake State Railway Company

TJL:tl

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December 17, 2024

Ms. Amy Bleisch
Endangered Species Biologist
Michigan Department of Natural Resources
Wildlife Division
P.O. Box 30444
Lansing, MI 48909-7944

Re: **Docket No. AB-534 (Sub-No. 4X)**
Lake State Railway Company -- Abandonment
Exemption -- In Saginaw County, Michigan

Dear Ms. Bleisch:

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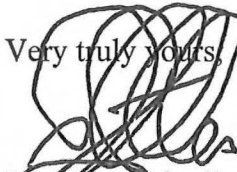
FLETCHER & SIPPEL LLC

Ms. Amy Bleisch
December 17, 2024
Page 2

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Thomas J. Litwiler
Attorney for Lake State Railway Company

TJL:tl

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December 17, 2024

Mr. Scott A. Hicks
Supervisor
Michigan Ecological Services Field Office
U.S. Fish & Wildlife Service
2651 Coolidge Road, Suite 101
East Lansing, MI 48823-6349

Re: **Docket No. AB-534 (Sub-No. 4X)**
Lake State Railway Company -- Abandonment
Exemption -- In Saginaw County, Michigan

Dear Mr. Hicks:

On or about January 27, 2025, Lake State Railway Company ("LSRC") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of LSRC's rail line in the City of Saginaw, Saginaw County, Michigan, referred to herein as the West Shore Spur, extending from Sta. 9+00 approximately 270 feet northeast of the intersection of Carrollton Road and Ellsworth Road to the end of line at Sta. 77+05 approximately 1,000 feet southwest of the North Niagara Street at-grade railroad crossing of the Huron & Eastern Railway Company, a distance of approximately 6,805 feet. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved during at least the previous two years. A map showing the location of the West Shore Spur is attached for your reference. After abandonment, a portion of the right-of-way of the West Shore Spur will be conveyed to the Saginaw Public School District and incorporated into the campus of the new Saginaw United High School.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the West Shore Spur so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;

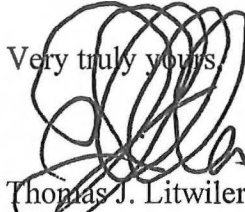
FLETCHER & SIPPEL LLC

Mr. Scott A. Hicks
December 17, 2024
Page 2

6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land;
10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

Because of the limited nature of the proposed abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-534 (Sub-No. 4X) and be sent to the undersigned, as counsel for LSRC.

In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this abandonment will be forwarded to you at least twenty days before LSRC's notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance.

Very truly yours,


Thomas J. Litwiler
Attorney for Lake State Railway Company

TJL:tl

Attachment

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

December 17, 2024

Mr. Ron Olson
Chief, Parks and Recreation Division
Michigan Department of Natural Resources
P.O. Box 30257
Lansing, MI 48909

Re: **Docket No. AB-534 (Sub-No. 4X)**
Lake State Railway Company -- Abandonment
Exemption -- In Saginaw County, Michigan

Dear Mr. Olson:

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FLETCHER & SIPPEL LLC

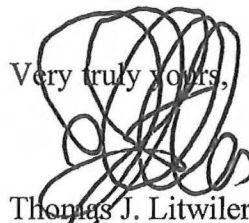
Mr. Ron Olson
December 17, 2024
Page 2

7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land;
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11. Coastal Zone Management Areas; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

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Very truly yours,



Thomas J. Litwiler
Attorney for Lake State Railway Company

TJL:tl

Attachment

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

December 17, 2024

Mr. Larry W. Calhoun
Outdoor Recreation Planner
National Park Service, Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

Re: **Docket No. AB-534 (Sub-No. 4X)**
Lake State Railway Company -- Abandonment
Exemption -- In Saginaw County, Michigan

Dear Mr. Calhoun:

On or about January 27, 2025, Lake State Railway Company ("LSRC") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of LSRC's rail line in the City of Saginaw, Saginaw County, Michigan, referred to herein as the West Shore Spur, extending from Sta. 9+00 approximately 270 feet northeast of the intersection of Carrollton Road and Ellsworth Road to the end of line at Sta. 77+05 approximately 1,000 feet southwest of the North Niagara Street at-grade railroad crossing of the Huron & Eastern Railway Company, a distance of approximately 6,805 feet. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved during at least the previous two years. A map showing the location of the West Shore Spur is attached for your reference. After abandonment, a portion of the right-of-way of the West Shore Spur will be conveyed to the Saginaw Public School District and incorporated into the campus of the new Saginaw United High School.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment of the West Shore Spur so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

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3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;

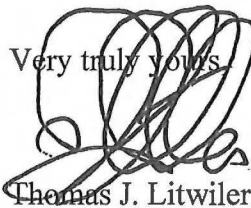
FLETCHER & SIPPEL LLC

Mr. Larry W. Calhoun
December 17, 2024
Page 2

7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land;
10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344).

Because of the limited nature of the proposed abandonment, we foresee no adverse environmental effects. We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-534 (Sub-No. 4X) and be sent to the undersigned, as counsel for LSRC.

In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this abandonment will be forwarded to you at least twenty days before LSRC's notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance.

Very truly yours,


Thomas J. Litwiler
Attorney for Lake State Railway Company

TJL:tl

Attachment

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

December 17, 2024

U.S. Army Corps of Engineers
Detroit District, Regulatory
Attention – CELRE-RG
477 Michigan Avenue, Room 603
Detroit, MI 48226-2550

Re: **Docket No. AB-534 (Sub-No. 4X)**
Lake State Railway Company -- Abandonment
Exemption -- In Saginaw County, Michigan

Dear Sir or Madam:

On or about January 27, 2025, Lake State Railway Company ("LSRC") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of LSRC's rail line in the City of Saginaw, Saginaw County, Michigan, referred to herein as the West Shore Spur, extending from Sta. 9+00 approximately 270 feet northeast of the intersection of Carrollton Road and Ellsworth Road to the end of line at Sta. 77+05 approximately 1,000 feet southwest of the North Niagara Street at-grade railroad crossing of the Huron & Eastern Railway Company, a distance of approximately 6,805 feet. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved during at least the previous two years. A map showing the location of the West Shore Spur is attached for your reference. After abandonment, a portion of the right-of-way of the West Shore Spur will be conveyed to the Saginaw Public School District and incorporated into the campus of the new Saginaw United High School.

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6. Designated wetlands and 100-year flood plains;

FLETCHER & SIPPEL LLC

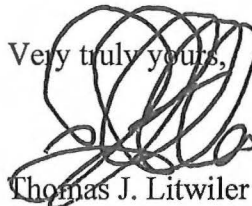
U.S. Army Corps of Engineers
December 17, 2024
Page 2

7. Endangered or threatened species and critical habitats;
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Very truly yours,



Thomas J. Litwiler
Attorney for Lake State Railway Company

TJL:tl

Attachment

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

December 17, 2024

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

VIA ELECTRONIC MAIL

Mr. Jacob M. Heck
Regional Geodetic Advisor
National Geodetic Survey
4840 South State Road
Ann Arbor, MI 48108-9719
ngs.infocenter@noaa.gov
jacob.heck@noaa.gov

Re: **Docket No. AB-534 (Sub-No. 4X)**
Lake State Railway Company -- Abandonment
Exemption -- In Saginaw County, Michigan

Dear Mr. Heck:

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FLETCHER & SIPPEL LLC

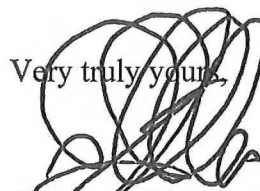
Mr. Jacob M. Heck
December 17, 2024
Page 2

4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
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In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this abandonment will be forwarded to you at least twenty days before LSRC's notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance.

Very truly yours,



Thomas J. Litwiler
Attorney for Lake State Railway Company

TJL:tl

Attachment

Thomas J. Litwiler

From: NOS NGS JIRA <ngs.infocenter@noaa.gov>
Sent: Monday, December 30, 2024 10:02 PM
To: Thomas J. Litwiler
Subject: [JIRA] (IMOV-15990) STB Docket No. AB-534 (Sub-No. 4X)

A comment is added on your issue:

Re: STB Docket No. AB-534 (Sub-No. 4X)

Good Evening Atty. Litwiler,

Thank you for informing the National Geodetic Survey (NGS) of Lake State Railway Company (LSRC)'s decision to abandon a section of rail line from Sta. 9+00 approximately 270 feet northeast of the intersection of Carrollton Road and Ellsworth Road to the end of line at Sta. 77+05 approximately 1,000 feet southwest of the North Niagara Street at-grade railroad crossing of the Huron & Eastern Railway Company, a distance of approximately 6,805 feet in Saginaw, Saginaw County, Michigan.

Jacob Heck, NGS' Great Lakes Regional Advisor, (jacob.heck@noaa.gov, 303-306-6904) whom you contacted initially, researched the area under consideration and found no NGS geodetic survey markers that would be disturbed or destroyed by the proposed abandonment.

If you have additional questions, please email NGS.InfoCenter@noaa.gov.

Sincerely,

Deborah M. Brooks

Communications Specialist

deborah.brooks@noaa.gov

More information on preserving marks, mark resets, and destroyed marks.

Preserving Marks

Significant resources were invested to create an extensive geodetic network across the United States by establishing precise coordinates at physical survey marks. Disturbing or destroying these marks reduces geodetic control available to local surveyors, so please make every effort to preserve this valuable network.

Mark Resets

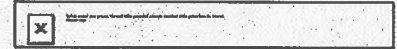
If a mark is about to be destroyed (e.g., due to planned construction), it may be possible to reset the mark and retain the geodetic control. Review the Bench Mark Reset Procedures (https://geodesy.noaa.gov/PUBS_LIB/Benchmark_4_1_2011.pdf) or contact your closest geodetic advisor (<https://geodesy.noaa.gov/ADVISORS/index.shtml>).

Please do not attempt to reset a mark that has been separated from the base. Any remnants of destroyed marks must be properly discarded and not reused in any manner, as this is a violation of Federal law.

Destroyed Marks

If it is determined that a mark has been destroyed, please provide enough photo evidence to show how this determination was made. To submit this information to NGS, follow the instructions regarding "destroyed marks" on the Mark Recovery Entry web page (https://geodesy.noaa.gov/cgi-bin/recvy_entry_www.prl)

This message was sent by Atlassian Jira (v9.12.13#9120013-sha1:30aec69)



FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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Suite 800
Chicago, Illinois 60606-3208

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THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

December 17, 2024

Mr. Scott Slagor
Section 106/Cultural Resource Protection Manager
Michigan State Historic Preservation Office
300 North Washington Square
Lansing, MI 48913

Re: **Docket No. AB-534 (Sub-No. 4X)**
Lake State Railway Company -- Abandonment
Exemption -- In Saginaw County, Michigan

Dear Mr. Slagor:

On or about January 27, 2025, Lake State Railway Company ("LSRC") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of LSRC's rail line in the City of Saginaw, Saginaw County, Michigan, referred to herein as the West Shore Spur, extending from Sta. 9+00 approximately 270 feet northeast of the intersection of Carrollton Road and Ellsworth Road to the end of line at Sta. 77+05 approximately 1,000 feet southwest of the North Niagara Street at-grade railroad crossing of the Huron & Eastern Railway Company, a distance of approximately 6,805 feet. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved during at least the previous two years. A map showing the location of the West Shore Spur is attached for your reference. After abandonment, a portion of the right-of-way of the West Shore Spur will be conveyed to the Saginaw Public School District and incorporated into the campus of the new Saginaw United High School.

In accordance with the Board's environmental and historic preservation regulations, 49 C.F.R. § 1105.8, we are advising you of the proposed abandonment of the West Shore Spur so that you may determine whether this action will have any effect on any historic structures or sites. There are no railroad buildings, bridges or other structures located on the line to be abandoned. LSRC also is unaware of any historic sites involved in the proposed abandonment.

We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-534 (Sub-No. 4X) and be sent to the undersigned, as counsel for LSRC.

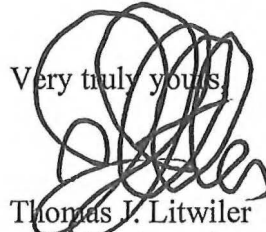
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FLETCHER & SIPPEL LLC

Mr. Scott Slagor
December 17, 2024
Page 2

days before LSRC's notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1508. Thank you for your assistance on this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'T. Litwiler', written over the words 'Very truly yours,'.

Thomas J. Litwiler
Attorney for Lake State Railway Company

TJL:tl

Attachment

Thomas J. Litwiler

From: Slagor, Scott (LEO) <SlagorS2@michigan.gov>
Sent: Monday, January 6, 2025 3:44 PM
To: Thomas J. Litwiler
Subject: Docket No. AB-534 SUB-No.4X Lake State Railway Abandonment Exemption

Hello Mr. Litwiler,

I received your correspondence regarding the above referenced project. In my time at SHPO I have reviewed one other railway abandonment project and know the STB has their own regulations that include historic property identification. However, a request to comment on whether historic properties will be affected by the action reads like an undertaking subject to Sec. 106 of the National Historic Preservation Act. Wherein the federal agency must determine the Area of Potential Effects, Identify Historic Properties within the APE, Determine if there is an effect, and seek concurrence from SHPOs and THPOs. I anticipate that while this correspondence might be for STB specific regulations- it will eventually come under Sec. 106. So you know, our office has a formal application process for Sec. 106 undertakings. Please visit www.michigan.gov/shposection106 for instructions, forms, and a link to our online submission portal. In general we do not comment on undertakings without an application form.

Thank you,



Scott Slagor (he/him)
Cultural Resource Protection Manager
State Historic Preservation Office
300 N. Washington Square
Lansing, MI 48913
Direct: 517.285.5120
michigan.gov/shpo

Get the latest news with the [SHPO](#) and [MEDC Community Development](#) newsletters!

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-534 (SUB-NO. 4X)

LAKE STATE RAILWAY COMPANY
-- ABANDONMENT EXEMPTION --
IN SAGINAW COUNTY, MICHIGAN

**CERTIFICATION OF SERVICE AND PUBLICATION
PURSUANT TO
49 C.F.R. § 1105.7(b) AND 49 C.F.R. § 1105.12**

I, Thomas J. Litwiler, an attorney for Lake State Railway Company, hereby certify as follows:

1. Lake State Railway Company has consulted with all appropriate agencies in preparing the foregoing Environmental/Historic Report and on March 27, 2025 a copy of the foregoing report was served by first class mail, postage prepaid, upon each of the agencies identified in Appendix O-1 as designated in 49 C.F.R. § 1105.7(b).

2. I have contacted the following newspaper of general circulation for the county in which the rail line to be abandoned in this proceeding is located, and arranged for the publication of a Notice of Intent to Abandon pursuant to 49 C.F.R. § 1105.12:

Pottawattamie County	-	<i>The Saginaw News</i>
		203 South Washington Avenue
		Saginaw, MI 48607

3. The Notice of Intent to Abandon was published in *The Saginaw News* on April 11, 2025.

4. A proof of publication from *The Saginaw News* is attached as Appendix O-2.

/s/ *Thomas J. Litwiler*

Thomas J. Litwiler

Dated: April 21, 2025

Ms. Nikkie Johnson
Office of Rail
Michigan Department of Transportation
425 West Ottawa Street
P.O. Box 30050
Lansing, MI 48909

Mr. Matthew Smar
Federal Consistency Specialist
Michigan Department of Environment,
Great Lakes and Energy
Water Resources Division
P.O. Box 30458
Lansing, MI 48909-7958

Ms. Amy Bleisch
Endangered Species Biologist
Michigan Department of Natural Resources
Wildlife Division
P.O. Box 30444
Lansing, MI 48909-7944

Mr. Ron Olson
Chief, Parks and Recreation Division
Michigan Department of Natural Resources
P.O. Box 30257
Lansing, MI 48909

Mr. Garry D. Lee
State Conservationist
USDA Natural Resources Conservation Service
3001 Coolidge Road, Suite 250
East Lansing, MI 48823-6349

U.S. Army Corps of Engineers
Detroit District, Regulatory
Attention – CELRE-RG
477 Michigan Avenue, Room 603
Detroit, MI 48226-2550

Mr. Scott A. Hicks
Supervisor
Michigan Ecological Services Field Office
U.S. Fish & Wildlife Service
2651 Coolidge Road, Suite 101
East Lansing, MI 48823-6349

Ms. Debra E. Shore
Administrator, Region V
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Mail Code RE-19J
Chicago, IL 60604-3590

Mr. Larry W. Calhoun
Outdoor Recreation Planner
National Park Service, Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

Mr. Jacob M. Heck
Regional Geodetic Advisor
National Geodetic Survey
4840 South State Road
Ann Arbor, MI 48108-9719
[Use e-mail to provide notice]
[ngs.infocenter@noaa.gov]
[jacob.heck@noaa.gov]

Mr. Christopher S. Boyd
Chairman, Board of Commissioners
Saginaw County, Michigan
111 South Michigan Avenue
Saginaw, MI 48602

Ms. Cassi Zimmerman
Director of Planning & Economic Development
City of Saginaw
1315 South Washington Avenue
Saginaw, MI 48601

Mr. Scott Slagor
Section 106/Cultural Resource Protection Manager
Michigan State Historic Preservation Office
300 North Washington Square
Lansing, MI 48913



Saginaw News

LEGAL AFFIDAVIT

AD#: 0010983391

Docket No. AB-534 (Sub-No. 4X)
Environmental/Historic Report
Appendix O-2

State of Ohio,) ss

County of Cuyahoga)

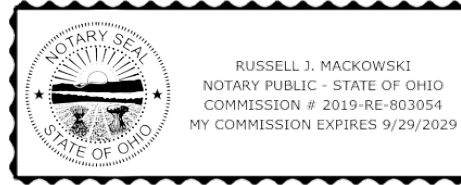
Joe Rosa being duly sworn, deposes that he/she is principal clerk of MLive Media Group; that Saginaw News is a public newspaper published in the city of Saginaw, with general circulation in Saginaw county, and this notice is an accurate and true copy of this notice as printed in said newspaper, was printed and published in the regular edition and issue of said newspaper on the following date(s):

Saginaw News 04/11/2025

Principal Clerk of the Publisher

Sworn to and subscribed before me this 14th day of April 2025

Notary Public



Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNiX®

NOTICE OF INTENT TO ABANDON RAIL SERVICE

Lake State Railway Company gives notice that on or after April 16, 2025 it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments permitting the abandonment of approximately 6,805 feet of rail line in the City of Saginaw, Saginaw County, Michigan extending from Sta. 9+00 approximately 270 feet northeast of the intersection of Carrollton Road and Ellsworth Road to the end of line at Sta. 77+05 approximately 1,000 feet southwest of the North Niagara Street at-grade railroad crossing of the Huron & Eastern Railway Company and traversing United States Postal Service ZIP Codes 48604 and 48602. The proceeding will be docketed as No. AB 534 (Sub-No. 4X).

[See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs & Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Fletcher & Sippel LLC, Attention: Thomas J. Litwiler, 29 North Wacker Drive, Suite 800, Chicago, IL 60606-3208, (312) 252-1500.

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis, Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-245-0300.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. Any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board either via e-filing on the Board's website, www.stb.gov, or in writing addressed to Chief, Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a), (e) and 1104.3(a)], and one copy must be served on applicant's representative.