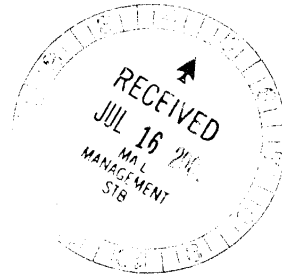


BAKER & MILLER PLLC
ATTORNEYS AND COUNSELLORS

SUITE 1000
915 15TH STREET, N.W.
WASHINGTON, D.C. 20005-2318
TELEPHONE: (202) 637-9499
FACSIMILE: (202) 637-9394



208412

July 16, 2003

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

FEE RECEIVED

JUL 16 2003

**SURFACE
TRANSPORTATION BOARD**

**RE: Central Michigan Railway Company -- Abandonment Exemption --
In Saginaw County, MI, Docket AB-308 (Sub-No. 3X)**

Dear Secretary Williams:

Enclosed please find an original and ten copies of Central Michigan Railway Company's Petition for Exemption in the above captioned proceeding. Please date stamp the extra copy and return it to our courier. Also enclosed is a draft *Federal Register* notice pursuant to 49 C.F.R. §1152.60(c).

Finally, please find enclosed a check for \$4,700.00 for the filing fee. Please feel free to contact me if you have any questions.

ENTERED
Office of Proceedings

JUL 16 2003

Part of
Public Record

Sincerely yours,


William A. Mullins

Enclosures
cc: All parties of record

FILED

JUL 16 2003

**SURFACE
TRANSPORTATION BOARD**

FILED

JUL 16 2003

**SURFACE
TRANSPORTATION BOARD**

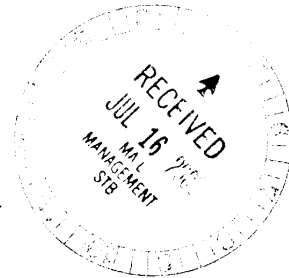
208412

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-308 (SUB-NO. 3X)

CENTRAL MICHIGAN RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN SAGINAW COUNTY, MI

PETITION FOR EXEMPTION



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William A. Mullins
Christine J. Sommer
BAKER & MILLER PLLC
915 Fifteenth Street, NW
Suite 1000
Washington, DC 20005
Tel. (202) 637-9499
Fax (202) 637-9394

Dated: July 16, 2003

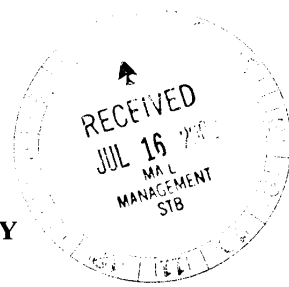
*Attorneys for Central Michigan
Railway Company*

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-308 (SUB-NO. 3X)

**CENTRAL MICHIGAN RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN SAGINAW COUNTY, MI**

PETITION FOR EXEMPTION



I. INTRODUCTION

Pursuant to 49 U.S.C. §10502 and the Rules applicable thereto at 49 C.F.R. §1121, 49 C.F.R. §1152, and the Special Rules at 49 C.F.R. §1152.60, Central Michigan Railway Company ("CMR") files this petition seeking an exemption from the provisions of 49 U.S.C. § 10903 to abandon approximately 1.77 miles of rail line located in Saginaw County, Michigan, running from railroad milepost ("MP") 2.83 to MP 4.60 (the "Line").¹ The Line traverses through United States Postal Service ZIP Code 48601. A map showing the Line is attached as Attachment A. There are currently three shippers on the Line, two of which have not used the Line at any point over the past two years. The third has utilized the Line to only a minimal extent.

¹ These mileposts are also sometimes referred to by their former designations by the Michigan Central, i.e., MP 17.21 – 15.46. CMR believes that the .02 mile variance between the distance calculated by subtracting the milepost numbers – 1.77 miles – and the actual length of the abandonment – 1.75 miles – is just a measurement error in the milepost labeling, a fairly common occurrence in railroad milepost designations. The western end of the proposed abandonment – MP 2.83 – is located at the western end of the CMR's bridge over Interstate 75.

II. PETITIONER'S BACKGROUND AND REPRESENTATIVE

The CMR is a Class III railroad comprised of over 200 miles of trackage and other property in the State of Michigan, extending from Midland to Bay City, to Saginaw, to Durand, to Owosso. CMR obtained approval from the Surface Transportation Board ("STB" or the "Board") on September 4, 1987 for the purchase of its current track and property from the Grand Trunk Western Railroad Company ("GTW").

The CMR is owned by the Straits Corporation. CMR currently interchanges with the Canadian National Railway Company/GTW, Huron and Eastern Railway, Lake State Railroad, Mid-Michigan Railway, and CSX. The principal commodities moved by CMR include: agricultural products, lumber, automotive parts, heavy machinery, chemicals, sugar beets and sugar products, fertilizer, military hardware, fuels, stone products, cement products and coal.

The name, address, and telephone number of CMR's representative is as follows:

William A. Mullins
BAKER & MILLER PLLC
915 Fifteenth Street, NW
Suite 1000
Washington, DC 20005
Tel. (202) 637-9499
Fax (202) 637-9394

III. LINE DESCRIPTIONS, ZIP CODE INFORMATION, AND MAP

The proposed action involves the abandonment of approximately 1.77 miles of rail line located in Saginaw County, Michigan, running from railroad milepost ("MP") 2.83 to MP 4.60 (the "Line"). CMR acquired the Line in 1987 from GTW as a part of the acquisition by CMR of GTW property encompassing 228.5 route miles of rail line and trackage rights. *Central Michigan Railway Company -- Acquisition and Operation Exemption -- Certain Lines of Grand Trunk*

Western Railroad Company, ICC Finance Docket No. 31059 (July 9, 1987). Based on information in CMR's possession, the Line does not contain federally granted right-of-way. Any documentation in petitioner's possession will be made available promptly to those requesting it. The Line traverses United States Postal Service ZIP Code 48601. As noted above, a map of the Line is attached as Attachment A.

IV. REASONS FOR THE ABANDONMENT

A. An Expansion Project for Interstate 75 Proposed by the Michigan Department of Transportation Requires Abandonment of the Railroad Line and Bridge

The Michigan Department of Transportation ("MDOT") is currently planning to expand Interstate 75, which runs through Saginaw County, Michigan. *See* "MDOT Materials" in Attachment B; Verified Statement of Charles A. Pinkerton at ¶ 6, appended hereto as Attachment C ("Pinkerton V.S."). One of the necessary aspects of that planning process is the removal of CMR's railroad bridge that traverses over Interstate 75 because the MDOT has planned to widen Interstate 75. As can be seen from the photographs included in the historic report contained in Attachment E, the bridge abutments create a choke point that would preclude widening Interstate 75 at that location if the bridge remained in place. CMR estimates that the cost to replace the bridge for the expansion would exceed \$5 million dollars. Pinkerton V.S. at ¶ 6.

The Line proposed for abandonment begins at a point just west of the railroad bridge over Interstate 75 at MP 2.83, extending to the most easterly reach of the railroad at MP 4.60. The Line is currently unprofitable for CMR and constitutes an unnecessary burden on CMR operations that can be alleviated through the proposed abandonment. Further, MDOT has agreed to appropriate approximately \$3 million for a release by CMR from all damages and future claims resulting from the removal of the decaying railroad bridge extending over Interstate 75.

See MDOT Materials; Pinkerton V.S. at ¶ 6. Thus, abandonment of the Line and the consequent removal of the railroad bridge will benefit both CMR, with the elimination of an unprofitable line, and the general public, with a much-needed expansion of a vital artery of the interstate highway system.

B. The Traffic on the Line Does Not Cover the Cost of Operation

While there are three shippers located on the Line, there is currently only one active customer on the Line: Plastatech Engineering Ltd. ("Plastatech").² Plastatech utilizes the Line at a nominal level. In 2001, Plastatech shipped 57 carloads, and only 81 carloads in 2002.

CMR is losing money by handling Plastatech's shipments. For example, CMR estimates that, in 2002, the average cost per Plastatech carload was \$639.77, but that the average revenue per carload was only \$513.00, a loss of \$126.77 per Plastatech carload. See *generally* Pinkerton V.S. at ¶ 3. CMR is not aware of any other industry planning to locate along the Line, and there is no overhead traffic.

As illustrated above, traffic levels and revenue on the Line do not justify its continued operation and maintenance as such traffic does not equal the cost of operation, maintenance and rehabilitation. Furthermore, the Line is in poor condition and quickly approaching the point that it is unsafe to continue to operate without substantial capital investment for rehabilitation. Notwithstanding the necessity for these significant capital improvements, CMR estimates that it would cost approximately \$16,316.00 per year just to keep the Line within minimum FRA Class 1 track standards. See Pinkerton V.S. at ¶ 5. Specifically, based on minimum maintenance

² The two inactive shippers, Saginaw Steering Systems and Muehlenbeck Distributing Company, have not used the Line for rail service to any extent over the past several years. See Pinkerton V. S. at ¶ 3.

requirements, 200 ties per mile must be replaced each year. Using relay ties (ties that have been salvaged through abandonment) and current installation costs, a per-tie cost installed would be \$32.00, totaling a yearly cost of \$12,800.00 for the 1.77 miles of track on the Line plus the .25 miles of track immediately west of the bridge that would not need tie renewal because there are no shippers located there. In addition, FRA inspection requirements mandate that CMR inspect the portion monthly. The inspection normally takes one hour at a cost of \$43.00, including the vehicle, for a yearly cost of \$516.00. Miscellaneous expenses to replace missing bolts, change broken joint bars/rail and occasional gauging total about \$3000 a year. *Id.*

As operated today, the Line generates a net loss for CMR and, as the cost of rehabilitation far exceeds the gross revenues that CMR could anticipate to receive over many years of service, there appears to be no reasonable alternative to abandonment of the Line. Furthermore, when balancing the effect of the proposed abandonment on Plastatech against the benefit to the public and CMR of removing the bridge over Interstate 75 and discontinuing use of dilapidated track, CMR is of the opinion that the proposed abandonment would be beneficial to CMR, interstate commerce, and the general public.

C. The Customer Has Alternative Transportation Options Available

Plastatech already utilizes truck transportation for shipments. Plastatech currently moves numerous trucks in and out of its plant. Pinkerton V.S. at ¶ 4. Plastatech has five (5) truck bays available to receive trucks. The plastic pellet unloading system currently used for rail is also accessible by truck, and could be used to fill Plastatech's silos via truck. CMR is unaware of the exact percentage of Plastatech's business that is shipped via truck, but it is certainly the lion's share of the business. Plastatech has moved some of its truck unloading operations to the north side of the plant (where the rail siding is located) so truck movements should not be a problem.

Thus, it is clear that motor carrier transportation provides Plastatech a viable alternative to rail transportation.

A representative of Plastatech has been made aware that this petition for abandonment was forthcoming. In addition, a copy of this petition is being served on Plastatech. As part of CMR's abandonment process, CMR will offer Plastatech a transload option on our railroad, with truck delivery to Plastatech's plant, which will offer savings over trucking from origin.

D. Safety Considerations Favor Abandonment

Abandonment of the Line will result in the elimination of one (1) at-grade crossing of a public road. As such, the possibility of a collision between a train and a motor vehicle at this crossing will be completely eliminated. The elimination of at-grade rail crossings is an important safety goal at CMR.

V. THE EXEMPTION STANDARDS HAVE BEEN MET

Under 49 U.S.C. §10903, a rail line cannot be abandoned without the prior approval of the Board. However, under 49 U.S.C. §10502, the Board must exempt a rail transaction from regulation when it finds that (1) application of the pertinent statutory provisions is not necessary to carry out the rail transportation policy of 49 U.S.C. §10101; and (2) either the transaction is of limited scope or regulation is unnecessary to protect shippers from the abuse of market power. The abandonment proposed by CMR here clearly meets the statutory requirements of Section 10502.

The national rail transportation policy as enumerated in 49 U.S.C. §10101 obviates the need for detailed scrutiny by the Board under 49 U.S.C. §10903 in this instance. The need for federal regulatory control over the rail transportation system is minimized in this context in the form of a simple exemption for abandonment of the subject line. *See* 49 U.S.C. §10101(2).

Specifically, by minimizing the regulatory expense and delay inherent in a full abandonment application, exemption will expedite regulatory decisions and reduce regulatory barriers to exit. *See* 49 U.S.C. §§10101(2) and (7). Furthermore, by permitting CMR to abandon a line that is significantly deteriorated, serves only one active customer with minimal traffic, and will only cause significant avoidable losses for CMR in the future, the grant of an exemption in this instance will allow CMR to compete more effectively, foster sound economic conditions, and will encourage efficient management in accordance with the national rail transportation policy. *See* 49 U.S.C. §§10101(4), (5), and (9).

The proposed abandonment is clearly a transaction of “limited scope,” as it involves only 1.77 miles of rail line. The lone active customer on the Line has made miniscule use of the Line over the past few years. And, with viable transportation alternatives available to this remaining customer that the customer has already been utilizing to a great extent, it is clear that the proposed abandonment presents no opportunity for an abuse of market power.

In conclusion, a full abandonment proceeding is unnecessary to carry out any of the relevant rail transportation policy guidelines set forth in 49 U.S.C. §10101. No vital interest of shippers, competitors, or communities will be adversely affected; rather, the abandonment exemption CMR seeks here will free it from the encumbrances associated with ownership and maintenance of a burdensome and unprofitable line, and will allow the community to proceed more quickly with improvements to Interstate 75, an important highway artery.

VI. ENVIRONMENTAL AND HISTORIC REPORT AND SERVICE CERTIFICATE

The Environmental Report required by 49 C.F.R. §1105.7 and the Historic Report required by 49 C.F.R. §1105.8 were previously served on the STB and the required parties and are attached here as Attachments D and E, respectively, to this Petition for Exemption. The Certificate of Service evidencing CMR's compliance with 49 C.F.R. §1105.11 is attached.

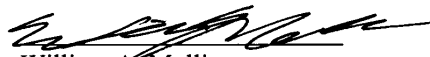
VII. LABOR PROTECTIVE CONDITIONS

CMR is agreeable to the labor protective conditions imposed in abandonment proceedings as prescribed in *Oregon Short Line R. Co. – Abandonment – Goshen*, 360 I.C.C. 91 (1979).

WHEREFORE, Central Michigan Railway Company respectfully requests that the Board issue a decision exempting the proposed abandonment from the provisions of 49 U.S.C. §10903 and direct that the exemption be effective on the date of the Board's decision.

Dated this 16th day of July, 2003.

Respectfully submitted,



William A. Mullins
Christine J. Sommer
BAKER & MILLER PLLC
915 Fifteenth Street, NW
Suite 1000
Washington, DC 20005
Tel. (202) 637-9499
Fax (202) 637-9394

*Attorneys for Central Michigan
Railway Company*

CERTIFICATE OF SERVICE

I hereby certify that copies of the notification required by 49 C.F.R. § 1105.11 were served on all parties identified in 49 C.F.R. § 1105.7(b) on June 24, 2003.


William A. Mullins

CERTIFICATE OF SERVICE AND PUBLICATION

Pursuant to 49 C.F.R. § 1152.60(d), the undersigned hereby certifies that a copy of the foregoing Petition for Exemption in STB Docket No. AB-308 (Sub-No. 3X) by Central Michigan Railway Company was served on the date indicated below by mailing a copy, first class mail postage prepaid, to the following:

Military Traffic Management Command
Transportation Engineering Agency
Attn: Railroads for National Defense
720 Thimble Shoals Blvd.
Suite 130
Newport News, VA 23606-2574

U.S. Department of Interior
National Park Service
Recreation Resources Assistance Division
1849 C Street, NW
Washington, DC 20240

U.S. Department of Agriculture
Chief of Forest Service
P.O. Box 96090
Washington, DC 20090

Michigan Public Service Commission
6545 Mercantile Way, Suite 7
Lansing, MI 48911

Plastatech Engineering Ltd.
725 Morley Drive
Saginaw, MI 48601

Dated this 16th day of July, 2003



Christine J. Sommer

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-308 (SUB-NO. 3X)

**CENTRAL MICHIGAN RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN SAGINAW COUNTY, MI**

PETITION FOR EXEMPTION

ATTACHMENT B

William A. Mullins
Christine J. Sommer
BAKER & MILLER PLLC
915 Fifteenth Street, NW
Suite 1000
Washington, DC 20005
Tel. (202) 637-9499
Fax (202) 637-9394

Dated: July 16, 2003

*Attorneys for Central Michigan
Railway Company*



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

RECEIVED
FEB -5 2003

BY:.....GLORIA J. JEFF
DIRECTOR

February 4, 2003

Charles A. Pinkerton, III
Straits Corporation
1424 Straits Drive
Bay City, Michigan 48706-8705

Re: CS 73111, Job #47478, Central Michigan Railroad Bridge over I-75 (X02 of 73111)

Dear Mr. Pinkerton:

For your review and signature(s), please find enclosed a copy of our "Option For Highway Easement" and a "Release of Damage" form. Also enclosed is a copy of our construction plan sheet with the proposed easement area highlighted. As you will notice, the easement area is larger than the 50' strips we originally discussed. I hope this isn't a problem. Unless you have a question, please have the appropriate officer(s) sign the documents and return them to our office for processing. Our title company will require a resolution from the corporation authorizing the agreement and indicating who is authorized to sign on behalf of the corporation.

As we have discussed, MDOT wants to make sure approval is received from the Surface Transportation Board to abandon the bridge/tracks and also that arrangements are made to relocate the advertising bill board out of the proposed easement area. I'll discuss these issues with you more detail in the very near future.

If you have any questions please feel free to call me at (989) 754-0978, extension 230.

Sincerely,

Andrew T. Philp
Real Estate Agent

OPTION FOR HIGHWAY EASEMENT

MDOT A643 (5/94)

This information required by P.A. 285 of 1964

Name Central Michigan Railway Company	Nature of Interest Title holder
Address	Phone No.
Name	Nature of Interest
Address	Phone No.
Name	Nature of Interest
Address	Phone No.

for the sum of mutual benefits grants to the Michigan Department of Transportation, whose address is Lansing, Michigan an option to purchase an easement for highway purposes over the following described property.

Price A. The optionor(s) agree to grant an easement for highway purposes over the following described property to the Michigan Department of Transportation for the sum of One dollar and no cents (\$1.00) dollars, and to deliver to the Michigan Department of Transportation an easement subject to the following provisions:

(1) The conveyance will include the consent of the grantors to the removal at any time of such trees, shrubs and vegetation as is, in the judgement of the Michigan Department of Transportation, necessary to construct and maintain the highway. Notice to the grantors of the removal is not required.

(2) The grantors agree that no trees, shrubs or vegetation shall be cut or removed from the easement area by the grantors, their heirs, successors and assigns without the written permission of the Michigan Department of Transportation.

(3) The grantors agree for themselves, their heirs, successors and assigns, that no billboard or advertising device shall be erected, permitted, or maintained on the right of way as described.

Terms B. This option is effective from February 4, 2003 to midnight February 4, 2004.

Title C. The optionor(s) agree not to sell, convey, or encumber the title to the land or any part thereof, or to permit any act or deed to diminish the value of the following described land.

Improvements E. This option includes all buildings, structures, trees, and other improvements, except none and when necessary the right to enter upon the remaining lands to remove said improvements.

Occupancy F. The Michigan Department of Transportation will become the owner of the easement upon payment of the price listed above. The optionor(s) shall have the right to occupy the improvements on the property for a period of days after the closing. However, if the buildings become vacant subsequent to the signing of this option, they will not be reoccupied.

Acceptance G. This option is not effective until it is accepted by the Michigan Department of Transportation, Real Estate Management. Notice to the optionor(s) by mail will constitute acceptance of this option.

Escrow Agent H. The optionor(s) agree that Metropolitan Title Company will act as escrow agent in closing this agreement.

Commitment # 1. _____

Special Provisions L. _____

Any personal property or fixtures which have not been removed by the date of a Notice to Quit to be issued by MDOT will become the property of MDOT and will be removed by MDOT, its contractors, or its agents. This does not apply to hazardous material.

MDOT reserves its rights to bring federal or state cost recovery actions against the present owners, and any other potentially responsible parties, arising out of release of hazardous substances on the property.

PROPERTY TAX CODE:		
CONTROL SECTION 73111	PARCEL NO	NAME: CMR RR
JOB NO 47478	FED ITEM NO	FEDPROJ

LEGAL DESCRIPTION:

Lands located in the Township of Buena Vista county of Saginaw described as:

Part of the Northwest 1/4 of Section 28, T12N-R5E, Buena Vista Township, Saginaw county, Michigan being described as: *Commencing* at the North 1/4 Corner of said Section 28; thence S. 89° 49' 35" W., 1004.59 feet along the North line of said section; thence S. 00° 22' 28" W., 97.69 feet, parallel with and 180.00 feet East of the legal center line of I-75 to the POINT OF BEGINNING; thence continuing S. 00° 22' 28" W., 100.12 feet; thence southwesterly, along a curve to the left, an arc distance of 423.82 feet, said curve having a radius of 2771.52 feet and a long chord and bearing of S. 83° 06' 20" W., 423.40 feet; thence N. 00° 22' 28" E., 102.03 feet, parallel with and 240.00 feet West of said legal center line; thence northeasterly, along a curve the right, an arc distance of 423.55 feet, said curve having a radius of 2871.52 feet and a long chord bearing and distance of N. 83° 21' 41" E., 423.17 feet to the POINT OF BEGINNING, containing 0.97 acres.

Instructions to Escrow Agent:

Land and buildings _____

Fixtures _____

Damages _____

Salvage _____

Site Clearance
Deposit __________
Witness_____
Grantor_____
Date_____
Witness_____
Grantor_____
Date_____
Witness_____
Grantor_____
Date

The undersigned mortgagee consents to the easement granted and hereby agrees that the mortgage shall be subordinate to the easement.

RELEASE OF DAMAGES

MDOT A652 (2/02)

This information required by P.A. 286 of 1964.

The Grantors Central Michigan Railway Company

acknowledge that they agree to receive from the Michigan Department of Transportation the sum of 3,046,500 in full settlement of all damages and future claims resulting from the removal of RR Bridge X02 of 73111 in conjunction with the improvement of Highway I-75 through Section 28, T 12N, R5E, Township of Buena Vista, County of Saginaw, State of Michigan. Grantor(s) agree that Metropolitan Title Company will act as escrow agent in closing this agreement.

Signed this _____ day of _____, 20_____.

Witness_____
Grantor_____
Witness_____
Grantor_____
Witness_____
Grantor

CONTROL SECTION: 73111	PARCEL:	NAME: CMR RR
JOB NO: 47478	FED ITEM NO.:	FEDERAL PROJECT:

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-308 (SUB-NO. 3X)

**CENTRAL MICHIGAN RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN SAGINAW COUNTY, MI**

PETITION FOR EXEMPTION

ATTACHMENT C

William A. Mullins
Christine J. Sommer
BAKER & MILLER PLLC
915 Fifteenth Street, NW
Suite 1000
Washington, DC 20005
Tel. (202) 637-9499
Fax (202) 637-9394

Dated: July 16, 2003

*Attorneys for Central Michigan
Railway Company*

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-308 (SUB-NO. 3X)

**CENTRAL MICHIGAN RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN SAGINAW COUNTY, MI**

PETITION FOR EXEMPTION

VERIFIED STATEMENT OF CHARLES A. PINKERTON, III

1. My name is Charles A. Pinkerton, III. I am President and General Manager of the Central Michigan Railway Company ("CMR"). My business address is 1424 Straits Drive, Bay City, MI 48706. I am submitting this statement as part of CMR's Petition for Exemption to abandon approximately 1.77 miles of rail line located in Saginaw County, Michigan, running from railroad milepost ("MP") 2.83 to 4.60 (the "Line"). As President and General Manager of CMR, I have specialized knowledge of the traffic and transportation needs of the railroad, as well as costs and expenditures experienced by CMR.
2. The purpose of my statement is to provide the reader with an understanding of the traffic levels over the Line for the past two years and to illustrate the massive capital investments that would be required to rehabilitate the Line and structures along the Line if CMR were denied authority to abandon the Line.
3. First, with regard to traffic on the Line, it should be noted that Plastatech Engineering Ltd. ("Plastatech") is the only active shipper being served on the Line. Saginaw Steering

Systems and Muehlenbeck Distributing Company are also shippers located and served on the Line, but they have not utilized the Line for many years. Plastatech has used the Line only sporadically and to a minimal extent over the past two years. Within the past two years, Plastatech received only 57 carloads of materials over the Line from January 1, 2001 to December 31, 2001, and only 81 carloads from January 1, 2002 to December 31, 2002. These shipments generated approximately \$25,500 in revenue in 2001 and \$41,000 in 2002 - a total of approximately \$66,500 in two years. These numbers did not, however, generate meaningful revenues for CMR because these shipments were operated at a loss: in 2002, the average cost per carload was \$639.77, but the revenues were only \$513.00, which equals a loss of \$126.77 per Plastatech carload. It should also be noted that almost all of Plastatech's shipments are provided by motor carriers in the area.

4. Plastatech has been utilizing truck transportation for shipments. Plastatech moves numerous trucks in and out of its plant. Plastatech has five (5) truck bays available to receive trucks. The plastic pellet unloading system currently used for rail is also accessible by truck, and could be used to fill Plastatech's silos via truck. CMR is unaware of the exact percentage of Plastatech's business which is shipped via truck, but it certainly involves the majority of the business. Plastatech has moved some of its truck unloading operations to the north side of the plant (where the rail siding is) so truck movements should not be a problem. Thus, it can be discerned from this information that motor carrier transportation provides a viable alternative to rail transportation. As part of CMR's abandonment process, CMR will offer Plastatech a transload option on our railroad, with truck delivery to Plastatech's plant, which will offer savings over trucking from origin.

5. Second, the amount of capital investments required to keep the Line functional is exorbitant compared with the amount of traffic moved over the Line. CMR estimates that it would cost \$16,316 per year just to keep the line within FRA compliance. Based on minimum maintenance requirements, 200 ties per mile must be replaced each year. Using relay ties and current installation costs, a per-tie cost installed would be \$32.00, totaling a yearly cost of \$12,800.00. In addition, FRA inspection requirements mandate that CMR inspect the portion monthly. The inspection normally takes one hour at a cost of \$43.00, including the vehicle, for a yearly cost of \$516.00. Miscellaneous expenses to replace missing bolts, change broken joint bars/rail and occasional gauging total about \$3000.00 per year. Such an investment cannot be justified as the traffic does not even cover the cost of operation.

6. The Line is in poor condition and quickly approaching the point that it is unsafe to continue to operate without substantial capital investments for upgrades. The revenue earned by CMR on these few shipments cannot come close to offsetting the cost of upgrading the Line. The Line is a net loss already for CMR and, because the cost of rehabilitation far exceeds the gross revenues that CMR could anticipate to receive over many years of services there appears to be no reasonable alternative but to abandon the Line. It should also be noted that the Michigan Department of Transportation plans to widen Interstate 75, which would require CMR to spend in excess of \$5 million to rebuild the bridge. It should be noted that there are 0.25 miles of track leading up to the west side of the bridge, however, that CMR will also stop maintaining if abandonment is allowed, as that short stretch of track does not serve any shippers. Furthermore, when balancing the potential harm to the affected shipper and community, which is naught, against the benefit of removing the decaying railroad bridge extending over Interstate 75 and

discontinuing use of dilapidated track, I believe the proposed abandonment would be beneficial to the general public, interstate commerce and CMR.

VERIFICATION

I, Charles A. Pinkerton, III, verify under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this statement.

7-15-03
Date


Charles A. Pinkerton, III
President and General Manager
Central Michigan Railway Company

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-308 (SUB-NO. 3X)

**CENTRAL MICHIGAN RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN SAGINAW COUNTY, MI**

PETITION FOR EXEMPTION

ATTACHMENT D

William A. Mullins
Christine J. Sommer
BAKER & MILLER PLLC
915 Fifteenth Street, NW
Suite 1000
Washington, DC 20005
Tel. (202) 637-9499
Fax (202) 637-9394

Dated: July 16, 2003

*Attorneys for Central Michigan
Railway Company*

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-308 (SUB-NO. 3X)

**CENTRAL MICHIGAN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN SAGINAW COUNTY, MI**

PETITION FOR EXEMPTION

ENVIRONMENTAL REPORT



The following information is provided in accordance with 49 C.F.R. § 1105.7(e):

(1) Proposed Action And Alternatives

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also, describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Central Michigan Railway Company ("CMRC") proposes to abandon approximately 1.75 miles of rail line located in Saginaw County, Michigan, running from railroad milepost ("MP") 17.21 to MP 15.46 (the "Line"). The Line currently serves only three customers, two of which have not utilized the Line in the past two years while the third has been active only to a very minimal extent.

Abandonment of the Line will result in the removal of the rail, crossties, other track material, and ballast. Maintenance of the Line will cease.

The only alternative would be not to abandon and to pass the opportunity costs of remaining on the Line to all other CMRC customers. This would not be a prudent utilization of carrier resources.

A map which delineates the proposed project is attached (*See Attachment 1*).

(2) **TRANSPORTATION SYSTEM**

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There is no CMRC passenger traffic on the Line. Freight traffic on the Line will be served by motor carriers that serve the area if the lone active shipper currently served by the Line decides to remain at its location. Motor carriers in the area currently service this shipper.

(3) **LAND USE**

- (i) **Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.**

CMRC does not consider the proposed abandonment to be inconsistent with existing land use plans. CMRC has contacted the chairman of the Saginaw County Board of Supervisors regarding this proposed abandonment. *See* Attachment 2. A copy of this report has been supplied to the chairman of the Saginaw County Board of Supervisors for information and comment.

- (ii) **Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.**

CMRC does not believe that the proposed abandonment will have any adverse impact on prime agricultural land. CMRC has contacted the U.S.D.A. Natural Resources Conservation Service, Midwest Regional Office, regarding this proposed abandonment and requested assistance in identifying any potential effects on prime agricultural land. *See* Attachment 3. A copy of this report has been supplied to the U.S.D.A. Natural Resources Conservation Service, Midwest Regional Office, for its information and comment.

- (iii) **If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.**

The action does not affect land or water uses within Michigan's designated coastal zone.

- (iv) **If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.**

In the opinion of CMRC, the properties proposed for abandonment might be suitable for other public purposes or for utility corridor usage.

(4) **ENERGY**

- (i) **Describe the effect of the proposed action on transportation of energy resources.**

The proposed action will have no effect on the transportation of energy resources.

- (ii) **Describe the effect of the proposed action on recyclable commodities.**

The proposed action will have no effect on the movement and/or recovery of recyclable commodities.

- (iii) **State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

The proposed action will not result in an increase or decrease in overall energy efficiency.

- (iv) **If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall efficiency in § 1105.7(e)(4)(iii) need not be supplied if the more detailed information in § 1105.7(e)(4)(iv) is required.**

There will be no diversion of rail traffic to motor carriage in excess of the above thresholds.

(5) **AIR**

- (i) **If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10**

percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The above thresholds will not be exceeded.

- (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, (B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

The above thresholds will not be exceeded.

- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Not applicable.

(6) **NOISE**

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) An incremental increase in noise levels of three decibels Ldn or more; or (ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

The above thresholds will not be exceeded.

(7) **SAFETY**

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

The proposed abandonment will have no detrimental effects on public health and safety. The Line does not contain any railroad grade crossings.

- (ii) **If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.**

The proposed abandonment will not impact the transportation of hazardous materials.

- (iii) **If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.**

CMRC is unaware of any hazardous waste sites or sites where there have been hazardous material spills on this Line.

(8) BIOLOGICAL RESOURCES

- (i) **Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.**

CMRC is confident that the proposed abandonment will not have an adverse impact on endangered or threatened species or areas designated as a critical habitat. CMRC contacted the regional office of the U.S. Fish and Wildlife Service in Twin Cities, Minnesota (which has jurisdiction over Michigan) regarding the proposed abandonment and requested assistance in determining whether endangered or threatened species or areas designated as a critical habitat are likely to be adversely impacted. *See* Attachment 4. A copy of this report has been supplied to the U.S. Fish and Wildlife Service for its information and comment.

- (ii) **State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.**

Based upon CMRC's review of the area, the Line is not within any wildlife sanctuary or refuge, National or State parks or forests. CMRC has contacted the National Park Service regarding the proposed abandonment and requested assistance in determining whether the proposed abandonment will have any potential effects on wildlife sanctuaries or refuges, or National or State parks or forests. *See* Attachment 5. A copy of this report has been supplied to the National Park Service for its information and comment.

(9) **WATER**

- (i) **Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.**

CMRC is confident that the proposed abandonment will be consistent with applicable water quality standards. CMRC contacted the Michigan Department for Environmental Quality ("MDEQ") and the United States Environmental Protection Agency ("EPA") concerning this matter requesting assistance in determining whether the proposed abandonment is consistent with applicable Federal, State or local water quality standards. See Attachment 6 and 7. A copy of this report is being supplied to the MDEQ and the EPA for their information and further comment.

- (ii) **Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.**

CMRC is confident that no designated wetlands or 100-year flood plains will be adversely impacted by the proposed abandonment. CMRC contacted the U.S. Army Corps of Engineers, Detroit District, concerning these matters. See Attachment 8. A copy of this report is being supplied to the U.S. Army Corps of Engineers for its information and comment.

- (iii) **State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)**

Upon receiving abandonment authority, removal of material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CMRC does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and does not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the Line and will not be discarded along the right of way nor placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering and waterways.

Based upon this course of action, Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

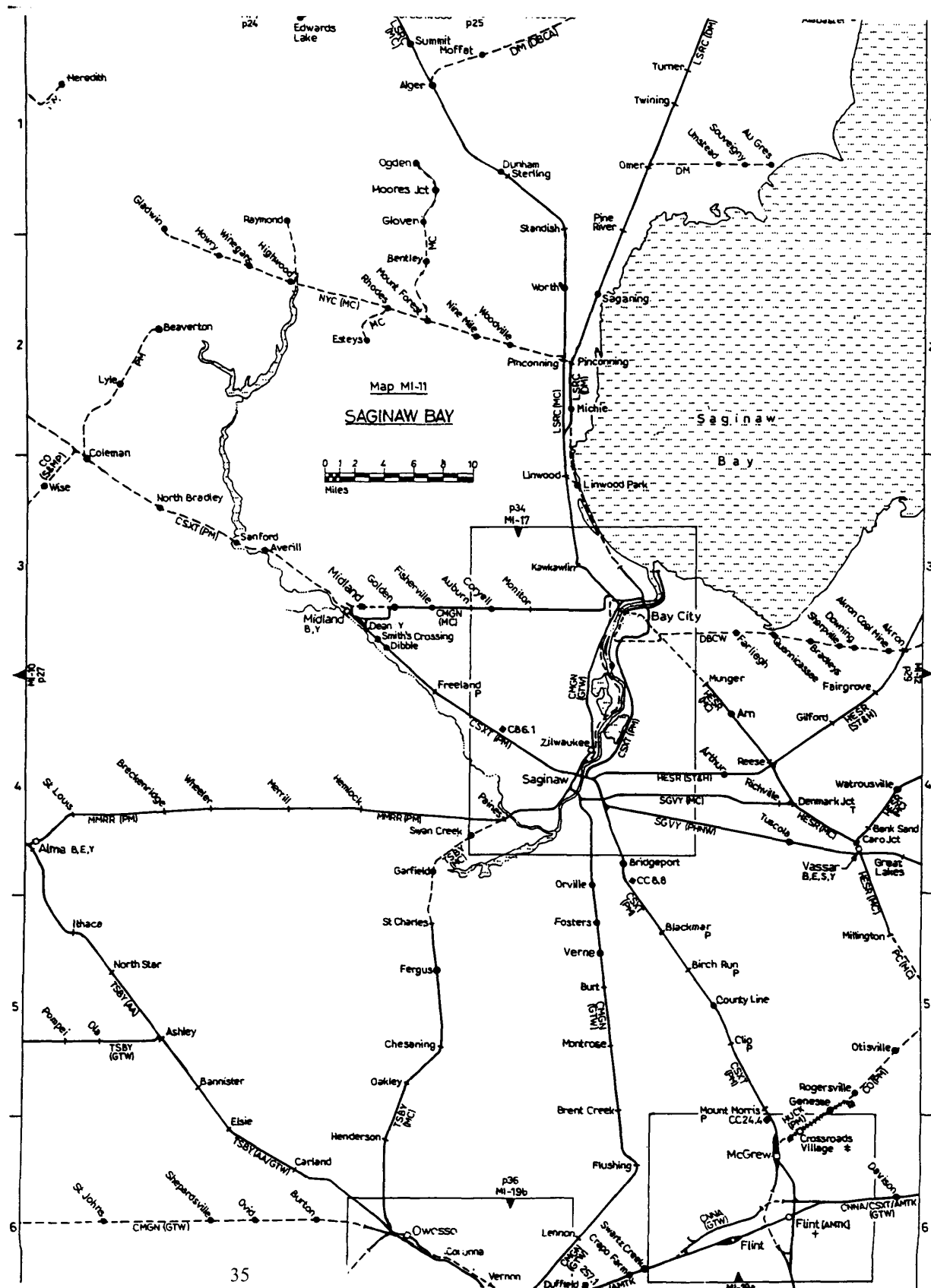
CMRC contacted the EPA and the MDEQ concerning this matter and requested assistance in identifying any potential impacts on applicable water quality standards and determining whether the proposed abandonment is consistent with applicable Federal, State, or local water quality standards. *See Attachments 6 and 7.* A copy of this report is being supplied to both entities for their information and comment.

(10) **PROPOSED MITIGATION**

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

There will be no adverse environmental impacts in the project area as a result of this abandonment; therefore, mitigating action will not be necessary.

Environmental Report
Attachment 1 - Map



Certificate of Service For Environmental Report
Pursuant to the Requirements of 49 C.F.R. §§ 1105.7(c) and 1105.11

Pursuant to the requirements of 49 C.F.R. §§ 1105.7(c) and 1105.11, the undersigned hereby certifies that a copy of the Environmental Report in Finance Docket No. AB-308 (Sub-No. 3X) was mailed via first class mail on June 24, 2003 to the following parties:

Michigan Department of Transportation
State Transportation Building
425 West Ottawa Street
P.O. Box 30050
Lansing, MI 48909

Chairman
Board of Commissioners
County of Saginaw
111 South Michigan Avenue
Saginaw, MI 48602

The U.S. Fish and Wildlife Service
Great Lakes – Big River Region
One Federal Drive
BHW Federal Building
Fort Snelling, MN 55111

United States Department of Agriculture
Natural Resources Conservation Service
Midwest Regional Office
2820 Walton Commons West, Suite 123
Madison, Wisconsin 53718-6797

Michigan Department for Environmental Quality
Saginaw Bay District Office
503 N. Euclid Ave, Suite 1
Bay City, MI 48706-2965

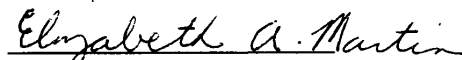
U.S. Environmental Protection Agency
Region Five
77 West Jackson Blvd
Chicago, IL 60604

The U.S. Army Corps of Engineers
Detroit District
477 Michigan Avenue
Detroit, MI 48226

National Geodetic Survey
Department of Commerce/NOAA
SSMC3, Station 9356
1315 E. West Highway
Silver Spring, MD 20910

National Park Service
1849 C Street NW
Washington, DC 20240

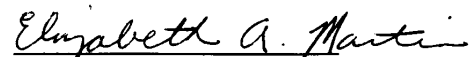
Date: June 24, 2003


Elizabeth A. Martin

Certificate of Publication in Newspaper of General Circulation
Pursuant to the Requirements of 49 C.F.R. § 1105.7(c)

The undersigned further certifies that a notice of the abandonment was published in *The Saginaw News* on June 1, 2003. *The Saginaw News* is generally circulated in the county where the rail line is located. The notice was in the form prescribed by the Board for a Petition for Exemption at 1105.12.

Date: June 24, 2003


Elizabeth A. Martin

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-308 (SUB-NO. 3X)

**CENTRAL MICHIGAN RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN SAGINAW COUNTY, MI**

PETITION FOR EXEMPTION

ATTACHMENT E

William A. Mullins
Christine J. Sommer
BAKER & MILLER PLLC
915 Fifteenth Street, NW
Suite 1000
Washington, DC 20005
Tel. (202) 637-9499
Fax (202) 637-9394

Dated: July 16, 2003

*Attorneys for Central Michigan
Railway Company*

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-308 (SUB-NO. 3X)

**CENTRAL MICHIGAN RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN SAGINAW COUNTY, MI**

PETITION FOR EXEMPTION

HISTORIC REPORT

1105.7 (e)(1)

(1) Proposed Action And Alternatives

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also, describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Central Michigan Railway Company ("CMRC") proposes to abandon approximately 1.75 miles of rail line located in Saginaw County, Michigan, running from railroad milepost ("MP") 17.21 to MP 15.46 (the "Line"). The Line currently serves only three customers, two of which have not utilized the Line in the past two years while the third has been active only to a very minimal extent.

Abandonment of this line will result in the removal of the rail, crossties, other track material, and ballast. Maintenance of this line will cease.

The only alternative would be not to abandon and to pass the opportunity costs of remaining on the line to all other CMRC customers. This would not be a prudent utilization of carrier resources.

A map which delineates the proposed project is attached (*See Attachment 1*).

1105.8(d)

- (1) **A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;**

A map of the Line, which marks the location of a bridge that is over 50 years old, is attached. *See* Attachment 1. This map has been supplied to the Michigan State Historic Preservation Office. *See* Attachment 2.

- (2) **A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;**

The right-of-way traverses predominantly flat farmland just west of in Saginaw County, Michigan, running from railroad milepost ("MP") 17.21 to MP 15.46. Industrial interests are located on the south side of the Line.

- (3) **Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;**

Photographs of the bridge traversing Interstate 75 are attached as Attachment 3.

- (4) **The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;**

The subject bridge was constructed in 1952. CMRC is unaware of any alterations to the structure.

- (5) **A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;**

To the best of CMRC's information and belief, the Detroit and Bay City Railroad began operating over the Line in 1888. The Line was conveyed to a number of carriers over the years. On July 9, 1987, CMRC filed a notice of exemption with the Interstate Commerce Commission to acquire and operate approximately 228.5 miles of rail line and related trackage rights in Michigan owned by the Grand Trunk Western Railroad Company, of which the subject Line was a part. CMRC has held the common carrier obligation on the Line since that time.

As a result of the proposed abandonment, maintenance on the Line will cease, and the rail, crossties, other track material, and ballast will be salvaged.

- (6) **A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;**

Engineering sketches, photographs, station maps.

- (7) **An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);**

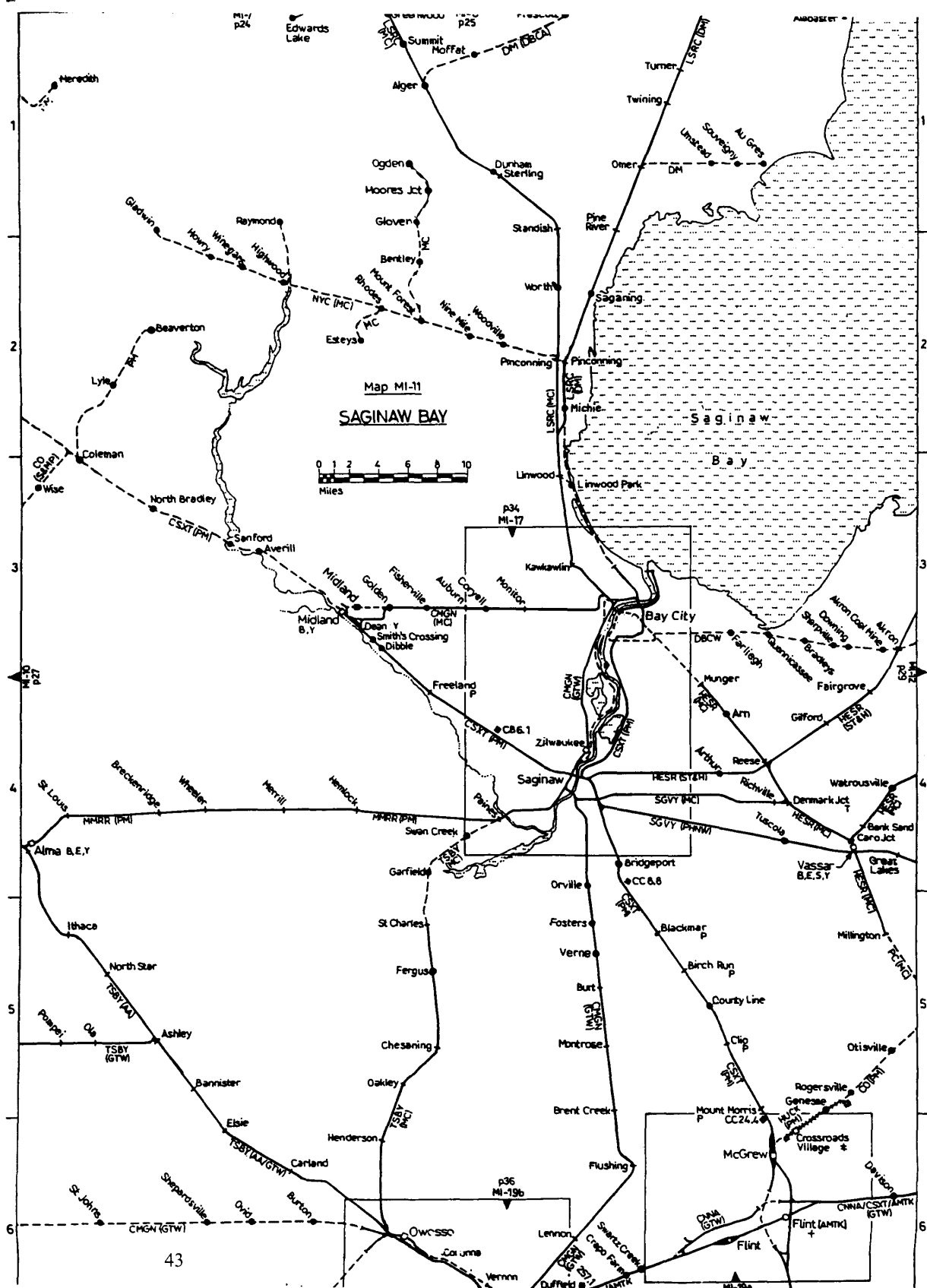
A review of CMRC's records indicates that there is only one bridge on the Line that is over 50 years old. CMRC is unaware of any significant, unique aspects to this structure. CMRC is also unaware of any archeological resources or any other previously unknown historic properties on the Line's right-of-way.

A map and the identification of all structures on the Line that are 50 years old or older have been supplied to the Michigan State Historic Preservation Office. *See* Attachment 2.

- (8) **A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.**

The Line is constructed of cuts and fills which appear to have been created at the time of construction. Any archeological resources that may have been located on the right-of-way (CMRC knows of none) were disturbed at that time. CMRC's records do not indicate any swampy conditions or hazardous materials spills along the right-of-way.

Historic Report
Attachment 1 - Map



Historic Report
Attachment 2 - Letter to Michigan State Historic Preservation Office

TROUTMAN SANDERS LLP

A T T O R N E Y S A T L A W
A LIMITED LIABILITY PARTNERSHIP

401 9TH STREET, N.W. - SUITE 1000
WASHINGTON, D.C. 20004-2134
www.troutmansanders.com
TELEPHONE: 202-274-2950

Elizabeth A. Martin
elizabeth.martin@troutmansanders.com
Not Admitted in D.C.

Direct Dial: 202-274-2900
Fax: 202-654-5663

June 24, 2003

Michigan State Historic Preservation Office
Michigan Historical Center
P.O. Box 30740
Lansing, MI 48909-8240

Dear Sir or Madam:

Central Michigan Railway Company ("CMRC") is planning to file a Petition for Exemption with the Surface Transportation Board ("STB"), on or about July 14, 2003 for CMRC to abandon approximately 1.75 miles of rail line located in Saginaw County, Michigan, running from railroad milepost 17.21 to milepost 15.46. The proposed abandonment will involve the removal of rail, ties, other track material, and ballast. A map of the line segment which is proposed for abandonment is enclosed.

In connection with the rail line that is to become the subject of notice for authority to abandon, 49 C.F.R. § 1105.8 requires that a Historic Report be submitted to the State Historic Preservation Officer prior to filing with the STB. A Historic Report for this Notice of Exemption is enclosed. As you will note in the report, there is one bridge that is 50 years old or older located along the line. Photographs of that bridge are enclosed.

If you have any questions, please do not hesitate to contact me at your convenience.

Sincerely,

Elizabeth A. Martin
Elizabeth A. Martin

Enclosures

Historic Report
Attachment 3 - Photographs



Bridge Viewed From I-75 - Looking South



Bridge Viewed From I-75 - Looking South



Bridge Viewed From I-75 - Looking South



Bridge Viewed From I-75 - Looking South



Bridge - Looking East



Bridge - Looking East



Bridge - Looking East



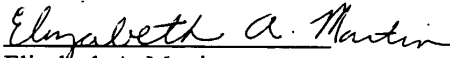
Bridge - Looking East

Certificate of Service For Historic Report
Pursuant to the Requirements of 49 C.F.R. § 1105.11

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Finance Docket No. AB-468(Sub-No. 5X) was mailed via first class mail on June 24, 2003 to the following parties:

Michigan State Historic Preservation Office
Michigan Historical Center
P.O. Box 30740
Lansing, MI 48909-8240

Date: June 24, 2003


Elizabeth A. Martin

DRAFT FEDERAL REGISTER NOTICE

STB Docket No. AB-308 (Sub-No. 3X)

Notice of Petition for Exemption to Abandon

On July 16, 2003, Central Michigan Railway Company (CMR) filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for the abandonment of approximately 1.77 miles of rail line located in Saginaw County, Michigan, running from railroad milepost ("MP") 2.83 to 4.60 and traversing through United States Postal Service ZIP Code 48601. The line for which abandonment exemption request was filed includes one abandoned station, Harger, which ceased operations two years ago and there are currently no tracks leading to that station, nor any routing through that station.

To the best of CMR's knowledge, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the labor protective conditions imposed in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the Federal Register.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. Environmental Assessments in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.