

LAW OFFICES OF  
**LOUIS E. GITOMER, LLC.**

LOUIS E. GITOMER  
Lou@lgraillaw.com

MELANIE B. YASBIN  
Melanie@lgraillaw.com  
410-296-2225

600 BALTIMORE AVENUE, SUITE 301  
TOWSON, MARYLAND 21204-4022  
(410) 296-2250 • (202) 466-6532  
FAX (410) 332-0885

December 26, 2012

Ms. Cynthia T. Brown  
Chief of the Section of Administration, Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D. C. 20423

**233583**  
**ENTERED**  
**Office of Proceedings**  
**December 27, 2012**  
**Part of**  
**Public Record**

RE: Docket No. AB-364 (Sub-No. 16X), *Mid-Michigan Railroad, Inc.—*  
*Abandonment Exemption—in Muskegon County, MI*

Dear Ms. Brown:

By letter filed December 20, 2012, the Michigan Department of Natural Resources (“MIDNR”) requests the Surface Transportation Board (the “Board”) to extend for 180 days the time to negotiate trail use over the 3.35-mile line between milepost 191.40 and milepost 194.75 in Muskegon, MI (the “Line”).

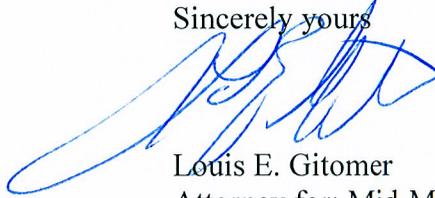
Mid-Michigan Railroad, Inc. (“MMRR”) has not consummated the abandonment. MMRR notifies the Board that it concurs in the extension for trail use negotiations for the Line for 180 days until June 18, 2013, 180 days from the date MIDNR sought the extension. The Board has previously concluded that “Where, as here, the carrier has not consummated the abandonment at the end of the previously imposed negotiating period and is willing to continue trail use negotiations, the Board retains jurisdiction, and the NITU negotiating period may be extended.” *Mid-Michigan Railroad, Inc.—*  
*Abandonment Exemption—in Muskegon County, Mich.*, STB Docket No. 364 (Sub-No 16X) (STB served July 19, 2011) slip op. at 1.

MMRR understands that pursuant to 49 C.F.R. 1152.29(e)(2) a NITU is a regulatory barrier to consummation of the abandonment and that the period for consummation of the abandonment is automatically extended until 60 days after the satisfaction, expiration or removal of the regulatory requirement. MMRR requests that the Board confirm that extension of the negotiating period until June 18, 2013, will also result in the consummation deadline for the Line being extended to August 17, 2013.

Ms. Cynthia T. Brown  
December 26, 2012  
Page 2

MMRR is efileing this letter. Thank you for your assistance. If you have any questions please contact me.

Sincerely yours

A handwritten signature in blue ink, appearing to read 'L. Gitomer', is written over the typed name below.

Louis E. Gitomer  
Attorney for: Mid-Michigan Railroad, Inc.

cc: Mr. Ronald A. Olson