

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-364 (Sub-No. 14X)

MID-MICHIGAN RAILROAD, INC.—ABANDONMENT EXEMPTION—IN KENT, IONIA,  
AND MONTCALM COUNTIES, MI

Decided: June 17, 2009

By decision and notice of interim trail use or abandonment (NITU) served on June 9, 2008, Mid-Michigan Railroad, Inc. (MMRR) was granted an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a 24.70-mile rail line between milepost 103.20 at Lowell, MI, and milepost 78.50, at Greenville, MI, at the end of the line in Kent, Ionia, and Montcalm Counties, MI.<sup>1</sup> Also, a 180-day period was authorized for West Michigan Trails and Greenways Coalition (WMTGC) to negotiate an interim trail use/rail banking agreement with MMRR for a portion of the right-of-way between milepost 103.20 near Lowell and milepost 81.32 near Greenville, a distance of 21.88 miles. That negotiating period expired on December 8, 2008.

On December 23, 2008, a NITU was served reopening the proceeding and establishing a 180-day period for a new entity, the Fred Meijer Heartland Trail (FFMHT), to negotiate an interim trail use/rail banking agreement with MMRR for the 21.88-mile portion of the right-of-way between milepost 103.20 near Lowell and milepost 81.32 near Greenville. That negotiating period is scheduled to expire on June 21, 2009.<sup>2</sup>

By letter filed on June 2, 2009, FFMHT filed a request to extend the negotiating period for the 21.88-mile portion of the right-of-way until March 31, 2010.<sup>3</sup> FFMHT states that it is

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<sup>1</sup> The exemption was also subject to historic preservation and standard employee protective conditions. The historic preservation condition was removed by decision served on September 22, 2008.

<sup>2</sup> On April 28, 2009, a NITU was served reopening the proceeding and establishing a 180-day period for FFMHT to negotiate an interim trail use/rail banking agreement with MMRR for the remaining 2.82 miles of right-of-way between milepost 81.32 at Washington Street (M-57) in Greenville and milepost 78.50 near Greenville at the end of the line (Peck Road). That negotiating period is scheduled to expire on October 25, 2009.

<sup>3</sup> Although the request exceeds the customary request of 180 days, the Board has granted such requests in the past. See, e.g., Union Pacific Railroad Company—Abandonment

working to finalize funding for acquisition of the right-of-way, but does not expect to have all of the funding available to close the transaction until March 31, 2010. In a response filed on June 9, 2009, MMRR states that it agrees to the extension request. Also, MMRR requests an extension of the time to file its notice of consummation until May 30, 2010.

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.<sup>4</sup> Accordingly, the NITU negotiating period will be extended until March 31, 2010, and the time to consummate the abandonment and file a notice of consummation will be extended until May 30, 2010.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The request to extend the interim trail use negotiating period is granted.
2. The request to extend the time to consummate the abandonment and file a notice of consummation is granted.
3. The negotiating period under the NITU is extended to March 31, 2010.
4. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before May 30, 2010.
5. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Anne K. Quinlan  
Acting Secretary

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( . . . continued)

Exemption—in Lancaster County, NE, STB Docket No. AB-33 (Sub-No. 181X) (STB served June 14, 2002).

<sup>4</sup> See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).