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SERVICE DATE - MAY 16, 1997

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-361 (Sub-No. 2X)

MICHIGAN SHORE RAILROAD, INC.--ABANDONMENT EXEMPTION--
IN MUSKEGON, MUSKEGON COUNTY, MI

Decided: May 14, 1997

A decision and notice of interim trail use or abandonment (NITU) was served on November 15, 1996, authorizing a 180-day period for the Michigan Department of Natural Resources (MDNR), through its Forest Management Division, to negotiate an interim trail use/rail banking agreement with Michigan Shore Railroad, Inc. (Michigan Shore) for a 3.21-mile rail line. The line extends from milepost 93.59 at Getty Street and Laketon Avenue in Muskegon, MI, to the end of the track at milepost 90.38, near Dangl Road and Laketon Avenue near Muskegon, all in Muskegon County, MI. The negotiating period expired on May 6, 1997.

By letters filed May 7, 1997, Michigan Shore and MDNR request a 60-day extension of the negotiating period to July 5, 1997. Both Michigan Shore and MDNR state that negotiations are continuing and that a completed agreement should be reached within 60 days.

An extension of the trail use negotiating period can be granted as long as the Board retains jurisdiction over the involved railroad right-of-way¹ and the carrier is willing to continue negotiations. Inasmuch as Michigan Shore has not consummated the abandonment and has indicated a willingness to continue to negotiate, the extension request can be granted.

A 60-day extension will promote the establishment of trail use/rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the extension will be granted.

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 NITU negotiating period is extended to July 5, 1997.
3. This decision is effective on the service date.

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

Vernon A. Williams
Secretary

¹ See *Rail Abandonment--Supplemental Trails Act Procedures*, 4 I.C.C.2d 152, 157-58 (1987); *Soo Line Railroad Company--Exemption--Abandonment in Waukesha County, WI*, Docket No. AB-57 (Sub-No. 23X) (ICC served May 14, 1987); and *Missouri-Kansas-Texas Railroad Company--Abandonment--In Pettis and Henry Counties, MO*, Docket No. AB-102 (Sub-No. 16) (ICC served Apr. 26, 1991).