

BOARD OF COUNTY ROAD COMMISSIONERS
BOARD OF COUNTY PARK TRUSTEES
BOARD OF PUBLIC WORKS

Commissioners

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Lawrence B. Hummel, P.E., County Highway Engineer-Manager
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February 8, 2013



233779

Secretary
Surface Transportation Board
Washington, DC 20423-0001

ENTERED
Office of Proceedings

FEB 11 2013

Part of
Public Record

Re. West Michigan Railroad Co. ("WMI")
Van Buren County, Michigan
STB Docket Number AB-1107X

Dear Secretary:

This request is filed on behalf of the Friends of the Kal-Haven Trail and Van Buren County Board of Park Trustees, hereinafter referred to as "proponent".

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between milepost 19.88 and milepost 30.55.

A. Request for Public Use Condition

Proponent asks the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is multiple municipalities and further the countywide plans for greenspace and recreational opportunities. The corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides important wildlife habitat and open space and its preservation as a recreational trail is consistent with those purposes. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time to assemble and review title information, begin negotiations with the carrier, and finalize the multi-jurisdictional authority for future planning and development.

- 2 An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreation trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason for the same reason as indicated above.

B. Request for Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

**STATEMENT OF WILLINGNESS TO ASSUME
FINANCIAL RESPONSIBILITY**

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 CFR §1152.29, Proponent is willing to assume full responsibility for management of, indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by West Michigan Railroad.

The property, known as the West Michigan Railroad, extends from railroad milepost 19.88 near 56th Street, near Lawrence, Michigan, to railroad milepost 30.55 near Kalamazoo Street in Paw Paw, Michigan, a distance of 10.67 miles in Van Buren County. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-1107X.

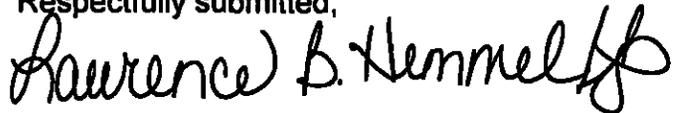
A map depicting the right-of-way is attached.

Proponent acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

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By my signature below, I certify service upon West Michigan Railroad Company, c/o Robert A Wimbish, Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037, Attorney Daniel LaKemper, Pioneer Railcorp, 1318 South Johanson Road, Peoria, IL 61607 and J. Michael Carr, President/CEO, Pioneer Railcorp, 1318 South Johanson Road, Peoria, IL 61607, by U.S. Express Mail Service, postage prepaid, this 8th day of February, 2013

Respectfully submitted,

A handwritten signature in black ink that reads "Lawrence B. Hummel" followed by a stylized flourish.

Lawrence B. Hummel, P.E. on behalf of the **Friends of the Kal-Haven Trail**, a Michigan non-profit corporation and **Van Buren County Board of Park Trustees**, a government agency

LBH/jb
Enclosure



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