



STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT

LANSING



JENNIFER M. GRANHOLM
GOVERNOR

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REBECCA A. HUMPHRIES
DIRECTOR

June 16, 2010

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Office of Proceedings

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Public Record



Ms. Cynthia T.-Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Dear Ms. Brown:

SUBJECT: Mid-Michigan Railroad, Inc. – Abandonment Exemption – in Muskegon
County, Michigan, STB Docket No. AB-364 (Sub-No. 16X)

By letter filed on May 13, 2010, the Michigan Department of Natural Resources and Environment (DNRE), which is a government agency interested in recreation and natural resources, hereinafter referred to as "proponent," made two requests to the Surface Transportation Board (STB). The first request was for an extension of time in which to negotiate trail use over a 0.5-mile line between milepost 191.40 and milepost 191.90. The Board granted a Notice of Interim Trail Use (NITU) over this segment in a decision served on May 19, 2009. The second request was for issuance of a NITU for the remaining 2.85-miles between milepost 191.90 and milepost 194.75.

In clarification, the DNRE requests the following:

- 1) An extension of time in which to negotiate trail use over that portion of the grade between milepost 191.40 and milepost 191.90, in which the Board issued a NITU in a decision served May 19, 2009.
- 2) Issuance of a NITU over the remainder of the corridor between milepost 191.90 and milepost 194.75, per the request below.
- 3) If the request for an extension of time to negotiate trail use between milepost 191.40 and milepost 191.90, and the request for issuance of a NITU between milepost 191.90 and milepost 194.75 are granted, the two decisions carry the same expiration date.

Request for Interim Trail Use

Proponent requests issuance of an Interim Trail Use Condition rather than an outright abandonment authorization on the remainder of the rail line contained in Mid-Michigan Railroad, Inc. verified notice of exemption, specifically that portion located between milepost 191.90 and milepost 194.75, in Muskegon County, Michigan.

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Justification for this condition is that the corridor would make an excellent recreational trail. The corridor provides a direct extension of a rail corridor already developed for trail use by the proponent.

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, the proponent is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, 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 Mid-Michigan Railroad, Inc.

The property extends from milepost 191.90 to milepost 194.75, a distance of 2.85 miles in Muskegon County, Michigan. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-364 (Sub-No. 16X).

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.

By my signature below, I certify service upon the representative of Mid-Michigan Railroad, Inc., Louis E. Gitomer, Law Offices of Louis Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204-4022, by U.S. Mail, postage pre-paid, first class, this 24th day of April, 2009.

If you need further information or assistance, please contact Mr. Roger Storm, Trailway Acquisition Specialist, Office of Land and Facilities, at 517-335-3258, or you may contact me.

Sincerely,



James Radabaugh, State Trails Coordinator
Forest, Mineral and Fire Management
517-373-1276

Enclosure

cc: Mr. Louis E. Gitomer, Law Offices
of Louis E. Gitomer
Mr. Michael Gilligan, RailAmerica, Inc.
Mr. David Freed, DNRE
Mr. Roger Storm, DNRE

