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LAW OFFICES OF
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July 23, 2009

THE ADAMS BUILDING, SUITE 301
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TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20423

#E1-17843
Jaw
AB-364 16X

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

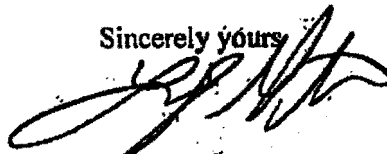
Dear Acting Secretary Quinlan:

By decision served in the above-entitled proceeding on May 19, 2009, the Surface Transportation Board imposed a condition requiring the Mid-Michigan Railroad, Inc. ("MMRR") to "contact the City regarding restoration of the 15 public road crossings and all related infrastructure, including streets, sidewalks, curbs, pavement, and terraces, and comply with the reasonable requirements of the City in restoring the 15 public road crossings that may be impacted as a result of rail line salvage" as a condition precedent to commencing salvage activities.

MMRR has contacted the City and has agreed to comply with the City's reasonable requests as evidenced by the attached exchange of emails. Having complied with the condition, MMRR respectfully requests the Board to remove the condition so that MMRR can proceed to salvage the track and materials from the rail line.

MMRR is e-filing this letter. Thank you for your assistance. If you have any questions, please contact me.

Sincerely yours



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

cc: Mr. James Radabaugh

Louis E. Gitomer

From: Franger, Sandy K. (SATX) [Sandy.Franger@RailAmerica.com]
Sent: Thursday, July 16, 2009 5:32 PM
To: Louis E. Gitomer
Subject: FW: Muskegon Abandonment (road crossing restoration)

From: Dine, Bob (MMRR)
Sent: Thursday, July 16, 2009 12:47 PM
To: Al-Shatel, Mohammed
Cc: Franger, Sandy K. (SATX); Charron, Kenneth (GPRK); Bixby, Jack (HESR)
Subject: RE: Muskegon Abandonment (road crossing restoration)

Mohammed,
The City of Muskegon's understanding is correct regarding how we will proceed on the abandonment.

From: Al-Shatel, Mohammed [mailto:Mohammed.Al-Shatel@postman.org]
Sent: Tuesday, July 14, 2009 5:19 PM
To: Dine, Bob (MMRR)
Cc: Bixby, Jack (HESR); Pennell, Mark (MMRR)
Subject: RE: Muskegon Abandonment (road crossing restoration)

On behalf of the City of Muskegon please consider this email from Mohammed Al-Shatel, City Engineer for the City of Muskegon, as the City's understanding and consent to the proposed removal of abandoned railroad crossing in the City of Muskegon by Michigan Shores at no cost to the City. It is also understood by the City that the crossing locations are along the Keating Ave corridor from Black Creek to Peck (along the southerly boundaries of the City's corporate limits). It is further understood by the City that the roadway restoration will be in accordance to the City's specifications.

Mohammed Al-Shatel
City Engineer
(231) 724-6944

-----Original Message-----

From: Dine, Bob (MMRR) [mailto:Bob.Dine@RailAmerica.com]
Sent: Tuesday, July 14, 2009 4:57 PM
To: Al-Shatel, Mohammed
Cc: Bixby, Jack (HESR); Pennell, Mark (MMRR)
Subject: FW: Muskegon Abandonment (road crossing restoration)

Mohammed,
As you are probably aware, the Surface Transportation Board order approving the abandonment of the Michigan Shore railroad from Black Creek to Barney Street requires the Michigan Shore Railroad to notify the City of Muskegon of our intent to remove the road crossings in the abandoned section. Railroad counsel does not think the exchange below between you and Mark Pennell is quite sufficient. They would like a slightly more formal response from the City. A return email that conveys the City's understanding of our intent to remove the crossings would be appreciated. If you wish to scan a letter on City letterhead, that would be great.

It is my understanding that the work to remove the abandoned section is scheduled to begin in early August. However, the work cannot begin until we notify the Surface Transportation Board that the City of Muskegon has been notified regarding the crossing removals. I am certain that we both have wanted to remove these crossings for several years. We now have the opportunity to complete the removals soon. Please feel free to call me at (616) 293-0558 if you have any questions or need additional information.

From: Pennell, Mark (MMRR)
Sent: Tuesday, July 14, 2009 4:07 PM
To: Dine, Bob (MMRR)
Subject: FW: Muskegon Abandonment (road crossing restoration)

From: Al-Shatel, Mohammed [mailto:Mohammed.Al-Shatel@postman.org]
Sent: Friday, June 26, 2009 1:03 PM
To: Pennell, Mark (MMRR)
Cc: Bixby, Jack (HESR); Dine, Bob (MMRR)
Subject: RE: Muskegon Abandonment (road crossing restoration)

Would you please make sure they will follow traffic control signage. Thanks

-----Original Message-----

From: Pennell, Mark (MMRR) [mailto:Mark.Pennell@railamerica.com]
Sent: Friday, June 26, 2009 9:12 AM
To: Al-Shatel, Mohammed
Cc: Bixby, Jack (HESR); Dine, Bob (MMRR)
Subject: Muskegon Abandonment (road crossing restoration)

Mohammed,

We have hired a contractor Unltrac Railroad Materials, INC who will be starting to do the take up of track materials and restoration of fifteen (15) railroad crossings in the next 30 to 60 days. The STB order tells us to restore the crossings and our contractor plans on doing so according to the state law. If you have any questions please feel free to give me a call.

Mark Pennell
RoadMaster
Mid-Michigan Railroad
311 E Western Avenue
Muskegon, MI 49442
Phone 231.722.2686
Cell 616.293.0564



Diana Wood/STB
07/30/2009 09:32 AM

To Terry Guy/STB@STB
cc Melissa Ziembicki/STB@STB
bcc
Subject Re: STB Docket No. AB-364 (Sub-No. 16X), Mid-Michigan Railroad, Inc.--Abandonment Exemption--in Muskegon County, MI 

Terry:

The correspondence from the attached memo indicates that the consultation condition between the City of Muskegon and MMRR has been satisfied. I will place a copy of said correspondence in ECT.

This concludes SEA's review of the subject abandonment..

Diana F. Wood
Section of Environmental Analysis
Surface Transportation Board
395 E Street S.W. Room 1110
Washington, DC 20423
202-245-0302 (phone)
202-245-0454 (fax)

Terry Guy/STB



Terry Guy/STB
07/29/2009 11:26 AM

To Diana Wood/STB@STB
cc Melissa Ziembicki/STB@STB
Subject Re: STB Docket No. AB-364 (Sub-No. 16X), Mid-Michigan Railroad, Inc.--Abandonment Exemption--in Muskegon County, MI

Diana, per your request, attached is a copy of the filing that was filed on 7/23/09



- Document.pdf

Hi Terry:

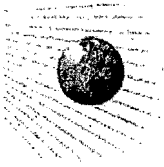
I sent you a reply on Friday (was telecommuting) from my personal email account and am not sure you got it, but to answer your question, I will need to see their correspondence and then check with the City to make sure everything has been taken care of within reason. Can you send me the letter?

Thanks

Diana F. Wood
Section of Environmental Analysis
Surface Transportation Board
395 E Street S.W. Room 1110
Washington, DC 20423

202-245-0302 (phone)
202-245-0454 (fax)

Terry Guy/STB



Terry Guy/STB

07/24/2009 09:41 AM

To Diana Wood/STB@STB

cc

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

Hi Diana,

On July 23, 2009, Mid-Michigan filed a letter requesting the Board to remove the previously-imposed condition requiring Mid-Michigan to contact the City of Muskegon regarding restoration of the 15 public road crossings and all related infrastructure, including streets, sidewalks, curbs, pavement, and terraces, and comply with the reasonable requirements of the City in restoring the 15 public road crossings that may be impacted as a result of rail line salvage. Mid-Michigan indicates that it has contacted the City and has agreed to comply with the City's reasonable requests. Mid-Michigan attaches to its letter the exchange of emails between the parties.

Is this a condition that would have to be removed by SEA?