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DEPARTMENT OF NATURAL RESOURCES

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DIRECTOR

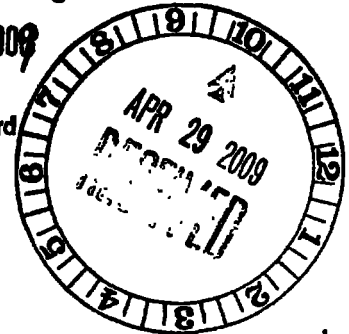
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April 28, 2009

ENTERED
Office of Proceedings

APR 29 2009

Part of
Public Record



Ms. Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 East Street, SW
Washington, DC 20423-0001

FILED

APR 29 2009

**SURFACE
TRANSPORTATION BOARD**

Dear Ms. Quinlan:

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

This request is filed on behalf of the Michigan Department of Natural Resources, which is a government agency interested in recreation and natural resources, hereinafter referred to as "proponent."

Request for Interim Trail Use

A portion of the railroad right-of-way in this proceeding is suitable for railbanking.

Proponent requests issuance of an Interim Trail Use Condition rather than an outright abandonment authorization on a portion of the rail line contained in Mid-Michigan Railroad, Inc. verified notice of exemption, specifically that portion located between milepost 191.40 and milepost 191.90, in Muskegon County, Michigan.

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. That corridor, bought under authority provided by the State Transportation Preservation Act of 1976, remains connected to the interstate rail network at its eastern terminus.

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.

NATURAL RESOURCES COMMISSION
Keith J. Charters, Chair • Mary Brown • Hurley J. Coleman, Jr. • John Madigan • J. R. Richardson • Frank Wheatlake

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The property extends from milepost 191.40 to milepost 191.90, a distance of 0.55 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 enclosed. 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 28th day of April, 2009.

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

Sincerely,



James Radabaugh, State Trails Coordinator
Michigan Department of Natural Resources
Forest, Mineral and Fire Management
517-373-1276

Enclosure

cc: Mr. Louis E. Gitomer,
Law Offices of Louis E. Gitomer
Mr. Todd N. Cecil,
RailAmerica, Inc.
Mr. David Freed, DNR
Mr. Roger Storm, DNR

