

SERVICE DATE – APRIL 12, 2019

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

Docket No. AB 308 (Sub-No. 4X)

CENTRAL MICHIGAN RAILWAY COMPANY—ABANDONMENT
EXEMPTION—IN KENT COUNTY, MICH.

Decided: April 11, 2019

On March 12, 2009, Central Michigan Railway Company (CMRY) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon an approximately 1.75-mile line of railroad (the Line) consisting of three interconnected segments: (1) (segment A) extending from milepost 157.96 (at the switch connection with the east-west aligned tracks of the Mid-Michigan Railroad, Inc. (MMR) near the intersection of Taylor Avenue and Quimby Street) through valuation map marker 9+87.2 (the location of the south wye, or Press Track, switch adjacent to Monroe Avenue) and continuing to the end of the track at a point immediately north of Michigan Street/Bridge Street; (2) (segment B) extending from valuation map marker 3+00 (at a switch connection with a line of MMR immediately at the east end of the MMR bridge spanning the Grand River) to a connection with segment A at valuation map marker 9+87.2 (at the south wye switch); and (3) (segment C) extending from valuation map marker 0+00 (at a point of connection with the east-west aligned MMR line immediately to the east of the MMR line's bridge spanning the Grand River) due northward to valuation map marker 11+15.0 (approximately 250 feet south of Ann Street), in Grand Rapids, Kent County, Mich. Notice of the exemption was served and published in the Federal Register on April 1, 2009 (74 Fed. Reg. 14,862).

By decision and notice of interim trail use or abandonment (NITU) served on April 30, 2009, a 180-day period was authorized for the Michigan Department of Natural Resources (MDNR) to negotiate an interim trail use/rail banking agreement with CMRY for the Line pursuant to section 8(d) of the National Trails System Act, 16 U.S.C. § 1247(d). On October 3, 2011, MDNR notified the Board that it had successfully completed negotiations with CMRY on a trail use agreement for the Line except for a 3,327-foot portion (segment D).¹ After a separate NITU on segment D was established and later vacated, CMRY filed a notice of consummation for segment D on July 2, 2015.

On February 13, 2019, MDNR and the City of Grand Rapids (the City) jointly filed a request for MDNR to terminate trail use and for the City to become the trail sponsor. By letter

¹ MDNR described this portion as that part of segment A that is south of the point of intersection of the west line of Monroe Street with the center line of the existing rail corridor and continuing to the end of the track at a point immediately north of Michigan Street/Bridge Street.

filed on March 13, 2019, CMRY stated that it consents to the City assuming full responsibility for the trail use agreement.

The City submitted a statement of willingness to assume responsibility for: (i) management of the right-of-way; (ii) any legal liability arising out of the transfer or use of the right-of-way; and (iii) the payment of any and all taxes that may be levied or assessed against the right-of-way. The City has also acknowledged that the use of the right-of-way for trail purposes is subject to possible future reconstruction and reactivation of the right-of-way for rail service.

MDNR's and the City's request complies with the requirements of 49 C.F.R. § 1152.29(f). Accordingly, this proceeding will be reopened and a replacement NITU will be issued for the Line (except for segment D).

It is ordered:

1. This proceeding is reopened.
2. The NITU served on April 30, 2009, is vacated.
3. A replacement NITU applicable to the City as interim trail sponsor for the Line (except for segment D) is issued, effective on the service date of this decision and notice.
4. Interim trail use/rail banking is subject to the future restoration of rail service and to the new trail sponsor's continuing to meet the financial obligations for the right-of-way.
5. If the trail sponsor intends to terminate trail use, it must send the Board a copy of this decision and notice and request that it be vacated on a specified date.
6. This decision is effective on its service date.

By the Board, Allison C. Davis, Acting Director, Office of Proceedings.