

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-364 (Sub-No. 12X)

MID-MICHIGAN RAILROAD, INC.—ABANDONMENT EXEMPTION—IN KENT AND
IONIA COUNTIES, MI

Decided: October 29, 2008

By decision and notice of interim trail use or abandonment (NITU) served on April 4, 2008, Mid-Michigan Railroad, Inc. (MMRR) was granted an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a 15.83-mile rail line between milepost 137.83, southeast of Lowell, and milepost 122.00, east of Prairie Center, the end of the line, in Kent and Ionia Counties, MI. The exemption was made subject to standard employee protective and historic preservation conditions. As pertinent here, the historic preservation condition required MMRR to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register of Historic Places until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f. In this decision, the Board is removing the historic preservation condition.

Also, the April 4, 2008 decision authorized a 180-day period for West Michigan Trails and Greenways Coalition (WMTGC) to negotiate an interim trail use/rail banking agreement with MMRR for the right-of-way, which period expired on October 1, 2008. By decision served on October 29, 2008, the proceeding was reopened and a new NITU was issued, authorizing the Friends of the Fred Meijer Heartland Trail (FFMT) to negotiate an interim trail use/rail banking agreement with MMRR for the right-of-way. That negotiating period is scheduled to expire on April 27, 2009.

By letter filed on October 28, 2008, MMRR states that it has entered into a purchase and sale agreement with FFMT and will deliver a quitclaim deed to FFMT at closing. MMRR requests that the Board expeditiously remove the historic condition so that it may close the sale of the line for interim trail use/rail banking on October 30, 2008.

SEA has now advised that, by correspondence dated October 27, 2008, the Michigan Department of History, Arts and Libraries (State Historic Preservation Office or SHPO), has determined that the abandonment would not result in adverse effects on historic properties on the line, including the Grand River Railroad Bridge. SEA states that it concurs with the SHPO's determination and, based on the information provided, recommends that the section 106 historic preservation condition imposed in the April 4 decision be removed.

Accordingly, based on SEA's recommendation, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 historic preservation condition imposed in the April 4, 2008 decision is removed.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan
Acting Secretary