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Comment on AB 1107X Abandonment Exemption of West Michigan Railroad-in
Van Buren County, Mich.

NARPO received a filing for AB 1107X today dated July 1, 2020 where West Michigan Railroad (WMI) is still trying to manipulate the STB rules on abandonment and interim trail use.

Many months ago, NARPO's May 21, 2019 filing brought to the STB's attention where WMI had consummated this abandonment on two small segments of this abandonment; namely MP 25.1 to MP 26.5 and MP 30.2 to MP 30.55. In the MP 25.1 to MP 26.5 segment (also known as the Cora Segment), WMI tried a backdoor method to extract money from the abutting property owners along the Cora Segment through a scheme where some of these abutting property owners signed a sales contract that said they were buying back their own property but would allow the rails to go back in the ground up and until 2022. Many of the property owners in the Cora Segment did not agree to the scheme and did not sign the sales agreements. This proviso supposedly kept the Cora Segment still somehow railbanked even though it did not abide by existing STB rules. For a reason not completely understood, the STB allowed this scheme to be blessed, see STB STB decision on 12/17/2019.

Now WMI wants to inject state law into the scheme they made up in 2013 and 2019 to justify their retaining the right for rail banking. See Footnote 1 in the WMI July 1, 2020 filing. There is no cite for any state law on this dream of WMI.

Besides state law, if there is was any that pertained to this issue, has no bearing as WMI consummated the abandonment under federal law over seven year ago and now is leaning on the Discontinuance procedure to somehow retain their Common Carrier requirements.

What WMI forgets is that when they consummated the Cora Segment and between MP 30.2 and MP30.55 in 2013, they cut off any connection to the National Rail System after MP 25.1. There is no connecting rail line at the MP 30.55 end so all the rail property between MP 25.1 and MP 30.55 has no connection to the National Rail System, see AB 6-494X and AB 6-306X and RTLD v STB.

Hopefully the STB will see through the charade WMI is trying to pull off, and not allow the continuation of railbanking from MP 25.1 to MP 30.55.

NARPO has served the current parties of record today July 1, 2020.

Sincerely yours

Richard Welsh

Executive Director--NARPO