

National Association of Reversionary Property

Owners (NARPO) IRS 501 (c)(3)

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November 1, 2019

The Honorable Cynthia T. Brown, Chief
Section of Administration Surface Transportation Board
395 E Street, SW, Ste. 1260
Washington, DC 20423-0001

ENTERED
Office of Proceedings
November 4, 2019
Part of
Public Record

Re: Docket No. AB 1107-0X WEST MICHIGAN RAILROAD CO.--ABANDONMENT EXEMPTION--IN VAN BUREN COUNTY, MICH

Dear Ms. Brown: On November 1, 2019 West Michigan Railroad (WMI) and Michigan Dept. Of Natural Resources (MDNR) filed a joint request to extend the NITU period for another 180 days. On May 21, 2019 NARPO filed a Petition for Reconsideration of the STB's decision to issue the original NITU on this abandonment in 2013. WMI and NARPO filed replies and rebuttals over the next six weeks. So far there has been no decision on NARPO's Petition for Reconsideration by the Board.

As briefed by NARPO in NARPO's May 21, 2019 Petition and NARPO's further reply and rebuttal, two parts of the rail line in question were consummated by WMI on January 11, 2014 and February 4, 2013. Months after the consummations took effect, WMI coerced some of the property owners along the area already consummated to pay WMI exorbitant money to supposedly not allow a trail through the portion of the land they owned in fee title. For an unknown reason, the deeds that WMI coerced the property owners to sign and pay for had a 22 year maximum time limit for the end of any trail use issues. WMI inserted this 22 year time limit even though STB rules and the trail's act legislation has no time limit allowed.

Once all or part of an approved abandonment is consummated, the STB loses all jurisdiction over the consummated portion of the abandonment. Consequently after the consummation of the two portions of the right of way, the STB lost jurisdiction over the rail line from MP 25.1 to the end at MP 30.55 as there was no connecting rail line to the National Rail System after MP 25.1. The west end of the abandonment at MP 19.88 up to MP 25.1 is still connected to the National Rail System and is still available for a NITU extension and possibly a trail use agreement. But the portion of the abandoned rail line from MP 25.1 to the east end at MP 30.55 is not available for a NITU extension as the STB lost jurisdiction on the date of consummations.

NARPO requests the STB to deny an extension of the NITU from MP 25.2 to MP 30.55.

Very truly yours,
Richard Welsh, Executive Director, NARPO

Service to Parties of Record

I certify on November 1, 2019 all parties of record of AB 1107 X have been notified of this filing via email.

Richard Welsh—Executive Director-NARPO