

September 19, 2002

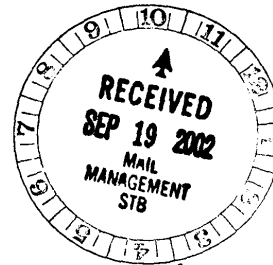
TO:

Office of the Secretary
Surface Transportation Board
1925 K. Street, NW
Washington, DC 20423

FROM:

Ken Freestone
Macatawa Greenway Partnership

RE: Public Use Condition and Railbanking Request
On Behalf of Allegan County, Michigan



AB-SS
SUB-619X

ENTERED
Office of Proceedings

SEP 19 2002

Part of
Public Record

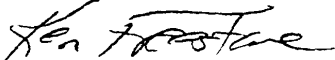
To whom it may concern,

I am filing this information on behalf of Allegan County, Michigan, Parks & Recreation Department. The attached documents are being faxed to you for receipt on the deadline date of September 19, 2002. The original documents, along with the \$150.00 filing fee are being sent by overnight carrier for delivery on September 20, 2002.

We have also forwarded duplicates of this information to CSXT in Jacksonville, FL.

Please contact me with any questions or comments.

Thank you,

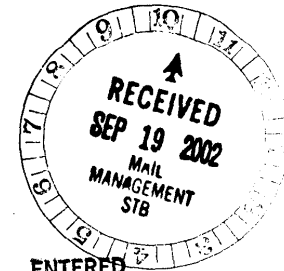


Ken Freestone
Executive Director
Macatawa Greenway Partnership
112 E. 7th St.
Holland, MI 49423
616-396-2353
616-392-8879/Fax
greenway@macatawa.org

Public Use Condition and Railbanking Request

Office of the Secretary
Surface Transportation Board
1925 K. Street, NW
Washington, DC 20423

9/18/02



ENTERED
Office of Proceedings

SEP 19 2002

Re: CSX Transportation, Inc. Abandonment in Western Region, Chicago
Division, Grand Rapids Subdivision, Hamilton Industrial Track, [STB Docket No. AB-55
(Sub-No. 619X)]

Part of
Public Record

Dear Secretary:

This comment should be treated as a protest or a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of Allegan County, which is a government agency interested in natural resources, conservation and recreation, which is hereinafter referred to as "Commenter."

While not taking a position on the merits of this abandonment, Commenter requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between CGB 19.00 in Holland, MI and CGB 12.90 in Hamilton, MI, a total distance of approximately 6.1 miles. The line traverses U.S. Postal Service Zip Codes 49423 and 49419.

A. Public Use Condition

Commenter requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. The justification for this condition is that the rail corridor connects a federally designated urbanized region with a rapidly expanding bedroom community. The rail corridor is also identified as a significant component of a regional Greenway Open Space plan that has been established for the Greater Holland/Zeeland, Michigan area by the Macatawa Greenway Partnership (a regional non-profit land protection and recreational organization). The corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local and regional plans. In addition, the corridor provides access to several tributaries of the Macatawa (Black) River and the Rabbit River as well as a historically significant trestle/bridge over the Pigeon River.

The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time to work with local and regional

authorities (Chamber of Commerce, Economic Development Corporation, Elected Officials, Contiguous Businesses and Residents) to complete an acceptable plan.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, Commenter also makes the following request:

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 C.F.R. § 1159.29, Allegan County is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by CSX Transportation, Inc and operated by CSX Transportation, Inc.

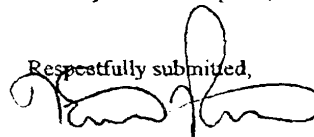
The property, known as the Hamilton Industrial Track, extends from railroad milepost CGB 19.00 Holland to railroad milepost CGB 12.90, near Hamilton, a distance of 6.1 miles in Allegan County, Michigan. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-55 (Sub-No. 619X).

A map depicting the right-of-way is attached.

Allegan County 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 CSX Transportation, Inc, 500 Water Street - J150, Jacksonville, FL 32202 by Federal Express, Overnight Carrier this day of August 18, 2002.

Respectfully submitted,



Kevin Ricco

on behalf of:

Allegan County
113 Chestnut
Allegan, MI 49010

Attachment 1

OTTAWA COUNTY

ALLEGAN COUNTY

