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Public Use Condition and Railbanking Request

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

FILED 206234



9/18/02

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

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.

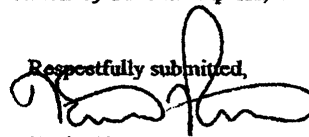
The property, known as the Hamilton Industrial Track, extends from railroad milepost CGB 19.00 Holland to railroad milepost CGB 12.90, near Hamilton, a distance of 6.1 miles in Allegan County, Michigan. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-55 (Sub-No.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

Public Use Condition and Railbanking Request

Natalie Rosenberg
CSX Transportation
500 Water Street - J150
Jacksonville, FL 32202

9/18/02

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

Dear Ms. Rosenberg:

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."

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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.

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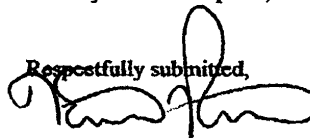
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The property, known as the Hamilton Industrial Track, extends from railroad milepost CGB 19.00 Holland to railroad milepost CGB 12.90, near Hamilton, a distance of 6.1 miles in Allegan County, Michigan. The right-of-way is part of a line of railroad 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.

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Respectfully submitted,


Kevin Ricco

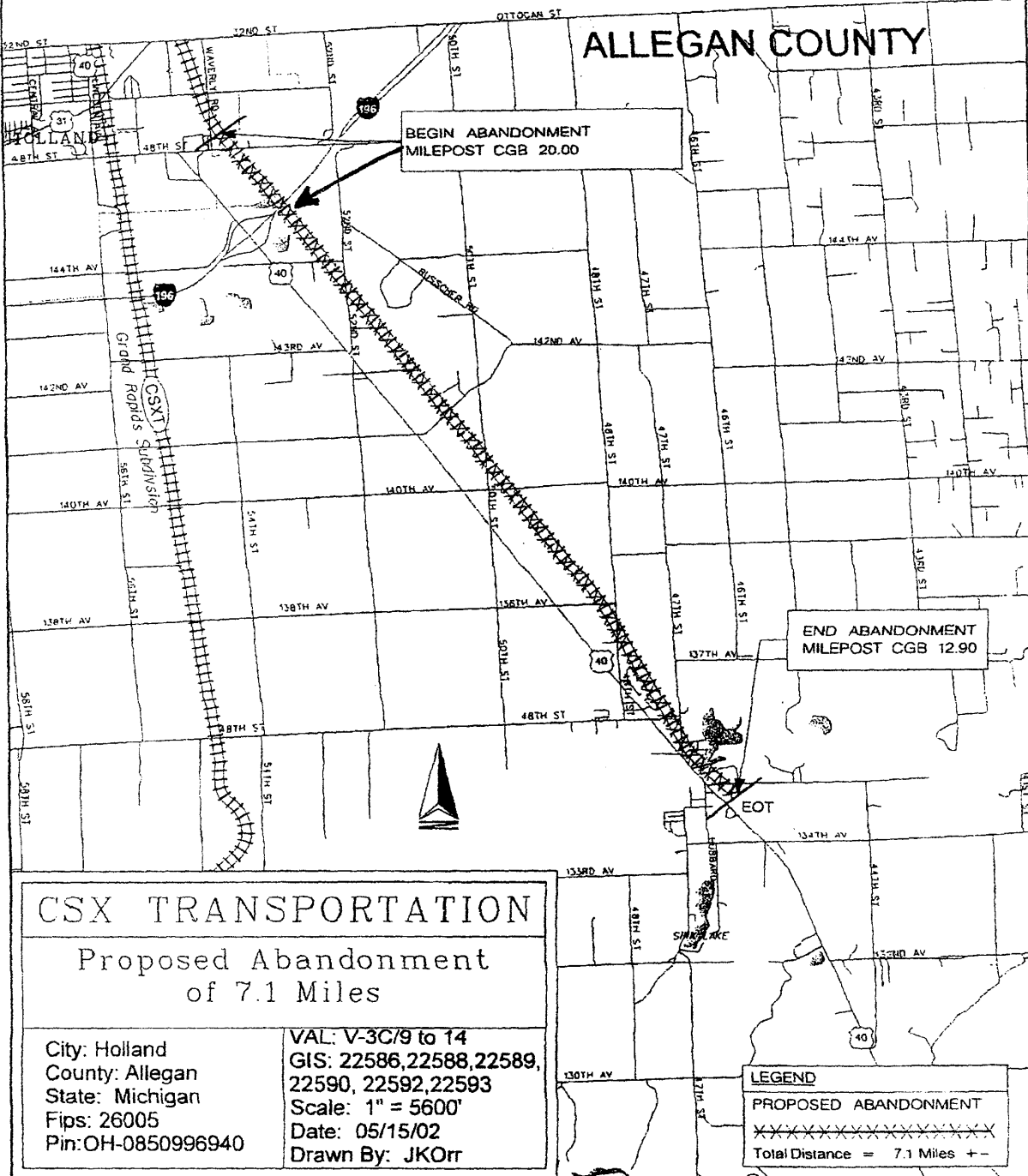
on behalf of:

Allegan County
113 Chestnut
Allegan, MI 49010

Attachment 1

OTTAWA COUNTY

ALLEGAN COUNTY



CSX TRANSPORTATION

Proposed Abandonment
of 7.1 Miles

City: Holland
County: Allegan
State: Michigan
Fips: 26005
Pin: OH-0850996940

VAL: V-3C/9 to 14
GIS: 22586,22588,22589,
22590, 22592,22593
Scale: 1" = 5600'
Date: 05/15/02
Drawn By: JKOr

LEGEND

PROPOSED ABANDONMENT
XXXXXXXXXXXXXXXXXXXX
Total Distance = 7.1 Miles +-.

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-55 (Sub-No. 619X)]

CSX Transportation, Inc. -Abandonment Exemption- in Allegan County, MI

On August 12, 2002, CSX Transportation, Inc. (CSXT), filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a portion of its line of railroad in its Western Region, Chicago Division, Grand Rapids Subdivision, Hamilton Industrial Track, extending from milepost CGB 19.00 in Holland, MI, to milepost 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.

The line does not contain federally granted rights-of-way. Any documentation in CSXT's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in Oregon Short Line R. Co.- Abandonment-Goshen, 360 I.C.C. 91 (1979).

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by November 29, 2002.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,100 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29



A plan to protect Natural Lands, Streams, and Open Spaces for Citizens and Wildlife

September 19, 2002

206234

The following people/organizations are receiving copies of this information, pertaining to the proposed abandonment of the CSX Rail from Holland to Hamilton:

Natalie Rosenberg	CSX Transportation-Jacksonville, FL
✓ Office of the Secretary	Surface Transportation Board-Washington, DC
Dave Steenstra	CEO/Hamilton Farm Bureau
Kevin Ricco	Director/Allegan County Parks & Recreation
Robert Vande Vusse	Council Member-Ward 4/City of Holland
Mark Vander Ploeg	Planning Department/City of Holland
Chris Byrnes	President/Holland Area Chamber of Commerce
Nancy Krupiarz	State Director/Michigan Rails-to-Trails Conservancy
Annamarie Bauer	Coordinator/West Michigan Trails/Greenways Coalition
Robin Nichols	President/Macatawa Greenway Partnership
Greg Holcombe	Treasurer/Macatawa Greenway Partnership
Ken Freestone	Executive Director/Macatawa Greenway Partnership



112 East 7th Street - Holland, MI 49423 - Phone (616) 396-2353 - FAX (616) 392-8879
greenway@macatawa.org