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SERVICE DATE - JUNE 21, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34040

RIVERVIEW TRENTON RAILROAD COMPANY – PETITION FOR AN EXEMPTION FROM  
49 U.S.C. 10901 TO ACQUIRE AND OPERATE A RAIL LINE IN WAYNE COUNTY, MI

Decided: June 14, 2002

We are holding this proceeding in abeyance and directing the parties to make additional efforts to resolve the issues involved here through negotiations. We are also requiring the parties to report to us on the progress of their negotiations in 90 days.

This proceeding involves the attempts of Riverview Trenton Railroad Company (RTR) to obtain regulatory approval, through our exemption procedures, of its acquisition and operation of certain railroad track in Riverview and Trenton, in Wayne County, MI. RTR states that it intends to begin rail operations over: (1) 1.5 miles of its own track located on a 76-acre parcel that RTR purchased from its noncarrier parent, Crown Enterprises, Inc. (Crown);<sup>1</sup> and (2) via easement, track within an adjacent 195.45-acre industrial site owned by a non-affiliate, Detroit Steel Center, Ltd. (DSC).<sup>2</sup> RTR states that it plans to establish an intermodal terminal on its property, where it would handle rail, motor, and possibly barge traffic. RTR states that it also plans to transport DSC's traffic.

RTR's proposal has attracted considerable opposition. Local interests, particularly the County of Wayne, the City of Riverview, and the City of Trenton, oppose the project because they want the

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<sup>1</sup> Crown is a real estate development subsidiary of CenTra, Inc. (CenTra). CenTra is a holding company that also owns several transportation companies.

<sup>2</sup> RTR's 76-acre parcel and the adjacent parcel owned by DSC were both formerly owned by the McLouth Steel Company (McLouth), which used the track as an industrial lead to receive rail service at its plant. DSC currently operates a steel mill on its parcel and receives rail service from the Grand Trunk Western Railroad Incorporated (Grand Trunk). Grand Trunk also opposes RTR's proposal.

property available for eventual non-industrial use. A substantial record has been generated both in this proceeding and in a related prior proceeding.<sup>3</sup>

We believe that, at this stage of the process, good faith negotiations might well reconcile the competing interests. Such a negotiated, mutually acceptable solution would appear to be the best outcome for all concerned, and would be consistent with our policy of encouraging private sector dispute resolution whenever possible. The record here shows that each side has indicated a willingness to negotiate, and we would hope that our action here would allow the parties to look for creative and constructive ways to resolve their differences. Given the strong public interest in resolving this matter in a way that accommodates both public and private interests, we will hold this proceeding in abeyance and direct the parties to commence negotiations. The parties must report to us on the status of their negotiations within 90 days.

It is ordered:

1. This proceeding is held in abeyance.
2. The parties are directed to commence negotiations and to provide a status report to us within 90 days of the service of this decision.
3. This decision is effective on its date of service.

By the Board, Chairman Morgan and Vice Chairman Burkes.

Vernon A. Williams  
Secretary

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<sup>3</sup> See Riverview Trenton Railroad Company – Acquisition and Operation Exemption – Crown Enterprises, Inc., STB Finance Docket No. 33980 (STB served Feb. 15, 2002).