

PENTIUK, COUVREUR & KOBILJAK

PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELLORS AT LAW

EDELSON BUILDING, SUITE 200
2915 BIDDLE AVENUE
WYANDOTTE, MICHIGAN 48192

TELEPHONE (734) 281-7100
FACSIMILE (734) 281-7102
WEBSITE: WWW.PCK-LAW.COM

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ENTERED
Office of Proceedings
February 23, 2015
Part of
Public Record

February 12, 2015

Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20423-0001

Re:

Riverview Trenton Railroad Company

AB-1230

Dear Madam or Sir:

Enclosed for filing, please find an original and ten copies of the City of Riverview's Response to Reply of Riverview Trenton Railroad Company to Riverview's Petition for Waiver.

Thank you very much for your courtesies in this matter. Should you have questions regarding the foregoing, please do not hesitate to contact the undersigned.

Very truly yours,



Karen Zurbo-Miller

Legal Assistant

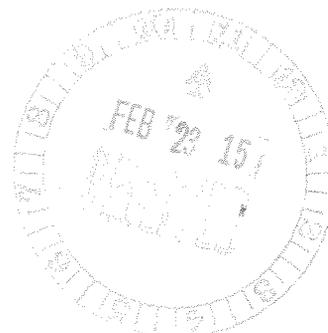
KMiller@pck-law.com

/kzm

Enclosures

cc: David H. Coburn, Esq. (w/encls.)

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BEFORE THE SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C. 20423

STB Docket No. AB-1230

RIVERVIEW TRENTON RAILROAD COMPANY
ADVERSE DISCONTINUANCE IN WAYNE COUNTY, MI

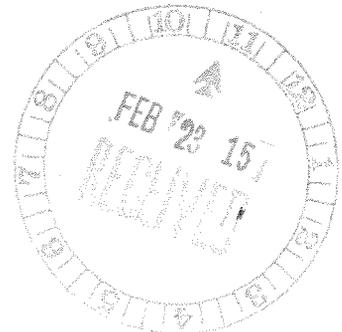
CITY OF RIVERVIEW'S RESPONSE TO REPLY OF RIVERVIEW TRENTON
RAILROAD COMPANY TO RIVERVIEW'S PETITION FOR WAIVER

Respectfully Submitted,

**The City of Riverview, MI
By its City Attorney,**

Randall A. Pentiuk (P32556)
Pentiuk, Couvreur & Kobiljak, P.C.
2915 Biddle Avenue, Suite 200
Wyandotte, MI 48192
Tel. (734) 281-7100
Fax (734) 281-2524

Dated: February 10, 2015



**BEFORE THE SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C. 20423**

STB Docket No. *ARB-1230*

**RIVERVIEW TRENTON RAILROAD COMPANY
ADVERSE DISCONTINUANCE IN WAYNE COUNTY, MI**

**CITY OF RIVERVIEW'S RESPONSE TO REPLY OF RIVERVIEW TRENTON
RAILROAD COMPANY TO RIVERVIEW'S PETITION FOR WAIVER**

NOW COMES the City of Riverview, Michigan, by and through its Attorneys, Pentiuik, Couvreur & Kobiljak, P.C., and for its Response to Reply of Riverview Trenton Railroad Company to Riverview's Petition for Waiver, states as follows:

On November 6, 2014, the City of Riverview, Michigan (hereinafter "Petitioner" or "Riverview") filed a Petition For Waiver with this Honorable Board. Therein, pursuant to 49 C.F.R. §1152.24(e)(5), it sought waiver of certain requirements of the STB abandonment regulations for an adverse discontinuance application that Petitioner intends to file in this proceeding.

Petitioner intends to file its adverse discontinuance application as soon as possible following the Board's decision on its Petition For Waiver, pursuant to 49 U.S.C. 10903 and 49 C.F.R. Part 1152, for a certificate of public convenience and necessity permitting adverse discontinuance of service on, and adverse abandonment of, a line of railroad spanning approximately 1.5 miles in southern Wayne County that is owned by CenTra, Inc. and operated by the Riverview Trenton Railroad ("RTRR"). Part of this rail line is located in Riverview, as well as its neighbor to the South, the City of Trenton, Michigan. The land on which this rail sits is within the city limits of Riverview, but is owned by RTRR.

On January 15, 2015, RTRR filed a Reply to Riverview's Petition, wherein it stated that "With respect to Riverview's specific waiver and exemption requests, RTRR takes no

position on most of these requests.” (See: RTRR Reply, Page 2.) However, it also speculated that “Riverview has no economic interest in the line and articulates no discernable transportation or other plans for the property surrounding the line, which it does not own and does not profess either interest in taking, or the ability to take, through eminent domain.” (See: RTRR Reply, Pages 2-3.)

RTRR is mistaken. As Petitioner will more fully lay out in its upcoming Application—and contrary to RTRR’s footnoted assertion that “the City’s claims of environmental hazards and the need to clean the property are entirely unfounded.” (See: RTRR Reply, Page 3, FN 3.)—there exists multiple environmental issues upon and surrounding the site which are both unsightly as well as dangerous to the surrounding community.

These hazards include, but are not limited to: overgrown vegetation that poses a significant safety hazard for motorists as well as those who live in the nearby residential homes, as it is actually stemming over and through the fence to the property and nearly out onto Jefferson Avenue, which runs parallel mere feet from the line; a swamp which is overrun with tall weeds and other debris; soil corrosion; a fence containing holes and rusting to the point where it is no longer stable; broken down trucks and trailers being stored on site which are left open and pose an attractive nuisance to nearby children as well as vermin and wild animals to enter upon the site; several pools of a large quantity of thick, green liquid, among other hazardous materials, which runs into the nearby sewer and was the subject of recent EPA investigations that revealed that it had dangerously high pH levels as well as other dangerous pollutants and health hazards.

Riverview has both regulatory and public safety purposes in having this line declared discontinued or abandoned so that it may go onto the parcel and remedy these nuisances, disastrous and/or dangerous conditions pursuant to its ordinance enforcement power to do so.

To wit, Riverview has a public necessity to apply and enforce its following Code provisions:

ARTICLE IV – BLIGHT:

- **Sec. 22-101 (Purpose);**
- **Sec. 22-102 (Violations, enforcement and abatement);**
- **Sec. 22-143 (Buildings);**
- **Sec. 22-146 (Loose trash, rubbish, or debris);**
- **Sec. 22-147 (Landscaping).**

ARTICLE II - COLLECTION AND DISPOSAL OF WASTE:

- **Sec. 46-31 (Hazardous waste);**
- **Sec. 46-39 (Excess or unacceptable waste).**

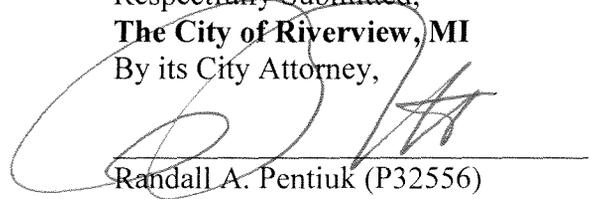
ARTICLE II - NUISANCES GENERALLY:

- **Sec. 22-31. - Defined; prohibited.**
- **Sec. 22-32. - Stagnant water and offensive exhalations.**
- **Sec. 22-36. - Violations; enforcement, abatement by city and assessment of costs.**
- **Sec. 22-64. - Procedures for declaration of a public nuisance.**
- **Sec. 22-65. - Abatement of nuisance and costs.**

In addition, a portion of the track has been removed, thereby breaking the line. As a result, railroad transportation would be impossible.

WHEREFORE, Petitioner, City of Riverview, respectfully requests that the STB grant the requested waivers and exemptions set forth in its Petition For Waiver dated November 6, 2014.

Respectfully Submitted,
The City of Riverview, MI
By its City Attorney,



Randall A. Pentiuk (P32556)
Pentiuk, Couvreur & Kobiljak, P.C.
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Wyandotte, MI 48192
Tel. (734) 281-7100
Fax (734) 281-2524
RPentiuk@pck-law.com

Dated: February 10, 2015

VERIFICATION

I, Randall A. Pentiuk, City Attorney for the City of Riverview, Michigan, verify under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file the foregoing document.

Executed on: February 10, 2015.



Randall A. Pentiuk (P32556)
Pentiuk, Couvreur & Kobiljak, P.C.
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Wyandotte, MI 48192
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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of February, 2015, I caused a copy of City of Riverview's Response to Reply of Riverview Trenton Railroad Company to Riverview's Petition for Waiver to be served upon David H. Coburn, Steptoe & Johnson LLP, 1330 Connecticut Avenue, N.W., Washington, DC 20036, Attorneys for Riverview Trenton Railroad Company, via U.S. first class mail, postage prepaid.



Karen Zurbo-Miller, Legal Assistant