

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

Statement of Maynard Dixon, Staff Attorney, Office of Proceedings

Good [morning/afternoon] Chairman Nober and Commissioner Morgan.

In this proceeding, the Riverview Trenton Railroad Company, which I will refer to as “RTR,” wants to acquire and begin operation over track located on the site of a former steel mill in the towns of Riverview and Trenton in Wayne County, Michigan. As part of its overall project, RTR plans to establish an intermodal facility on the site. RTR also plans to transport traffic for the Detroit Steel Center, a steel mini-mill operating on an adjacent site.

The exemption has been opposed by parties who would like to see the property put to other uses. The opponents raise three principal issues. First, they claim that the Board does not have the authority to license RTR’s project, either because the track qualifies for the licensing exception in 49 U.S.C. 10906, or because RTR would not be a common carrier under 49 U.S.C. 10501. Second, opponents argue that, even if the Board has the authority, it should not authorize RTR’s proposal. Finally, they maintain that the environmental assessment prepared for RTR’s proposal should be supplemented.

The draft decision before you would grant the exemption. The record shows that RTR would not be hauling its own goods but would be providing transportation as a common carrier. Because RTR’s track would comprise its entire line, its use of this track is not excepted from the licensing requirement.

RTR has invested substantial resources in preparation to rehabilitate the line and construct additional track for the intermodal facility, and its has submitted statements from

shippers supporting its project. RTR has also submitted evidence that the planned intermodal facility is feasible and will have important transportation benefits. Accordingly, the draft also finds that RTR's proposal would promote the goals of the rail transportation policy of 49 U.S.C. 10101. The draft also finds that the environmental review was fully adequate, adopts the analysis and conclusions in the Environmental Assessment, and imposes the environmental conditions recommended there.

At the same time, in light of concerns expressed by the communities that would be affected by this proposal, the draft imposes on RTR a monitoring and reporting condition designed to ensure that RTR follows through on the representations it has made to the Board regarding the development of rail service on this property. Finally, the draft imposes a condition requiring RTR to designate a community liaison to be a point of contact with local communities.

This concludes our summary. We would be happy to address any of your questions.