

Surface Transportation Board Finds "Class Exemption" Inappropriate for "Riverview Trenton Railroad's" Proposed Intermodal Facility in Michigan; Requests Additional Filings

Surface Transportation Board (Board) Chairman Linda J. Morgan announced today that the Board has issued a decision finding that more study is needed concerning the Riverview Trenton Railroad Company's (RTR) attempt to launch a controversial intermodal operation near the Detroit River, in Wayne County, Michigan. The Board concluded that its summary procedures, allowing through a "class exemption" from regulation approval that takes effect shortly after public notice is given, are not appropriate for RTR's proposal to use certain property along the Detroit River to establish an intermodal facility and begin railroad operations there.

Through a notice of exemption filed with the Board in December 2000, RTR proposed to provide service over a 1.5-mile section of track within a 76-acre parcel of land it had acquired from an affiliate, and over track within an adjacent 195.45-acre industrial site owned by a non-affiliate, Detroit Steel Center, Ltd. Wayne County and the cities of Riverview and Trenton filed petitions asking the Board to revoke the exemption, contending that RTR is trying to avoid condemnation of its property by local governmental authorities through its invocation of the Board's jurisdiction. Grand Trunk Western Railroad Incorporated also opposed RTR's exemption. With its proposed use of the class exemption challenged, RTR filed a petition in May 2001 for a specific exemption to cover the proposed transaction.

Because of the substantial public opposition to RTR's proposal, including opposition from public agencies, and the factual and legal issues associated with the proposal involving the removal of the property from local condemnation and zoning authority, the Board found on the current record that the use of the class exemption, which normally is used for routine transactions, is not appropriate. Accordingly, the Board revoked the exemption that had been in place under the notice of exemption and provided for the filing of supplemental information in connection with the petition for exemption so that the Board could give the proposal the more-detailed scrutiny necessary before reaching a final decision on that request. The Board indicated that it would consider the supplemental information along with materials already submitted in both proceedings to the extent that the points raised have not already been dealt with in today's decision.

The Board issued its decision today in *Riverview Trenton Railroad Company--Acquisition and Operation Exemption--Crown Enterprises, Inc.*, STB Finance Docket No. 33980, and *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*, STB Finance Docket No. 34040. A printed copy of the decision is available for a fee by contacting **D~2-D~ Legal, Room 405, 1925 K Street, N.W., Washington, DC 20006, telephone (202) 293-7776**, or via da2dalegal@earthlink.net. The decision also is available for viewing and downloading via the Board's website at <http://www.stb.dot.gov>.

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