

David H. Coburn
202 429 8063
dcoburn@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoel.com

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January 15, 2015

ENTERED
Office of Proceedings
January 15, 2015
Part of
Public Record

Ms. Cynthia Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423

Re: STB Docket AB 1230, *Riverview Trenton Railroad Company – Adverse
Discontinuance in Wayne County, MI*

Dear Ms. Brown:

Please find attached the Reply of Riverview Trenton Railroad Company to the Petition
for Waiver filed by the City of Riverview.

Respectfully,

A handwritten signature in black ink, appearing to read "David H. Coburn", with a long, sweeping horizontal line extending to the right.

David H. Coburn
Attorney for Riverview Trenton Railroad Company

cc: Randall A. Pentiuk, Esq.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB 1230

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

**REPLY OF RIVERVIEW TRENTON RAILROAD COMPANY TO
PETITION OF THE CITY OF RIVERVIEW FOR WAIVER**

David H. Coburn
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
Washington, DC 20036
(202) 429-3000

Attorney for Riverview Trenton
Railroad Company, Inc.

January 15, 2015

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB 1230

**RIVERVIEW TRENTON RAILROAD COMPANY – ADVERSE DISCONTINUANCE IN
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PETITION OF THE CITY OF RIVERVIEW FOR WAIVER**

By its November 6, 2014 Petition for Waiver, posted on the Board’s website on December 20, 2014, the City of Riverview, Michigan (“Riverview”) seeks waiver of, and exemption from, certain requirements “for an adverse discontinuance application that Petitioner intends to file in this proceeding.” Petition at 1.¹ Riverview Trenton Railroad Company (“RTRR”) hereby replies.²

RTRR holds an exemption from the Board allowing it to operate the 1.5 mile long rail line that it owns and that would be the object of any forthcoming Riverview petition. See FD No. 34040, *Riverview Trenton Railroad Company – Petition for an Exemption From 49 U.S.C. 10901 to Acquire and Operate a Rail*

¹ Riverview’s petition for waiver is unclear as to the exact nature of the relief it may seek in any future petition it may file.

² By decision served December 24, 2014, the Board granted RTRR an extension to file this reply until January 15, 2015.

Line in Wayne County, MI. (served May 15, 2003). RTRR recognizes that a response to a petition for waiver is not the appropriate vehicle for seeking Board denial of any forthcoming petition filed by Riverview directed against the ability of RTRR to operate its line. Thus, RTRR will not here present its arguments in depth. However, should any petition for further relief be filed by Riverview, RTRR will vigorously oppose any effort by Riverview to preclude RTRR from moving forward with plans to provide common carrier rail service on its line for the benefit of area shippers and economic development in an area that remains economically challenged.

While RTRR acknowledges that the rail line is not currently in service, RTRR remains committed to initiating rail service on its line. The location of its line makes it and the RTRR-owned property on which the line is located near Detroit uniquely well suited for the development of an intermodal facility for containerized freight and automotive industry traffic. The line is located in an industrial area and is strategically situated so that RTRR trains could be able to access the physically-proximate Conrail and GTW lines from the RTRR line. This was the situation when the Board first authorized RTRR to initiate service on the line (over the active opposition of Riverview and other some local governments) and it remains the case today. By contrast, 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. Indeed, the City claims that it lacks even the funds to pay the Board's filing fees.³

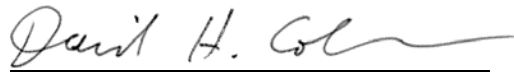
With respect to Riverview's specific waiver and exemption requests, RTRR takes no position on most of these requests.⁴ However, its request for waiver of the interim trail use provisions in 49 CFR section 1152.29 should be denied as premature. In adverse abandonment proceedings, the Board has denied similar waiver requests on the grounds that the trail use issue can be addressed if and when abandonment is ordered. See Docket AB 1071, *Stewartstown Railroad Company – Adverse Abandonment – In York County, PA*, slip opinion at 5 (served March 10, 2011) (“These provisions would be applicable only if and when the Board grants petitioner's adverse abandonment application. Therefore, this issue can be addressed, if need be, in a later decision.”); Docket AB-1014, *Denver & Rio Grande Ry. Historical Found. – Adverse Abandonment – in Mineral County, CO*, slip opinion at 5 (served Oct. 18, 2007) (similar). Here, Riverview claims in

³ Moreover, the City's claims of environmental hazards and the need to clean the property are entirely unfounded. In fact, RTRR maintains the property, mowing along the fence line, repairing the fence, and removing trash. Further, EPA-required remediation of the property has been completed.

⁴ While the Petition is not entirely clear on the point, to the extent that Riverview seeks waiver of the requirements of 49 CFR section 1152.50(a)(4), requiring newspaper publication, it has failed to justify waiver of this straightforward requirement.

support of its request for waiver of the trail use rules that “the land in question is within [Riverview’s] limits, and owned by the City.” Petition at 8. The first claim is only partially true as some of the line is located in the adjacent City of Trenton , but in any event irrelevant to its waiver request. The second claim is not true – the land on which the RTRR line is located is owned by RTRR.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "David H. Coburn", written over a horizontal line.

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STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
Washington, DC 20036
(202) 429-3000

Attorney for Riverview Trenton
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January 15, 2015

CERTIFICATE OF SERVICE

I, David H. Coburn, hereby certify that I have, this 15th day of January 2015 served a copy of the foregoing Reply on counsel for the City of Riverview by first class mail, postage prepaid.

A handwritten signature in cursive script, reading "David H. Coburn", written in black ink. The signature is positioned above a horizontal line.

David H. Coburn