

SERVICE DATE - MAY 15, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33980

RIVERVIEW TRENTON RAILROAD COMPANY—ACQUISITION
AND OPERATION EXEMPTION—CROWN ENTERPRISES, INC.

Decided: May 9, 2001

By notice filed on December 13, 2000, and served and published in the Federal Register on January 8, 2001, at 66 FR 1371, the Riverview Trenton Railroad Company (RTR) invoked the class exemption at 49 CFR 1150.31 to acquire and to operate what it calls a “line of railroad” in Riverview and Trenton, Wayne County, MI. RTR proposes to operate over: (1) its own track, approximately 1.5 miles of rail line within a 76-acre parcel purchased from its noncarrier parent, Crown Enterprises, Inc. (Crown);¹ and (2) via an easement, track within an adjacent 195.45-acre industrial site owned by a non-affiliate, Detroit Steel Center, Ltd. (DSC).²

Petitions to revoke the exemption have been filed by Wayne County and other parties. The parties seeking revocation argue that RTR was not eligible to invoke the class exemption because: (1) the property is not subject to the Board’s statutory jurisdiction and thus cannot be exempted at all; or, (2) even if the Board has statutory jurisdiction over the property, the class exemption does not encompass start-up rail services like that proposed by RTR. Alternatively, petitioners argue that, even if RTR were eligible to invoke the class exemption, its notice was void ab initio under Board regulations for presenting false or misleading information. If these arguments fail, according to petitioners, the class exemption must be revoked under the statutory criteria for revocation in 49 U.S.C. 10502(d), or be subjected to searching environmental analysis.

The petitions for revocation raise issues that require consideration by the Board. Pursuant to 49 U.S.C. 10502(d), the Board must determine whether to begin a proceeding within 90 days of the filing of a petition to revoke. A decision must then be issued within 9 months of the date

¹ Crown is a real estate development subsidiary of CenTra, Inc. (CenTra). CenTra is a holding company that also owns several transportation companies, including a trucking company Mason Dixon Lines, Inc.

² RTR’s 76-acre parcel and the adjacent parcel owned by DSC were formerly owned by the bankrupt McLouth Steel Company (McLouth), which used the track thereon to service its plant. DSC currently operates a steel mill on its property.

when the proceeding is formally instituted. The 90th day in this case is May 17, 2001. In compliance with the statute, this order will be issued and the proceeding will be formally instituted. The parties do not need to submit additional evidence.

It is ordered:

1. Under 49 U.S.C. 10502(b), a proceeding is instituted to consider the issues raised in this proceeding.
2. The proceeding will be completed by February 15, 2002.
3. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary