

[FILED MARCH 14, 2007]

BEFORE THE
SURFACE TRANSPORTATION BOARD
Finance Docket No. 34040
RIVERVIEW [TRENTON RAILROAD COMPANY
PETITION FOR EXEMPTION FROM 49 U.S.C. 10901
TO ACQUIRE AND OPERATE RAIL LINE IN
WAYNE COUNTY, MICHIGAN
CITY OF OVERVIEW'S
PETITION TO REVOKE RIVERVIEW TRENTON
RAILROAD COMPANY'S EXEMPTION

NOW COMES the City of Riverview ("Riverview"), a Michigan Municipal Corporation, through its counsel, and pursuant to 49 U.S.C. § 10502 (d), the regulations of the Surface Transportation Board at 49 C.F.R. § 1121.1, and the Board's own Decision of May 9, 2003, Riverview hereby to revoke the exemption granted the Riverview Trenton Railroad Company ("RTRR") in this matter.

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Finally, in its Sixth Status Report, dated May 15, 2006, (Exhibit 6) RTRR reports that it had finally gotten steps underway toward initiating progress toward the rehabilitation of the track at the north end crossing of Jefferson Avenue and that MDOT has granted its request to reestablish the; crossing. MDOT has established a 24 month deadline from the date of the Order for all items listed in the "Ordered Items" section of the Diagnostic Study Team Review Crossing Evaluation Report; | (attached to RTRR's Sixth Status Report) to be completed.

However, RTRR continued to blame DSC5s demolition of McLouth Steel for its failure to begin work on the rehabilitation of the south end of the track. In addition, RTRR contends that it does not intend to commence track rehabilitation work along the entire line, beginning at the northern end of its line and moving south from there for the length of the line until the north end connection is reopened. The north end connection is not scheduled to be reopened for at least two years. What is the reason for waiting so long? RTRR gives no reason.

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Almost four years have passed since the Decision of May 9, 2003, and the only area RTRR I has managed to make any progress in is the north-end crossing at Jefferson Avenue which is at least two years away. Further,

it doesn't plan on getting any other rehabilitation work underway and will have no timetable for opening the facility and operating the rail line until after the reopening of the north-end crossing.

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CONCLUSION

Suffice it to say that since the Decision of May 9, 2003, almost four (4) years ago, the property has not been improved, the rail line has not been commenced, and there is little or no business activity on the entire parcel. In fact, the property, throughout these proceedings has been

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allowed to deteriorate and become more unsightly. See City of Riverview's First Supplemental Reply to Sixth Status Report of Riverview Trenton Railroad Company and the pictures of the site attached hereto as Exhibit 7. In fact, the property has been used to store storage containers, trailers and trucks.

The three year limitation imposed in paragraph 7 of the conditions outlined in the May 9, 2003, Decision expired almost one year ago and not a single train, has moved or a single piece of track been laid at this sight. Further, the property remains largely un-inhabitated, unused and under-utilized.

The closing comment by Commissioner Morgan (Board's Decision, page 15, Exhibit 1) rings loud today,

"I trust that Riverview Trenton Railroad Company intends to use the authority it has been given here for rail transportation purposes, rather than merely as a place holder to prevent the City from using the property for other purposes,"

It appears that RTRR has violated Commissioner Morgan's trust.

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For the foregoing reasons,, the Petitioner prays that the Board revoke the prior exemption granted to RTRR in this matter.

Respectfully submitted,

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