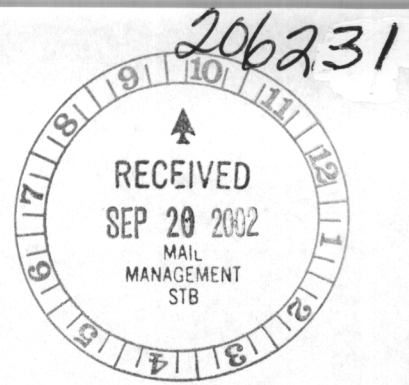


BEFORE THE  
SURFACE TRANSPORTATION BOARD



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Finance Docket No. 33040<sup>4</sup>

ENTERED  
Office of Proceedings

SEP 20 2002

Part of  
Public Record

RIVERVIEW TRENTON RAILROAD COMPANY  
PETITION FOR EXEMPTION FROM 49 U.S.C. 10901  
TO ACQUIRE AND OPERATE A RAIL LINE IN  
WAYNE COUNTY, MICHIGAN

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STATUS REPORT FROM THE CITY OF RIVERVIEW

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Randall A. Pentiuk  
City Attorney  
City of Riverview  
Edelson Building, Suite 200  
2915 Biddle Avenue  
Wyandotte, Michigan 48192

September 21, 2002

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 A RAIL LINE IN  
WAYNE COUNTY, MICHIGAN

STATUS REPORT FROM THE CITY OF RIVERVIEW

NOW COMES THE City of Riverview, Respondent herein, by and through its attorneys, PENTIUK, COUVREUR & KOBILJAK, P.C., and for its Status Report, states as follows:

1. The Surface Transportation Board issued an interim order in this proceeding which directed the parties to seek a mutually satisfactory resolution of their dispute and allotted ninety (90) days for that purpose.
2. The City of Riverview has met on numerous occasions with the petitioner, Riverview Trenton Railroad, both on an individual basis as well as in conjunction with the City of Trenton and the County of Wayne.
3. During the course of these meetings, significant progress was made in defining issues of concern to the respective parties and in addressing them. On the other hand, progress has been impeded by RTRR announcing changes to its position and denouncing previous commitments. Examples include:
  - (A) RTRR now intends to acquire yet more property from the adjacent landowner. It announced that it will acquire sixty (60) acres in addition to the seventy (76) acres that it currently owns and which is the subject of the STB proceeding. Such a sizeable expansion of its operation signals that the many local concerns will be amplified on an exponential basis.



(B) Many representations made to the parties in the past have been denounced, such as the number of containers that will be stacked, and the hours of operation. In meetings with the City of Trenton's Council last November, RTRR said that it would not stack more than two (2) containers - now it is three (3); at the same meeting, it said it would operate between 7:00 a.m. and 7:00 p.m. - now it is 6:00 a.m. to 10:00 p.m.

4. Notwithstanding RTRR's "moving target" approach to negotiations, the City of Riverview remains committed to reaching an amicable resolution, and is prepared to continue discussions of the many issues and concerns, should the STB desire to provide additional time for that purpose.. Indeed, with RTRR's contemplation of adding another sixty (60) acres to its operations, the need for more dialogue becomes acute.

5. In fact, the STB should be equally concerned about this new development since the environmental assessment upon which it may rely is now flawed in that it does not take the additional trains and traffic into account. A new environmental assessment is now in order to address the doubling of RTRR's business on this much larger site.

6. Throughout the discussions, RTRR has repeatedly denounced the notion of any delay of the STB ruling. It has made it clear that no matter how hard we negotiate, RTRR will oppose any suggestion to the STB that further time is needed. Perhaps this rush to decide is due to RTRR's desire to obtain the exemption before the STB becomes aware and concerned with the additional acreage as the petitioner doubles the size of its operation - clearly beyond the scope of the present proceeding and the existing environmental assessment.

7. While the City of Riverview also seeks a ruling by the STB, it needs to be based upon all the facts and circumstances. STB is encouraged to compel RTRR to make full disclosure of its plans. It is only then that an accurate environment assessment can be undertaken. A ruling without taking into account the additional acreage, additional trucks, additional trains and their corresponding

impacts upon the surrounding community and ecology is a grave error.

8. Now, armed with this new information, the City of Riverview is concerned, more than ever, with the adverse effects of what hundreds of heavy trucks and several trains per day will bring in terms of noise, fumes, dust, destruction of local roads - all just across the street from residences.

WHEREFORE, the City of Riverview respectfully requests the STB to [1] compel RTRR to make full disclosure of its business plan, and then [2] order a further environmental assessment which takes into account the full use of the all the property that RTRR will acquire, and then [3] armed with more complete and accurate information on the full scope of the RTRR operation, make a ruling on the matter.

Respectfully submitted,

PENTIUK, COUVREUR & KOBILJAK, P.C.



RANDALL A. PENTIUK (P32556)

City Attorney

City of Riverview

Edelson Building, Suite 200

2915 Biddle Avenue

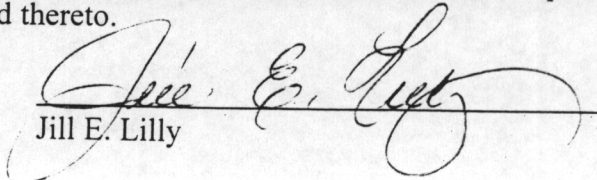
Wyandotte, Michigan 48192

(734) 281-7100

Dated: September 21, 2002

### **CERTIFICATE OF SERVICE**

Jill E. Lilly, being first duly sworn, deposes and says that on the 19th day of September \_\_\_\_\_, 2002, she mailed a copy of Status Report from the City of Riverview in the above captioned matter to all parties of record by depositing said documents into a United States receptacle with the above address and correct postage affixed thereto.



Jill E. Lilly



BEFORE THE  
SURFACE TRANSPORTATION BOARD

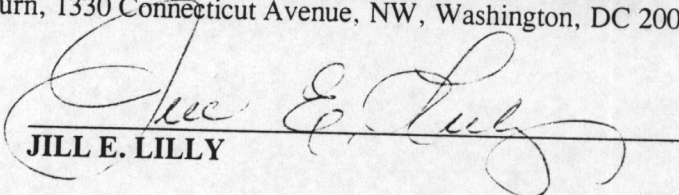
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PROOF OF SERVICE/MAILING

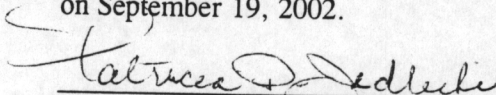
STATE OF MICHIGAN     )  
                                  )§  
COUNTY OF WAYNE     )

JILL E. LILLY being first duly sworn deposes and says that she is employed by **PENTIUK, COUVREUR & KOBILJAK, P.C.**, Attorneys for City of Riverview in this matter, and that on September 19, 2002, she caused to be placed by United Parcel Post - overnight delivery containing an original and ten copies of Status Report from the City of Riverview to the Honorable Vernon A. Williams, Secretary, Surface Transportation Board, 1925 K Street, N.W. Room 711, Washington DC 20423; and in the United States mail an envelope, with full postage thereon affixed containing one copy of Status Report from the City of Riverview to Wallace G. Long, Howard & Howard, 39400 Woodward Avenue, Suite 101, Bloomfield Hills, Michigan 48034, one copy to Mark J. Zausmer, 31700 Middlebelt Road, Suite 150, Farmington Hills, Michigan 48334 and one copy to David H. Coburn, 1330 Connecticut Avenue, NW, Washington, DC 20036 and Proof of Service.

Further, deponent sayeth not.

  
JILL E. LILLY

Subscribed and sworn to before me  
on September 19, 2002.

  
PATRICIA D. JEDLICKI, Notary Public

Wayne County, Michigan

My Commission Expires: 4/22/05

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