

206365

**Fink, Zausmer & Kaufman**  
A PROFESSIONAL CORPORATION

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**Of Counsel:**  
David H. Fink  
Julie I. Fershtman  
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October 10, 2002



**BY HAND**

Mr. Vernon A. Williams, Secretary  
Surface Transportation Board  
Office of the Secretary  
Case Control Unit  
1925 K Street, N.W.  
Washington, DC 20423-0001

ENTERED  
Office of Proceedings

OCT 10 2002

Part of  
Public Record

**Re: 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, MI**

Dear Mr. Williams:

On Tuesday, October 8, 2002, we filed the Reply of Wayne County to the Status Report of Riverview Trenton Railroad Company in the above-captioned proceeding. The original of the document that was filed with the Board included copies of eight affidavits. (We did not at that time have the complete set of originals.) Enclosed are the originals of those affidavits so that they might be substituted for the copies.

A copy of this letter, without additional copies of the affidavits, is being served on all parties of record. Identical copies of the affidavits were included in the copies of the Reply of Wayne County that were served on those parties.

Very truly yours,

FINK, ZAUSMER & KAUFMAN, P.C.

  
Mark J. Zausmer

Enclosure

ATTORNEYS & COUNSELORS

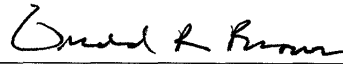
**AFFIDAVIT  
TO SURFACE TRANSPORTATION BOARD**

STATE OF MICHIGAN)  
COUNTY OF WAYNE)ss.

The undersigned, being first duly sworn, states as follows:

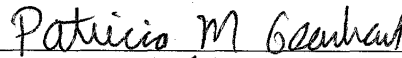
1. That I am the duly elected Mayor of the City of Trenton, with offices at 2800 Third Street, Trenton, Michigan 48183-2992.
2. That in that capacity I participated, along with my staff, in STB ordered negotiations with representatives of the Riverview-Trenton Railroad (RTRR) during the period from June 22, 2002 through September 13, 2002
3. That during the course of the negotiations RTRR officials stated that RTRR intended to acquire acreage in addition to the 76 it had already purchased from DSC, for the operation of its intermodal transportation business. On more than one occasion I was advised by RTRR that it had actually offered to purchase the entire DSC Ltd site for its operations.
4. Specifically, at a meeting with RTRR representatives, on September 3, 2002 at the Riverview City Offices those RTRR representatives stated that RTRR would like to acquire as much as 1,000 acres in the area to complete its business plan which would include all of the balance of the DSC Ltd. Property (150 acres), additional properties to the south of DSC Ltd., as well as properties to the north of the RTRR site in the City of Riverview, which include that owned by BASF.
5. That the City of Trenton was specifically asked by RTRR, to include as part of a proposed stipulated settlement agreement before the STB, a provision whereby the City would give RTRR a window period to exclusively pursue the purchase of an additional 60 acres of DSC property adjacent to the RTRR site, without interference from the City.
6. That I have personal knowledge of the assertions contained in this Affidavit and am prepared to testify to these facts as a witness in open court.

Further, Affiant Sayeth Not.



Gerald R. Brown, Mayor

Subscribed and sworn to before me  
this 7<sup>th</sup> day of October, 2002.



Notary Public, Wayne County, MI

My Commission Expires: \_\_\_\_\_

**PATRICIA M. GEARHART**  
**NOTARY PUBLIC WAYNE CO., MI**  
**MY COMMISSION EXPIRES Dec 8, 2004**

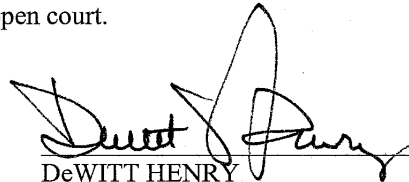
AFFIDAVIT  
TO SURFACE TRANSPORTATION BOARD

STATE OF MICHIGAN )  
COUNTY OF WAYNE ) ss.

The undersigned, being first duly sworn, states as follows:

1. That I am the Director of the Jobs & Economic Development Department for the County of Wayne.
2. That in that capacity I participated in STB ordered negotiations with representatives of the Riverview-Trenton Railroad (RTRR).
3. That during the course of the negotiations, RTRR officials stated that RTRR intends to acquire acreage in addition to the 76 it had already purchased from DSC, for the operation of its intermodal transportation business.
4. Specifically, at a meeting with RTRR representatives, on August 27, 2002, at the Riverview City Offices, these RTRR representatives stated that RTRR's business plan for the immediate area adjacent to the 76 acres included 250 acres.
5. Specifically, at a meeting with RTRR representatives, on September 3, 2002, at the Riverview City Offices, these RTRR representatives stated that RTRR would like to acquire as much as 1,000 acres in the area to complete its broader business plan. This would include all of the balance of the DSC Ltd. Property (149 acres), additional properties to the south of DSC Ltd., as well as properties currently owned by BASF to the north of the RTRR site in the City of Riverview.
6. During a meeting with RTRR officials on September 6, 2002, Wayne County was asked by RTRR to include as part of a proposed stipulated settlement agreement before the STB, a provision whereby Wayne County would give RTRR a window period to exclusively pursue the purchase of an additional 60 acres of DSC property adjacent to the RTRR site, without clearance from the County.
7. That I have personal knowledge of the assertions contained in this Affidavit and am prepared to testify to these facts as a witness in open court.

Further, Affiant sayeth not.



DeWITT HENRY

Director, Jobs & Economic Development Dept.

Subscribed and sworn to before me  
this 7<sup>th</sup> day of October, 2002



Notary Public Virginia E. Tappen  
County of Oakland, MI

My Commission Expires: 3/9/04

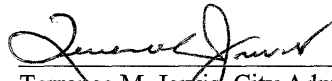
**AFFIDAVIT  
TO SURFACE TRANSPORTATION BOARD**

STATE OF MICHIGAN)  
COUNTY OF WAYNE)ss.

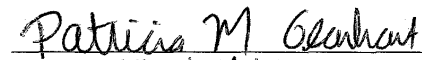
The undersigned, being first duly sworn, states as follows:

1. That I am the appointed City Administrator of the City of Trenton, with offices at 2800 Third Street, Trenton, Michigan 48183-2992.
2. That in that capacity I participated, along with my staff, in STB ordered negotiations with representatives of the Riverview-Trenton Railroad (RTRR) during the period from June 22, 2002 through September 13, 2002
3. That during the course of the negotiations RTRR officials stated that RTRR intended to acquire acreage in addition to the 76 it had already purchased from DSC, for the operation of its intermodal transportation business. On more than one occasion I was advised by RTRR that it had actually offered to purchase the entire DSC Ltd site for its operations.
4. Specifically, at a meeting with RTRR representatives, on September 3, 2002 at the Riverview City Offices those RTRR representatives stated that RTRR would like to acquire as much as 1,000 acres in the area to complete its business plan which would include all of the balance of the DSC Ltd. Property (150 acres), additional properties to the south of DSC Ltd., as well as properties to the north of the RTRR site in the City of Riverview, which include that owned by BASF.
5. That the City of Trenton was specifically asked by RTRR, to include as part of a proposed stipulated settlement agreement before the STB, a provision whereby the City would give RTRR a window period to exclusively pursue the purchase of an additional 60 acres of DSC property adjacent to the RTRR site, without interference from the City.
6. That I have personal knowledge of the assertions contained in this Affidavit and am prepared to testify to these facts as a witness in open court.

Further, Affiant Sayeth Not.

  
Terrence M. Jarvis, City Administrator

Subscribed and sworn to before me  
this 7<sup>th</sup> day of October, 2002.

  
Notary Public, Wayne County, MI  
My Commission Expires: \_\_\_\_\_

**PATRICIA M. GEARHART  
NOTARY PUBLIC WAYNE CO., MI  
MY COMMISSION EXPIRES Dec 8, 2004**

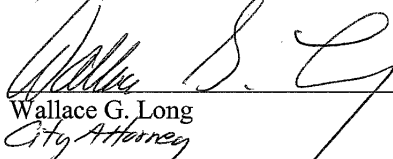
**AFFIDAVIT  
TO SURFACE TRANSPORTATION BOARD**

STATE OF MICHIGAN)  
COUNTY OF WAYNE)ss.

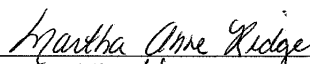
The undersigned, being first duly sworn, states as follows:

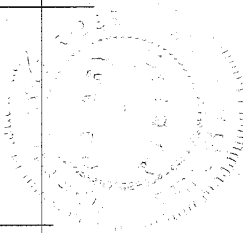
1. That I am the duly appointed City Attorney of the City of Trenton, with offices at 2800 Third Street, Trenton, Michigan 48183-2992.
2. That in that capacity I participated in STB ordered negotiations with representatives of the Riverview-Trenton Railroad (RTRR) during the period from June 22, 2002 through September 13, 2002
3. That during the course of the negotiations RTRR officials state that RTRR intends to acquire acreage in addition to the 76 it had already purchased from DSC, for the operation of its intermodal transportation business. On more than one occasion I was advised by RTRR that it had actually offered to purchase the entire DSC Ltd site for its operations.
4. Specifically, at a meeting with RTRR representatives, on September 3, 2002 at the Riverview City Offices those RTRR representatives stated that RTRR would like to acquire as much as 1,000 acres in the area to complete its business plan which would include all of the balance of the DSC Ltd. Property (150 acres), additional properties to the south of DSC Ltd., as well as properties to the north of the RTRR site in the City of Riverview, which include that owned by BASF.
5. That the City of Trenton was specifically asked by RTRR, to include as part of a proposed stipulated settlement agreement before the STB, a provision whereby the City would refrain from making competing offers for the DSC property to allow RTRR an opportunity to exclusively pursue the purchase of an additional 60 acres of DSC property adjacent to the RTRR site, without interference from the City.
6. That I have personal knowledge of the assertions contained in this Affidavit and am prepared to testify to these facts as a witness in open court.

Further, Affiant Sayeth Not.

*Howard + Howard Attorneys P.C.*  
  
Wallace G. Long  
City Attorney

Subscribed and sworn to before me  
this 7th day of October, 2002.

  
Martha Anne Ridge  
Notary Public, Wayne County, MI  
My Commission Expires: 5-22-06



AFFIDAVIT  
TO SURFACE TRANSPORTATION BOARD

STATE OF MICHIGAN )  
COUNTY OF WAYNE ) ss.

The undersigned, being first duly sworn, states as follows:

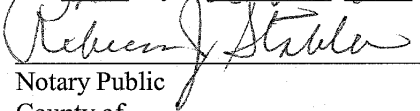
1. That I am the Assistant County Executive and Director of Department of Public Services for the County of Wayne.
2. That in that capacity I participated in STB ordered negotiations with representatives of the Riverview-Trenton Railroad (RTRR).
3. That during the course of the negotiations, RTRR officials stated that RTRR intends to acquire acreage in addition to the 76 it had already purchased from DSC, for the operation of its intermodal transportation business.
4. Specifically, at a meeting with RTRR representatives, on August 27, 2002, at the Riverview City Offices, these RTRR representatives stated that RTRR's business plan for the immediate area adjacent to the 76 acres included 250 acres.
5. That I have personal knowledge of the assertions contained in this Affidavit and am prepared to testify to these facts as a witness in open court.

Further, Affiant sayeth not.



CAMERON PRIEBE  
Assistant County Executive and  
Director, Dept. of Public Services

Subscribed and sworn to before me  
this 7th day of October, 2002



Notary Public  
County of

My Commission Expires:

REBECCA J. STABLER  
NOTARY PUBLIC WAYNE CO., MI  
MY COMMISSION EXPIRES Jun 6, 2006

AFFIDAVIT  
TO SURFACE TRANSPORTATION BOARD

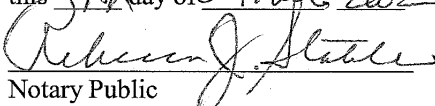
STATE OF MICHIGAN )  
COUNTY OF WAYNE ) ss.

The undersigned, being first duly sworn, states as follows:

1. That I am the Director of Administration for the County of Wayne, **DPS**
2. That in that capacity I participated in STB ordered negotiations with representatives of the Riverview-Trenton Railroad (RTRR).
3. That during the course of the negotiations, RTRR officials stated that RTRR intends to acquire acreage in addition to the 76 it had already purchased from DSC, for the operation of its intermodal transportation business.
4. Specifically, at a meeting with RTRR representatives, on August 27, 2002, at the Riverview City Offices, these RTRR representatives stated that RTRR's business plan for the immediate area adjacent to the 76 acres included 250 acres.
5. Specifically, at a meeting with RTRR representatives, on September 3, 2002, at the Riverview City Offices, these RTRR representatives stated that RTRR would like to acquire as much as 1,000 acres in the area to complete its broader business plan. This would include all of the balance of the DSC Ltd. Property (149 acres), additional properties to the south of DSC Ltd., as well as properties currently owned by BASF to the north of the RTRR site in the City of Riverview.
6. During a meeting with RTRR officials on September 6, 2002, Wayne County was asked by RTRR to include as part of a proposed stipulated settlement agreement before the STB, a provision whereby Wayne County would give RTRR a window period to exclusively pursue the purchase of an additional 60 acres of DSC property adjacent to the RTRR site, without clearance from the County.
7. That I have personal knowledge of the assertions contained in this Affidavit and am prepared to testify to these facts as a witness in open court.

Further, Affiant sayeth not.

  
MARTHA ROSE  
Director of Administration

Subscribed and sworn to before me  
this 5th day of October, 2002  
  
Notary Public  
County of  
My Commission Expires:

REBECCA J. STABLER  
NOTARY PUBLIC WAYNE CO., MI  
MY COMMISSION EXPIRES Jun 5, 2006

AFFIDAVIT  
TO SURFACE TRANSPORTATION BOARD

STATE OF MICHIGAN )  
COUNTY OF WAYNE ) ss.

The undersigned, being first duly sworn, states as follows:

1. That I am the Assistant Wayne County Corporation Counsel for the County of Wayne.
2. That in that capacity I participated in STB ordered negotiations with representatives of the Riverview-Trenton Railroad (RTRR).
3. That during the course of the negotiations, RTRR officials stated that RTRR intends to acquire acreage in addition to the 76 it had already purchased from DSC, for the operation of its intermodal transportation business.
4. Specifically, at a meeting with RTRR representatives, on August 27, 2002, at the Riverview City Offices, these RTRR representatives stated that RTRR's business plan for the immediate area adjacent to the 76 acres included 250 acres.
5. Specifically, at a meeting with RTRR representatives, on September 3, 2002, at the Riverview City Offices, these RTRR representatives stated that RTRR would like to acquire as much as 1,000 acres in the area to complete its broader business plan. This would include all of the balance of the DSC Ltd. Property (149 acres), additional properties to the south of DSC Ltd., as well as properties currently owned by BASF to the north of the RTRR site in the City of Riverview.
6. During a meeting with RTRR officials on September 6, 2002, Wayne County was asked by RTRR to include as part of a proposed stipulated settlement agreement before the STB, a provision whereby Wayne County would give RTRR a window period to exclusively pursue the purchase of an additional 60 acres of DSC property adjacent to the RTRR site, without clearance from the County.
7. That I have personal knowledge of the assertions contained in this Affidavit and am prepared to testify to these facts as a witness in open court.

Further, Affiant sayeth not.

*Therese A. Shaw*

THERESE A. SHAW

Assistant Wayne County Corporation Counsel

Subscribed and sworn to before me  
this 8th day of October, 2002

*Lenore Donnelly*  
Notary Public LENORE DONNELLY  
County of Oakland  
My Commission Expires: 11/04/06

AFFIDAVIT  
TO SURFACE TRANSPORTATION BOARD

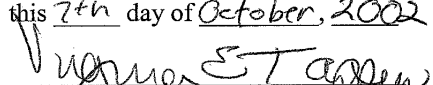
STATE OF MICHIGAN )  
COUNTY OF WAYNE ) ss.

The undersigned, being first duly sworn, states as follows:

1. That I am outside counsel for the County of Wayne.
2. That in that capacity I participated in STB ordered negotiations with representatives of the Riverview-Trenton Railroad (RTRR).
3. That during the course of the negotiations, RTRR officials stated that RTRR intends to acquire acreage in addition to the 76 it had already purchased from DSC, for the operation of its intermodal transportation business.
4. Specifically, at a meeting with RTRR representatives, on August 27, 2002, at the Riverview City Offices, these RTRR representatives stated that RTRR's business plan for the immediate area adjacent to the 76 acres included 250 acres.
5. Specifically, at a meeting with RTRR representatives, on September 3, 2002, at the Riverview City Offices, these RTRR representatives stated that RTRR would like to acquire as much as 1,000 acres in the area to complete its broader business plan. This would include all of the balance of the DSC Ltd. Property (149 acres), additional properties to the south of DSC Ltd., as well as properties currently owned by BASF to the north of the RTRR site in the City of Riverview.
6. During a meeting with RTRR officials on September 4, 2002, RTRR asserted that a precondition to any further negotiations was having Wayne County, Trenton and Riverview consent to RTRR's acquisition of 60 acres necessary to "square off" its existing 76 acre parcel.
7. During a meeting with RTRR officials on September 6, 2002, Wayne County was asked by RTRR to include as part of a proposed stipulated settlement agreement before the STB, a provision whereby Wayne County would give RTRR a window period to exclusively pursue the purchase of an additional 60 acres of DSC property adjacent to the RTRR site, without clearance from the County.
8. That I have personal knowledge of the assertions contained in this Affidavit and am prepared to testify to these facts as a witness in open court.

Further, Affiant sayeth not.

  
\_\_\_\_\_  
MARK J. ZAUSMER  
Outside Counsel for Wayne County

Subscribed and sworn to before me  
this 7<sup>th</sup> day of October, 2002  
  
\_\_\_\_\_  
Notary Public Virginia E. Tappen  
County of Oakland, Mich  
My Commission Expires: 3/9/04