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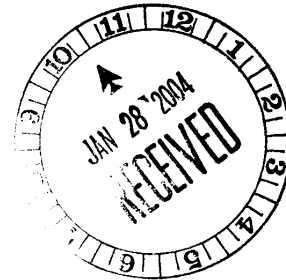
January 21, 2004

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The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W. Room 711
Washington, D.C. 20423-0001

209972



Re: Finance Docket 34040, Riverview-Trenton Railroad-Petition for Exemption.

Dear Secretary Williams:

Enclosed for filing in the above captioned matter is an original and 10 copies of the City of Riverview's *Reply to First Status Report of Riverview Trenton Railroad Company* together with the Certificate of Service.

Very truly yours,

PENTIUK, COUVREUR & KOBILJAK, P.C.

Randall A. Pentiuik

/pdj

Enclosure

c: All parties of record

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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of January, 2004, a copy of the City of Riverview's ***City of Riverview's Reply to First Status Report of Riverview Trenton Railroad Company*** was served by First Class Mail, postage pre-paid upon the following:

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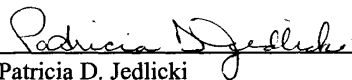
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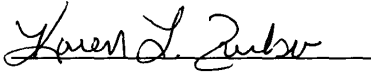
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Patricia D. Jedlicki

Subscribed and sworn to before me on
this 22nd day of January, 2004.



**KAREN L. ZURBO, NOTARY PUBLIC
WAYNE COUNTY, STATE OF MICHIGAN
MY COMMISSION EXPIRES: 07-02-08**

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BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 34040



**CITY OF RIVERVIEW'S CONCURRENCE IN WAYNE COUNTY'S
RESPONSE IN OPPOSITION TO RIVERVIEW-TRENTON RAILROAD'S
PETITION FOR EXEMPTION**

**CITY OF RIVERVIEW'S REPLY TO FIRST STATUS REPORT
OF RIVERVIEW TRENTON RAILROAD COMPANY**

NOW COMES the City of Riverview (Riverview), and upon review of the "First Status Report of Riverview Trenton Railroad Company", provides the following response:

**RIVERVIEW HAS TAKEN NO WRONGFUL OR UNLAWFUL
ACTION TO IMPEDE THE PROGRESS OF RTRR**

First and foremost, Riverview takes exception to the implication that its lawful opposition to Riverview Trenton Railroad's (RTRR) Petition for Exemption before the Surface Transportation Board (STB) had any causal connection to RTRR's alleged lost business opportunities.

In a footnote to page two (2) of its First Status Report, RTRR states that "... as a result of the unusual Local Government opposition to RTRR's proceeding, and the consequent prolongation, of regulatory proceedings, RTRR has been forced to forego certain business opportunities that were awarded during the course of those proceedings." Riverview sought the denial of said petition in good faith and by only lawful means, and fails to see how it acted in an "unusual" manner by simply asserting its legal rights. Further, Riverview fails to see how assertion of its legal rights in this proceeding "prolonged" regulatory proceedings, as all scheduling matters were under the exclusive control of the

STB.

Moreover, RTRR does not state any specific facts to support its allegation. RTRR cites no specific business opportunities lost, nor any nexus between such opportunities and any actions by Riverview. Riverview certainly was not put on notice of any business opportunities presented to RTRR during the pendency of the STB proceedings.

RTRR is unimpeded in using its property. Riverview has only challenged the legal status of the landowner, not whether truck and/or train traffic can traverse the property.

RTRR HAS FAILED TO COMPLY WITH CONDITIONS REQUIRED BY THE STB

Throughout these proceedings, Riverview has maintained that RTRR's primary motivation for incorporating a railroad and seeking an exemption from the STB was to avoid condemnation and/or other regulatory powers of the local governments. Thus far, RTRR has done little to disprove this contention. RTRR has taken few steps toward actually beginning rail operations while taking the position that "most of the environmental conditions imposed by the Board's May 15 Decision are operative only either once construction is underway or after rail operations have commenced." (RTRR's First Status Report, pg. 4).

RTRR, admittedly, "has neither broken ground nor begun rail construction activities." (RTRR's First Status Report, pg. 4). Riverview questions whether any such action will ever occur, and encourages this Honorable Board to further examine RTRR's reasons for its lack of progress surely to be asserted in future status reports.

Riverview also takes issue with RTRR's failure to comply with the conditions imposed by the STB. To Riverview's knowledge, RTRR has taken no action to identify and implement Best Management Practices to restrict erosion and avoid runoff to the Trenton Channel from areas where

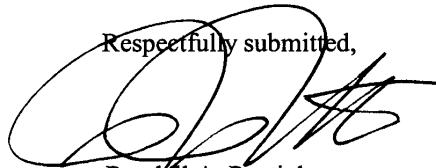
the project may disturb the soil prior to initiation of any construction or earth disturbing activities, as required under the condition of the May 15, 2003 Decision. By its very language, said condition is effective prior to any construction, therefore, RTRR's failure to comply is inexcusable.

Additionally, RTRR has taken no steps to use landscaping such as berms and vegetation, as appropriate, to minimize noise generated by the intermodal facility, as required by the May 15, 2003 Decision.. RTRR is currently using the facility for storage of containers which is generating increased truck traffic, hence, the conditions designed to minimize noise at the facility are clearly operative. In fact, area residents and motorists have complained of increased dust problems caused by said traffic. Landscaping and other area improvements may decrease such problems.

CONCLUSION

Riverview respectfully request that this Honorable Board order RTRR to take immediate corrective action to cure its non-compliance with the conditions placed upon it by the STB, and closely examine all further status reports from RTRR for evidence of its intent to invoke STB jurisdiction for the primary purpose of usurping local governmental regulation.

Respectfully submitted,



Randall A. Pentiuik
CITY ATTORNEY
CITY OF RIVERVIEW

Date: January 20, 2004