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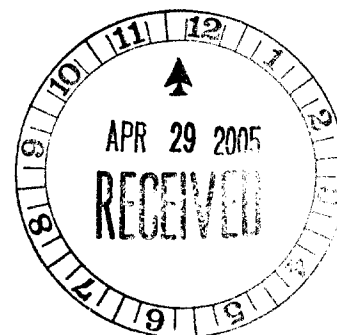
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April 25, 2005



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

Re: STB Finance Docket No. 34040, Riverview Trenton Railroad Company

Dear Secretary Williams:

Enclosed please find the original and 10 copies of the City of Riverview' Supplemental Reply to Second Status Report of Riverview Trenton Railroad Company, together with Proof of Service, reference to the aforementioned matter.

Please contact the undersigned should you have any questions or concerns.

Very truly yours,

PENTIUK, COUVREUR & KOBILJAK, P.C.

Randall A. Pentiuik
CITY ATTORNEY
CITY OF RIVERVIEW

/pdj

Enclosure

c: Wally G. Long w/enclosures
Mark J. Zausmer w/enclosures
Joseph w. Koegel, Jr. w/enclosures

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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Finance Docket No. 34040

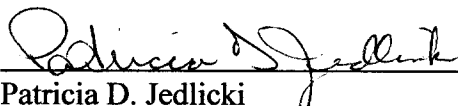
CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of April, 2005, a copy of the City of Riverview's Supplemental Reply to Second Status Report of Riverview Trenton Railroad Company was served by First Class Mail, postage pre-paid upon the following:

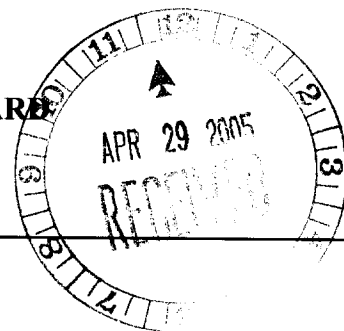
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**BEFORE THE
SURFACE TRANSPORTATION BOARD**



Finance Docket No. 34040

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

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

**RTRR CONTINUES ITS NON- COMPLIANCE WITH
BOARD MANDATED ENVIRONMENTAL CONDITIONS**

In its second status report RTRR claimed that its lack of progress in beginning rail operations was the result of local governments' appeal of this Honorable Board's ruling. Since then, the Sixth Circuit Court of Appeals issued a ruling affirming the decision of this Board. Therefore, RTRR can no longer argue that a pending appeal is causing it to delay rail operations. Yet, to the best knowledge of the City of Riverview RTRR has still not began rail operations.

Interestingly, rail operations are the only aspect of RTRR's intermodal facility which has experienced any delay the initiation of operations. RTRR has continuously used the

RTRR site to house numerous shipping containers and there is a heavy truck volume at the site. This fact lends support to the argument that RTRR invoked STB jurisdiction for the primary purpose of usurping local governmental regulation.

RTRR's storage of shipping containers is being done in an unsightly, and potentially dangerous manner. In RTRR's "Intermodal Facility Overview" submitted to the City of Riverview, RTRR represented that shipping containers would be stacked "two high." (Exhibit 1). This is one of many representations of RTRR which were less than accurate. RTRR is, in fact, stacking shipping containers five (5) high. (Exhibit 2). Besides the unsightly nature of this practice, it is also a safety concern, as there are many instances in which over-stacking of shipping containers can lead to accidents. (Exhibit 3).

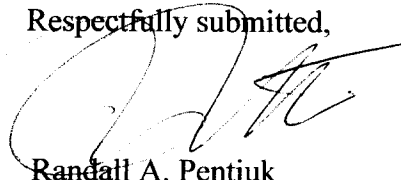
Furthermore, RTRR has still refused to use landscaping such as berms and vegetation, as appropriate, to minimize noise generated by the intermodal facility, as required. (Exhibit 4). Perhaps such steps would also serve to minimize the unsightly appearance of the facility.

RTRR has taken the position that the environmental conditions contained in the Board's May 2003 decision are not operative until rail operations have commenced. When does RTRR plan on commencing rail operations? By RTRR's distorted logic, it could delay rail operations indefinitely and avoid having to comply with the environmental conditions prescribed by this Board. As noted in the City of Riverview's principal response, the environmental conditions imposed by the Board are not dependant upon rail operations and should be immediately implemented by RTRR.

CONCLUSION

Riverview respectfully requests 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.

Respectfully submitted,



**Randall A. Pentiuk
CITY ATTORNEY
CITY OF RIVERVIEW**

Date: March 11, 2005

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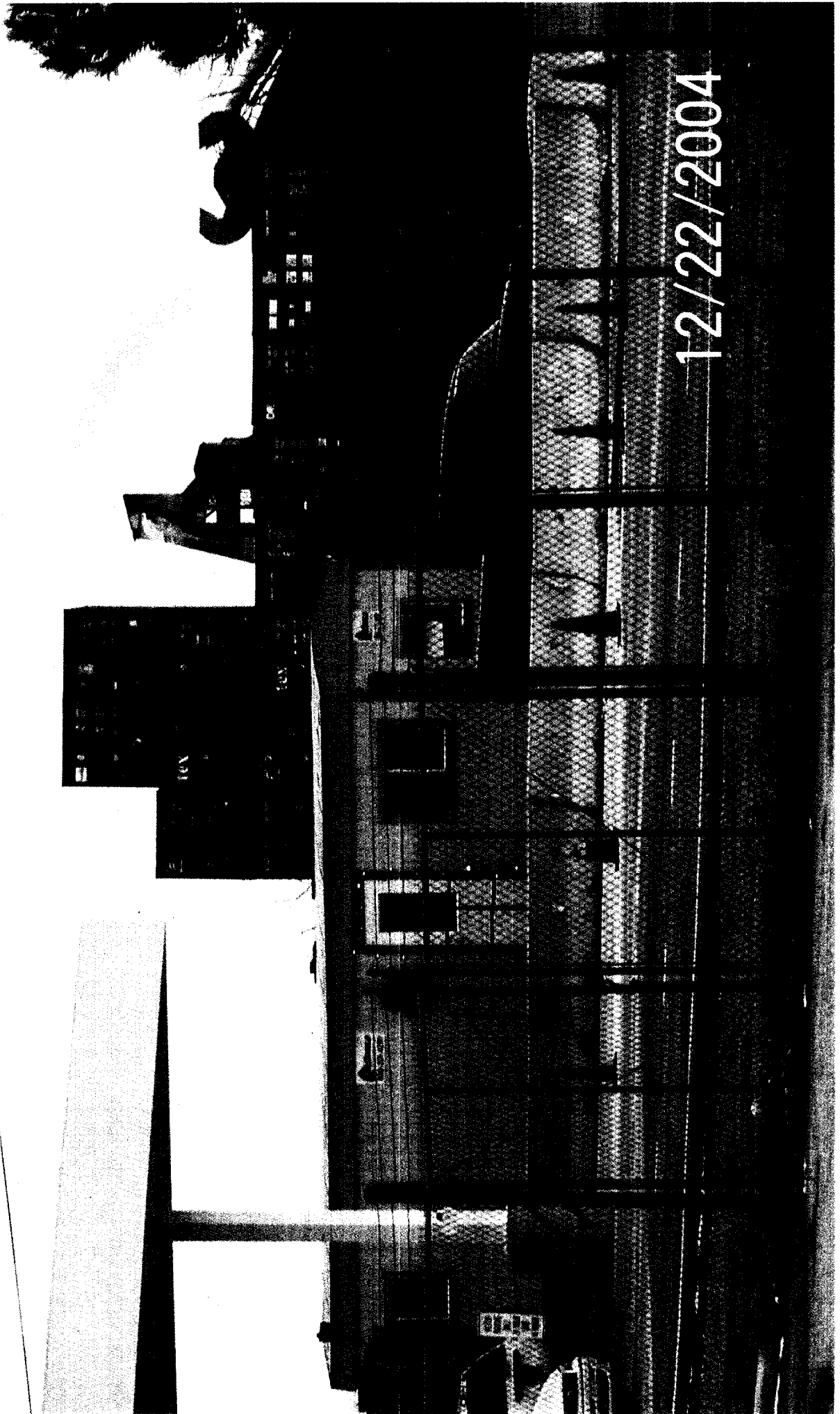
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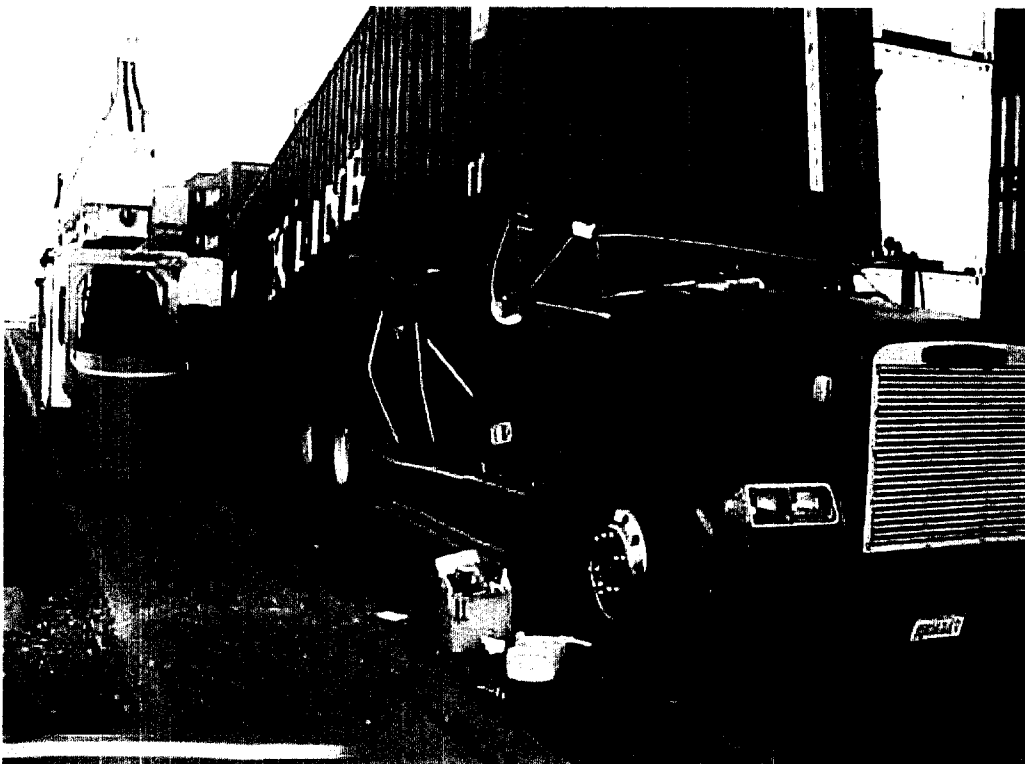
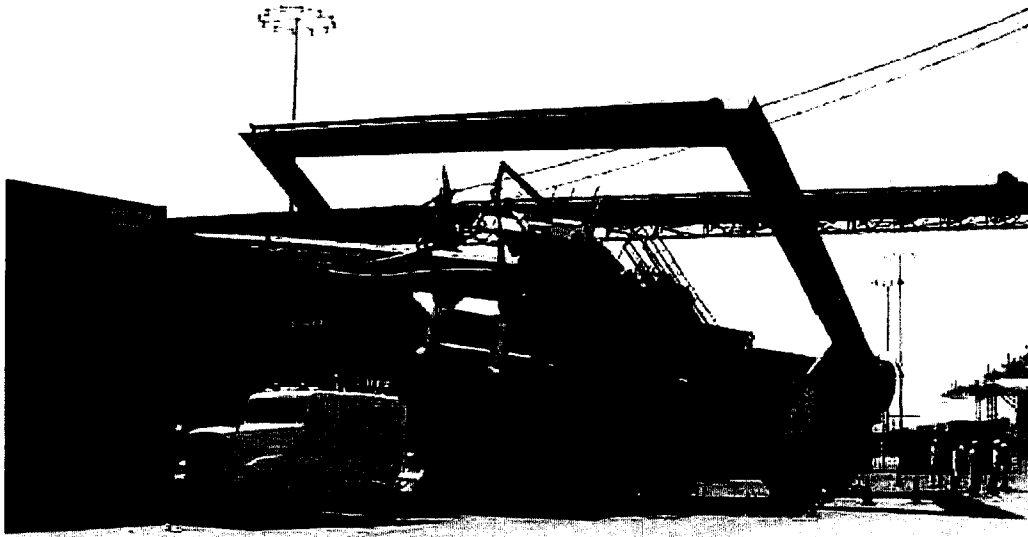


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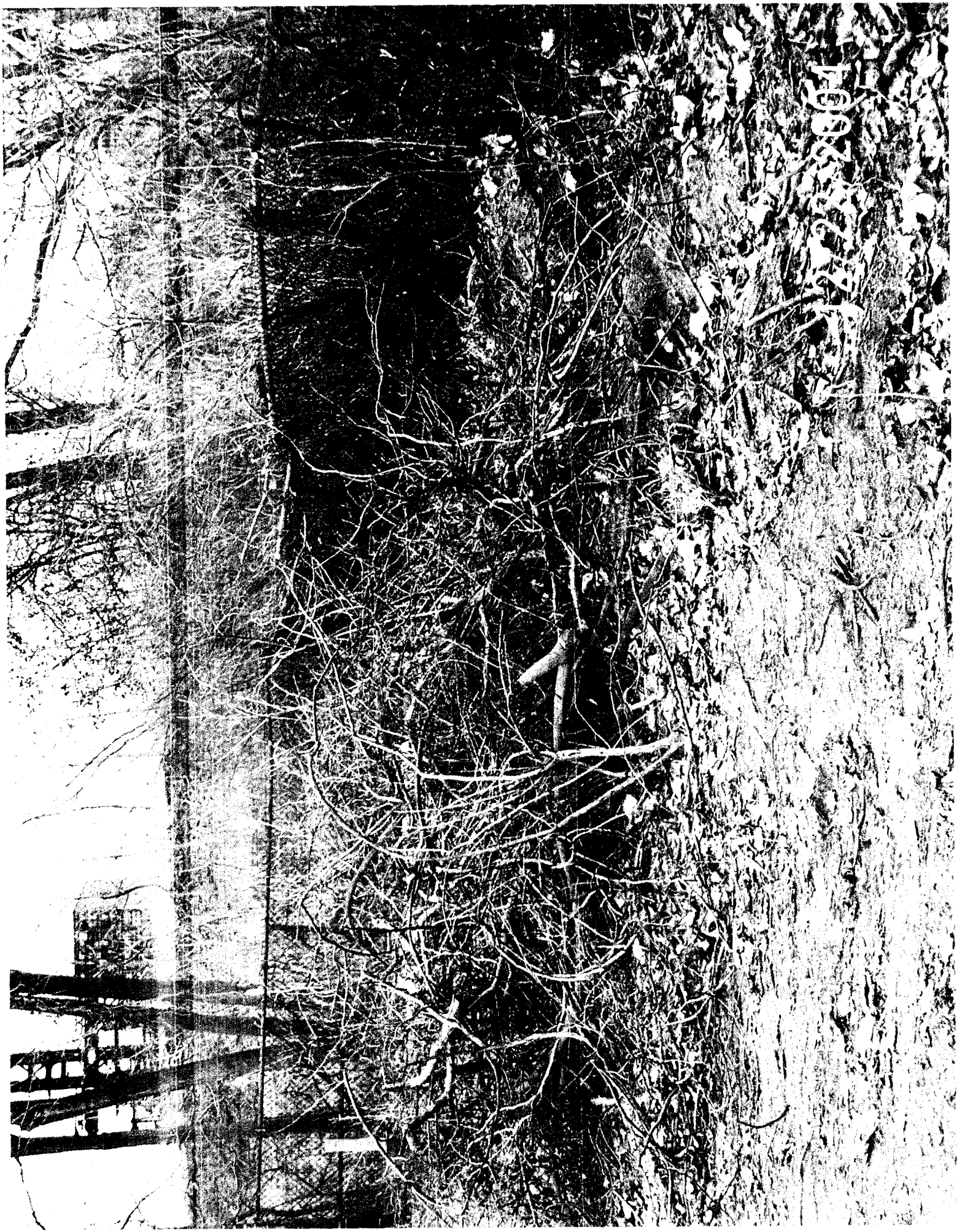
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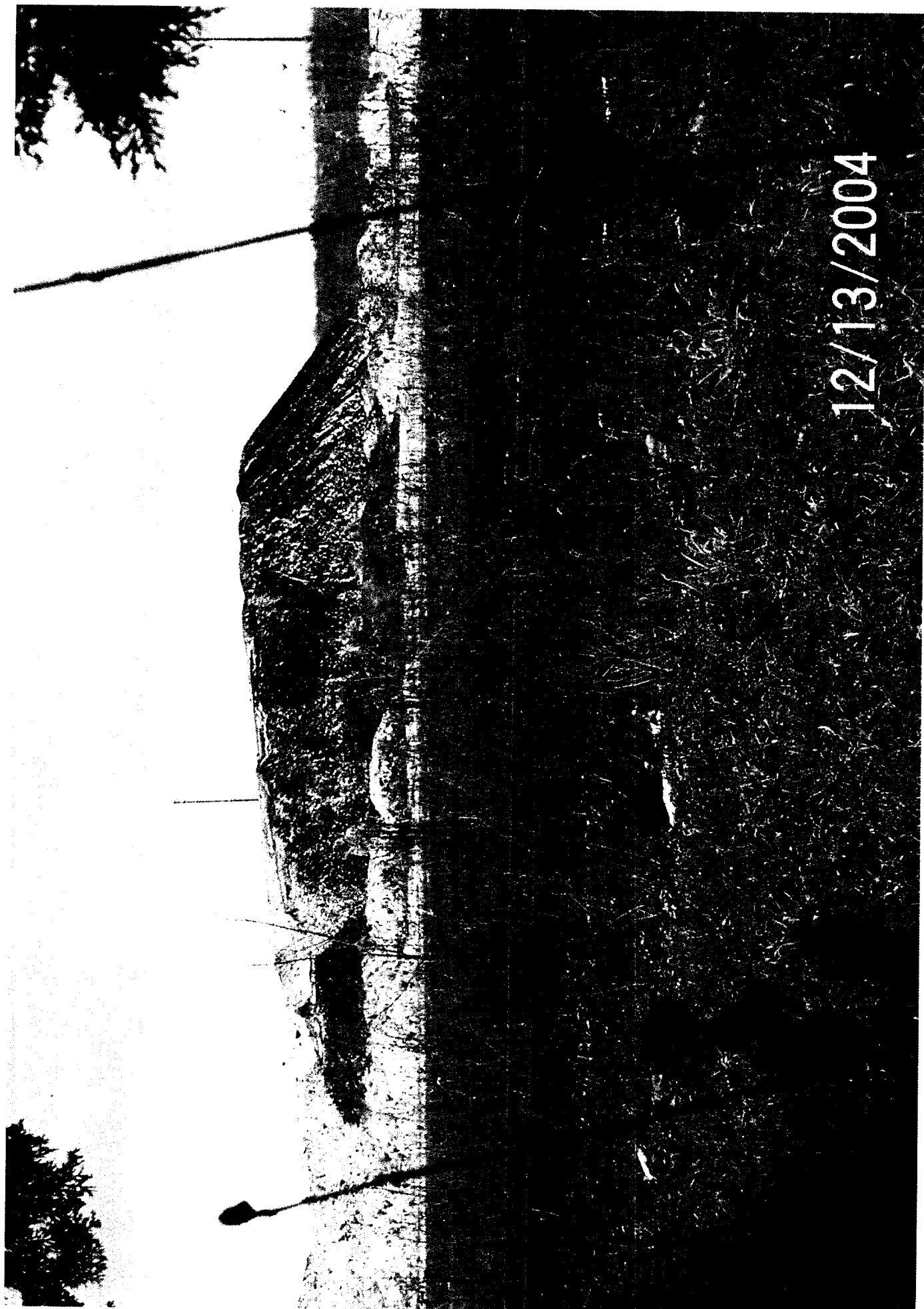




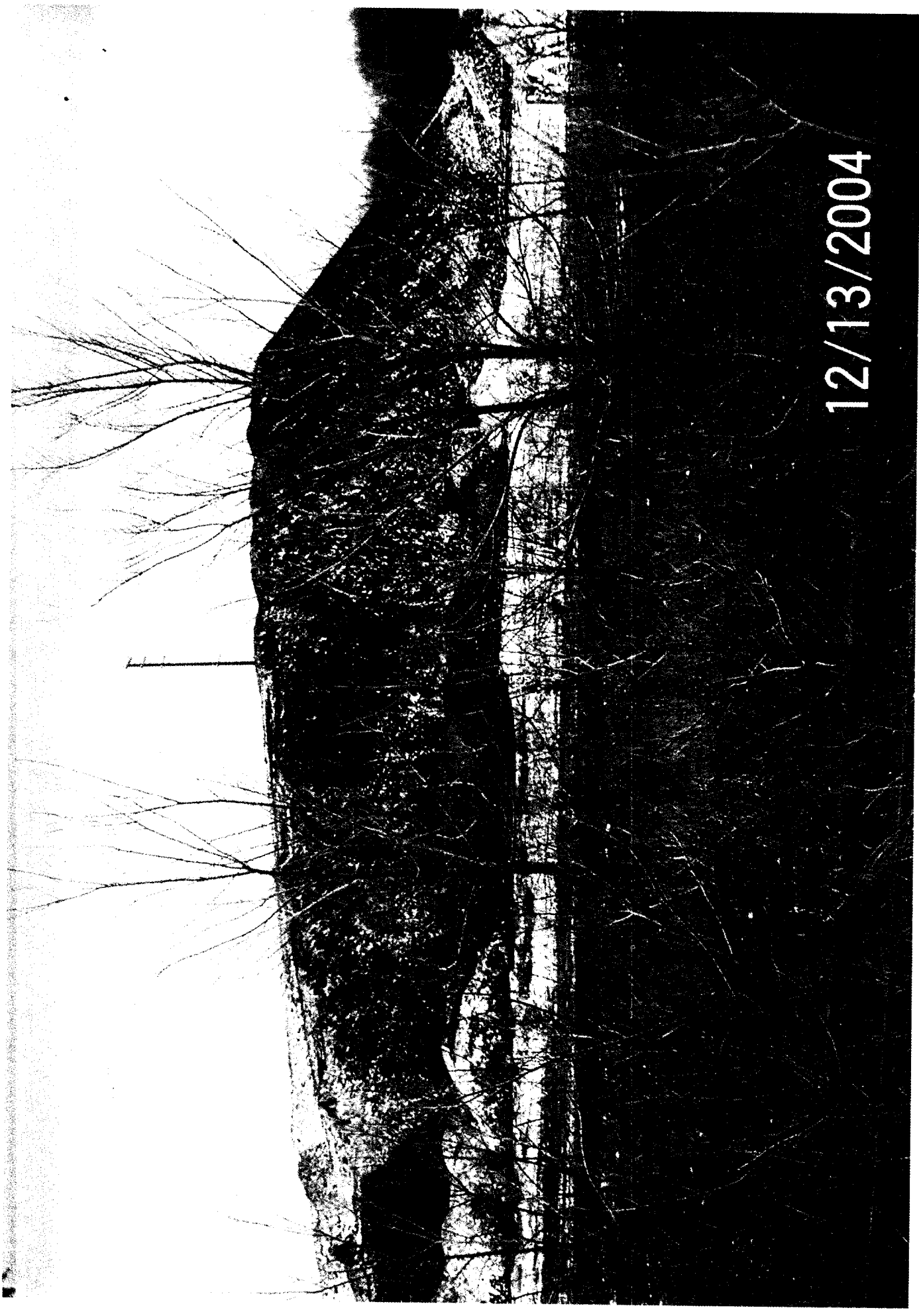
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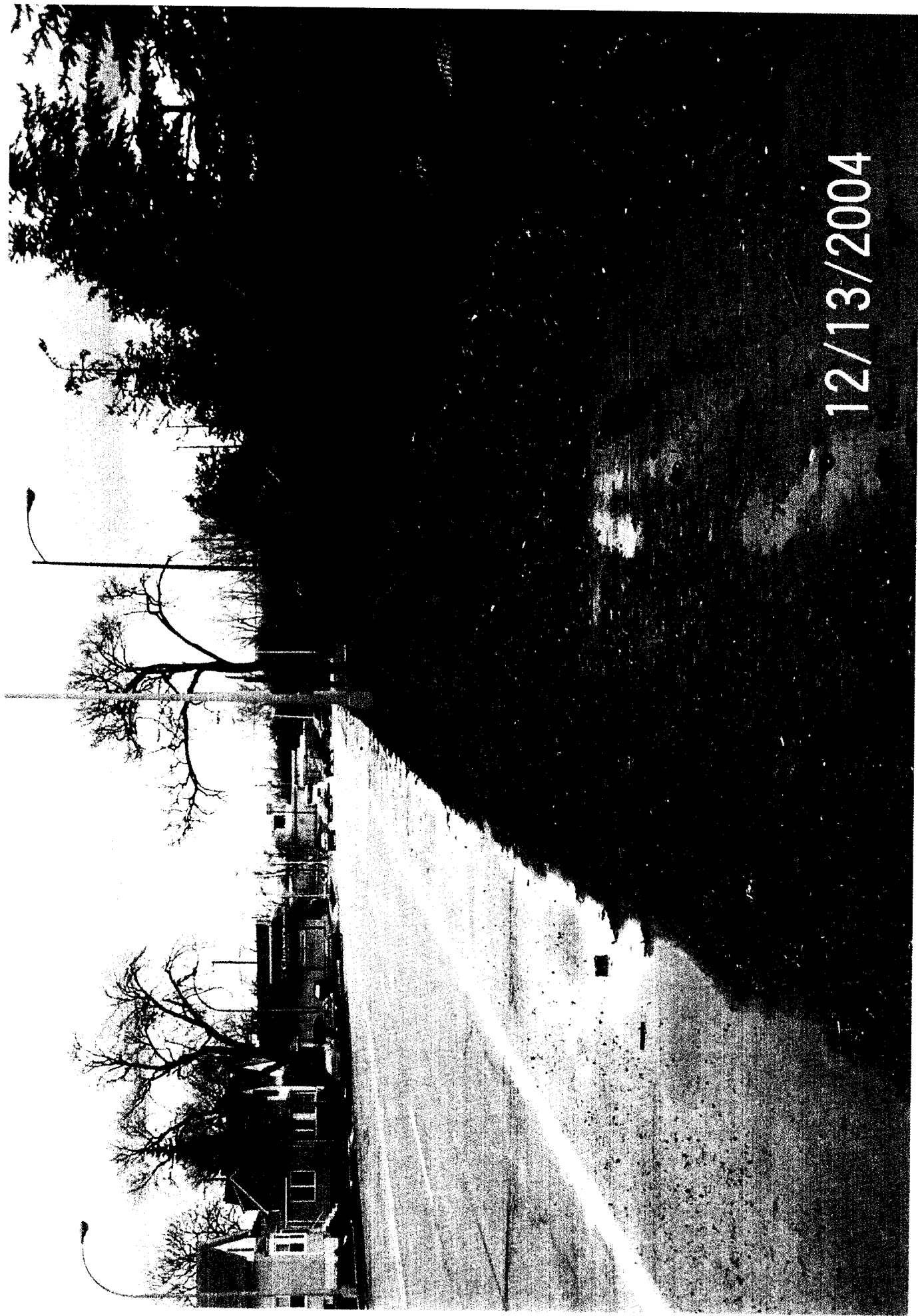


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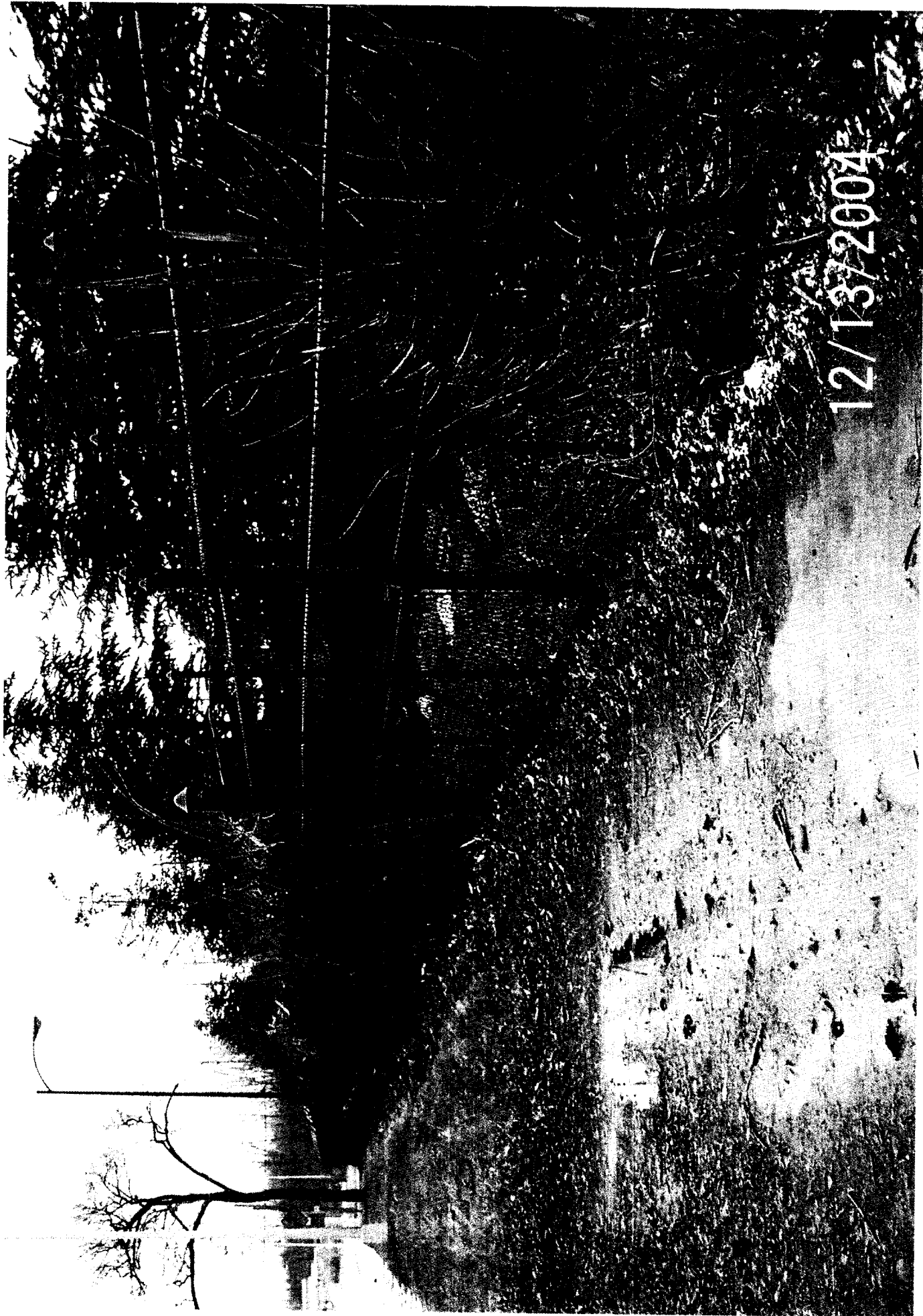


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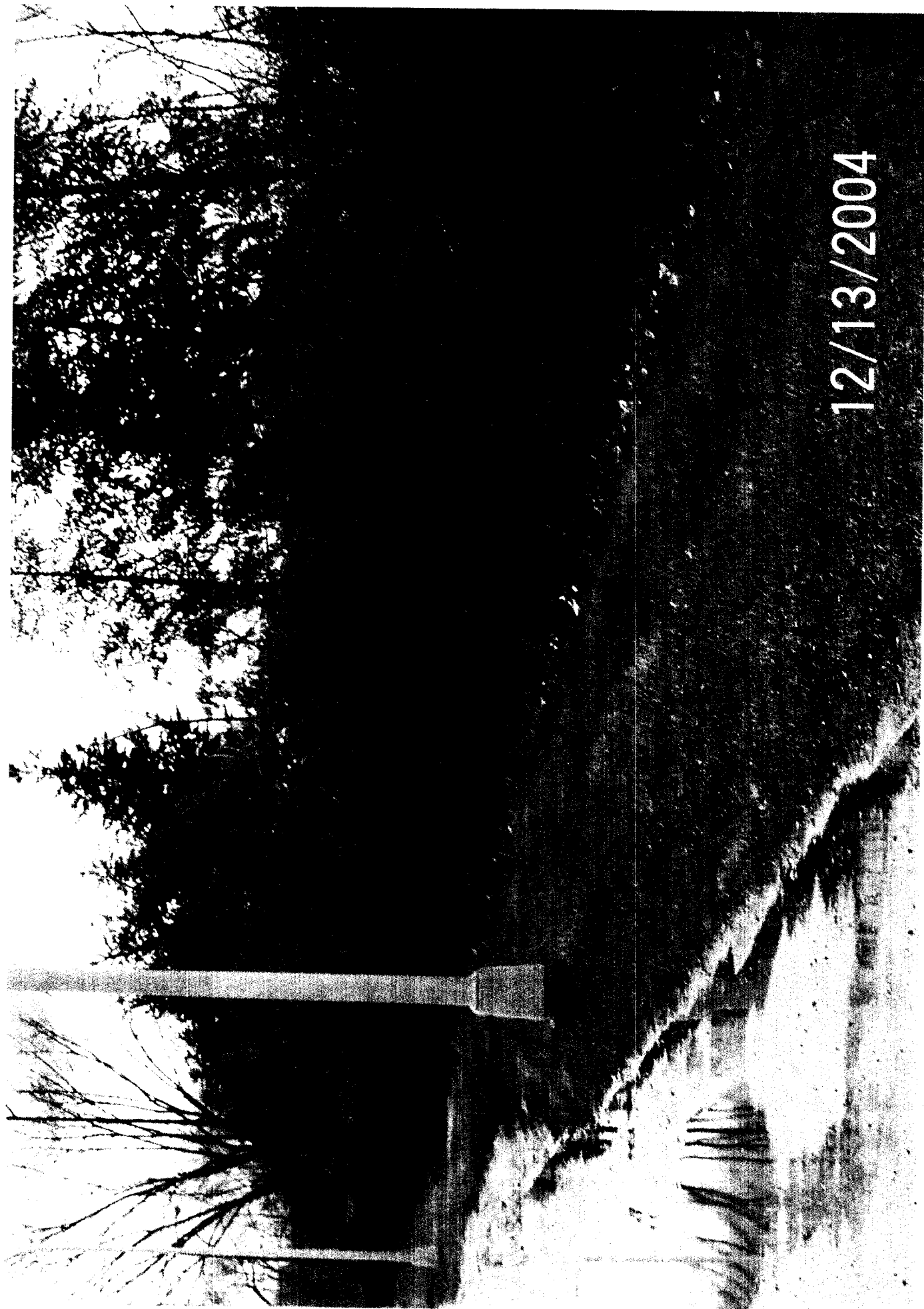


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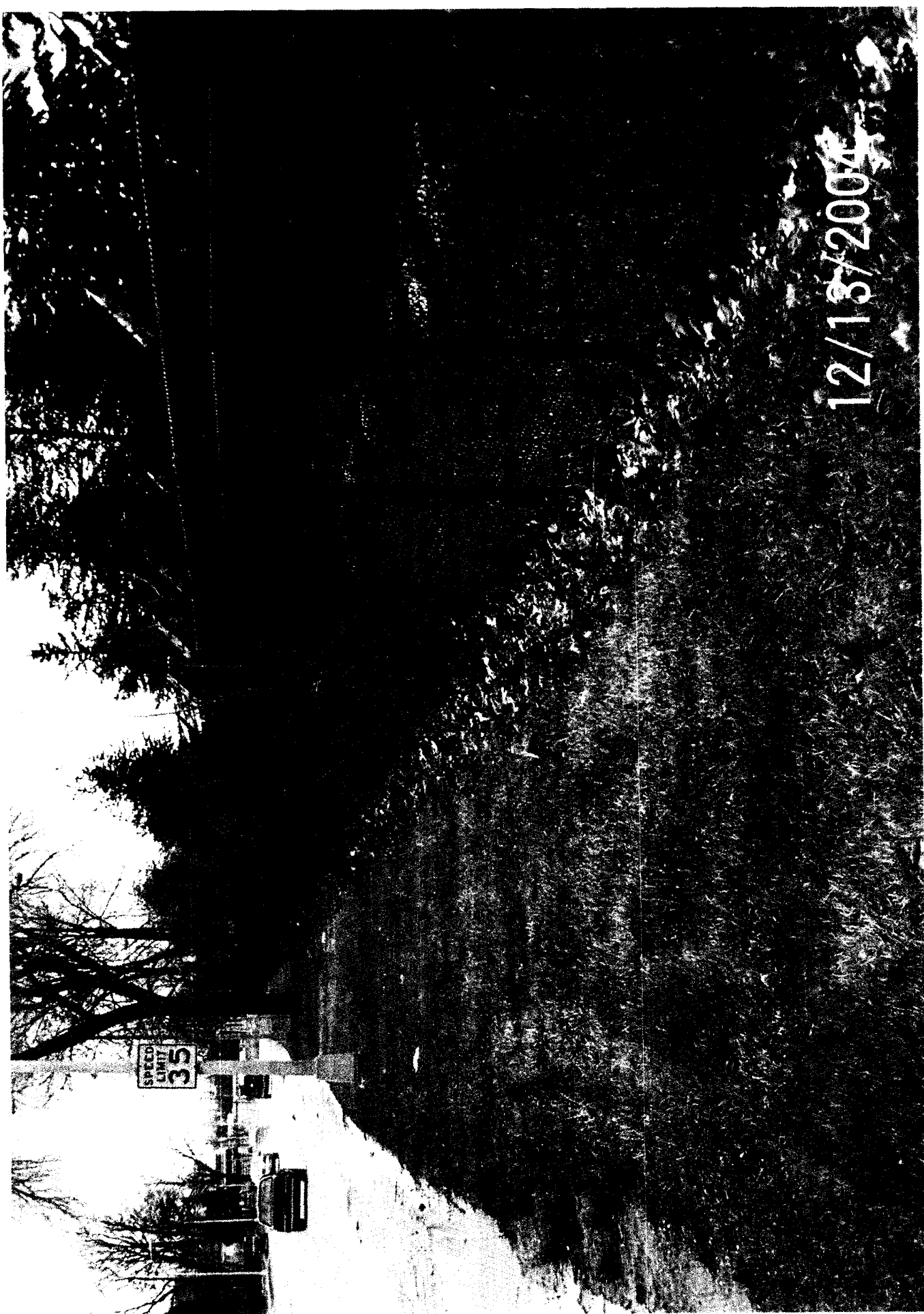
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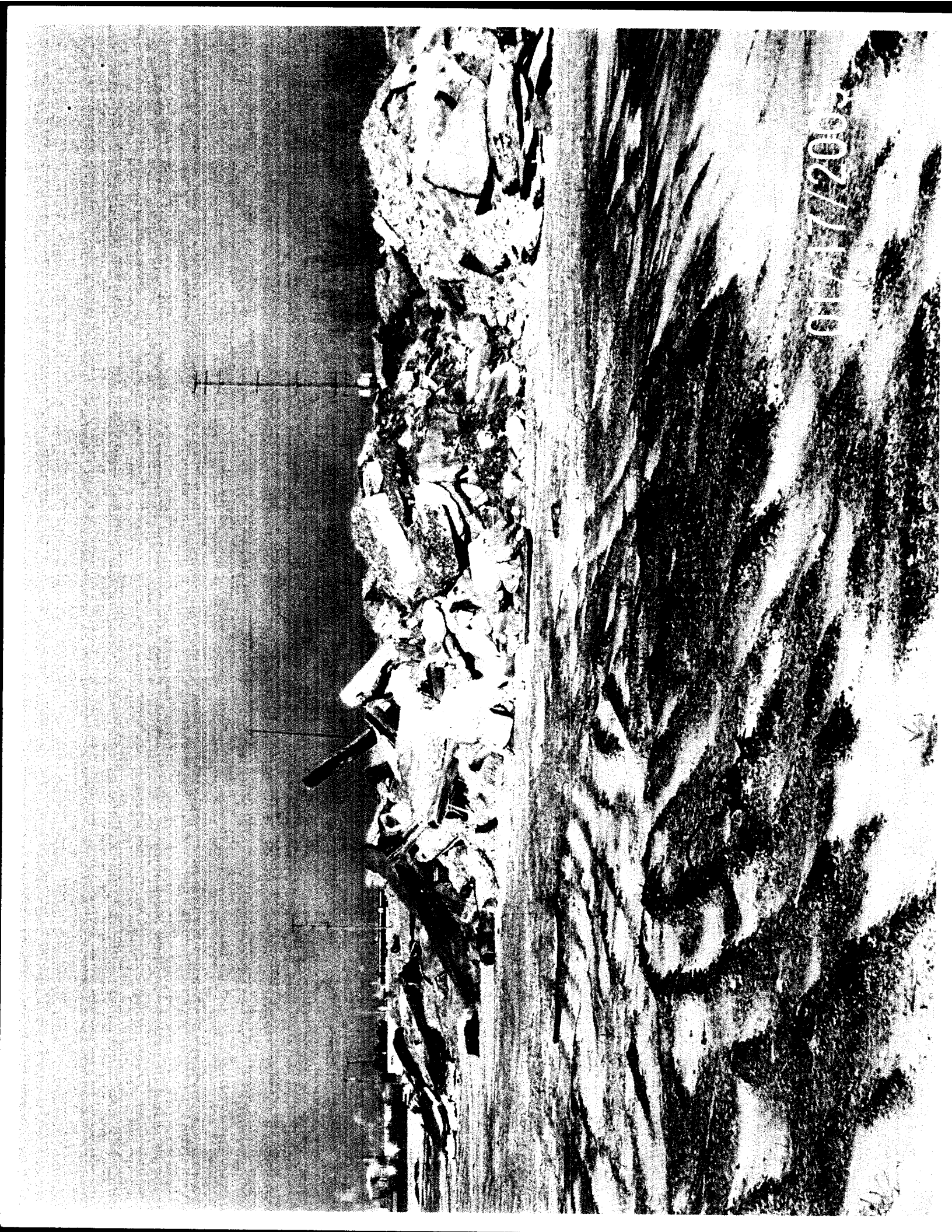
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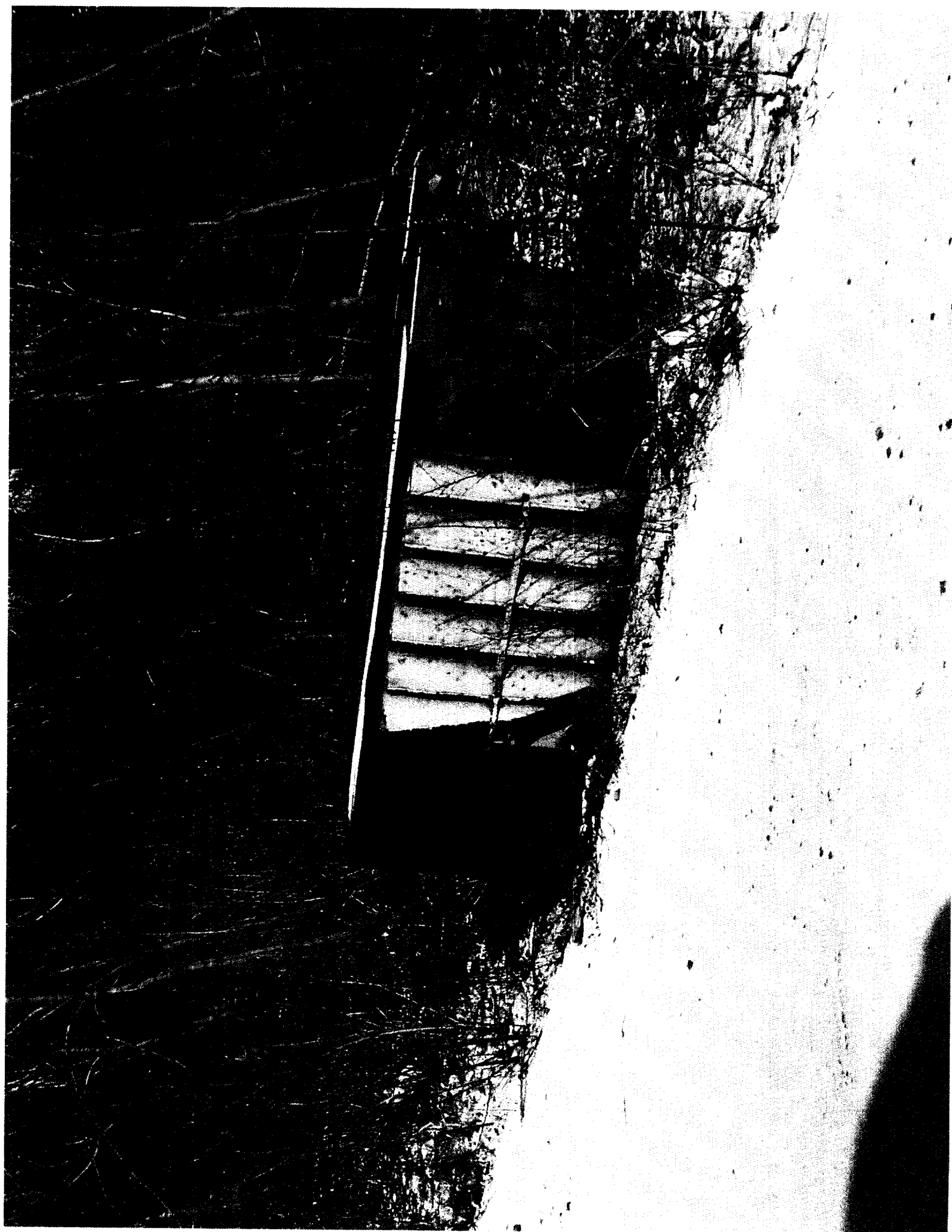
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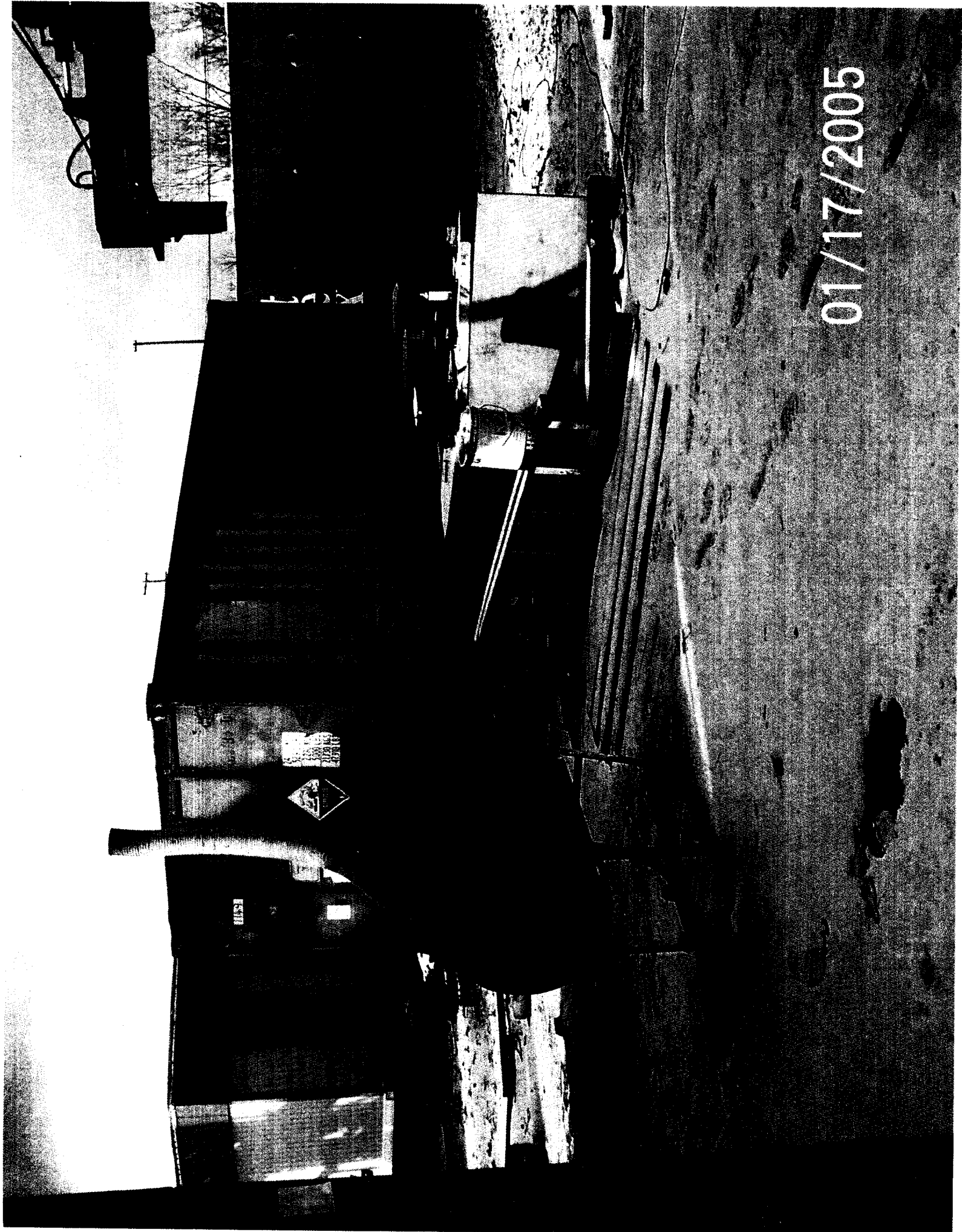
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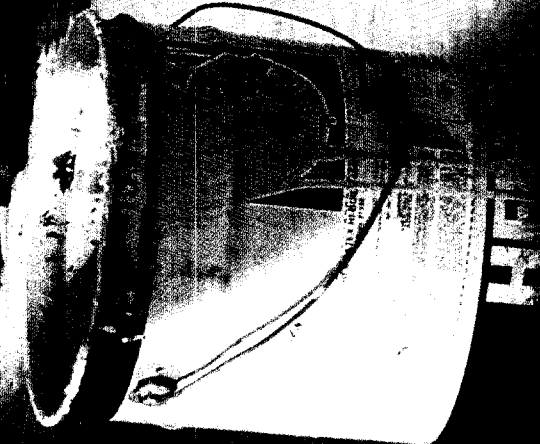
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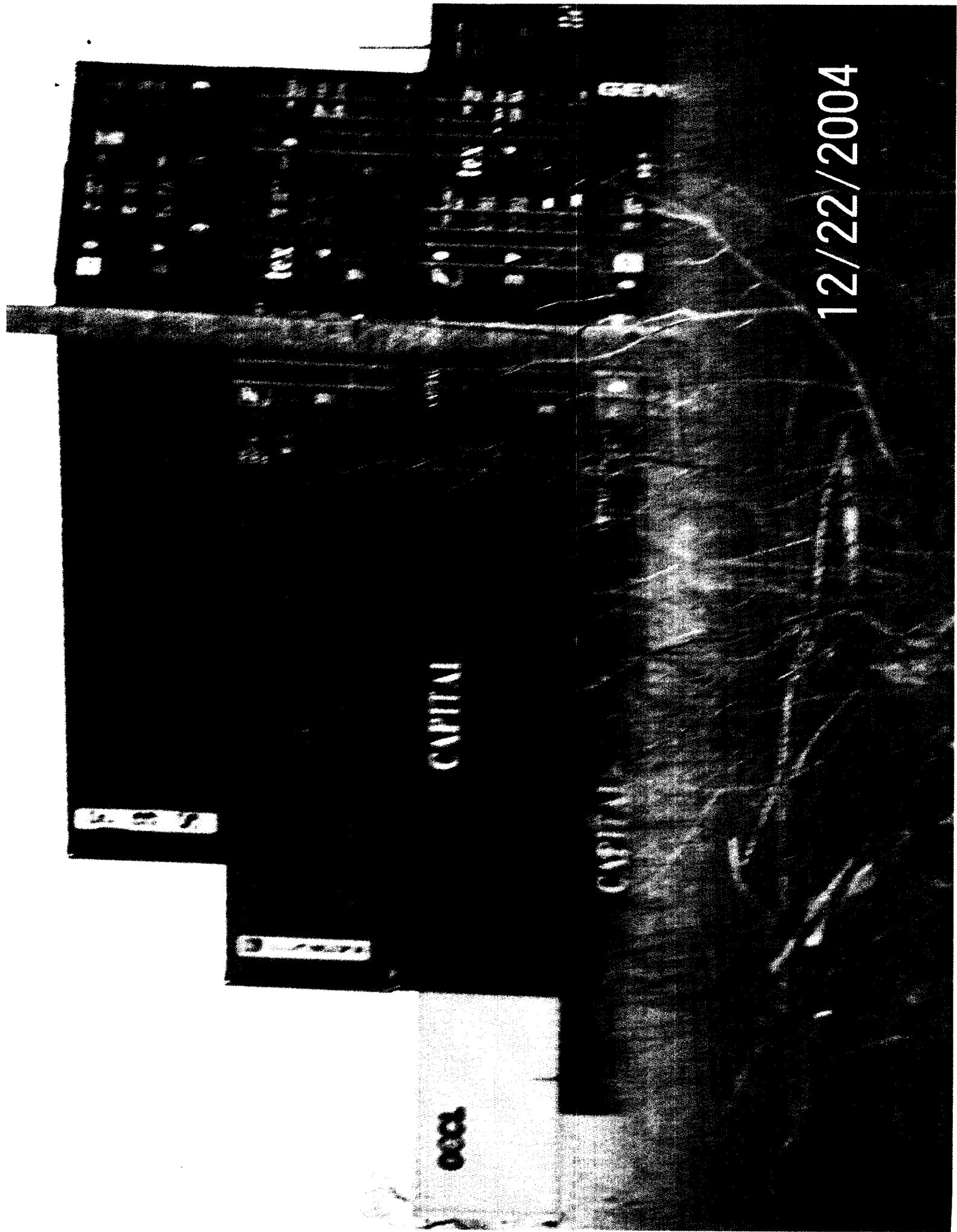
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