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ENTERED
Office of Proceedings

October 3, 2005

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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' Reply to Fourth 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.

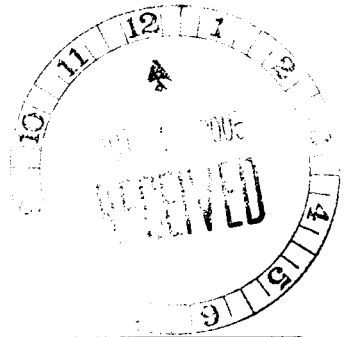
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CITY ATTORNEY
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RAP:jl
Enclosure

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BEFORE THE
SURFACE TRANSPORTATION BOARD



ENTERED
Office of Proceedings

Finance Docket No. 34040

Part of
Public Record

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

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

RTRR FAILS TO SET FORTH A TIME LINE
FOR THE START OF RAIL OPERATIONS

As set forth in the City of Riverview's last filing, RTRR can no longer rely upon its bedrock excuse that petitions for judicial review of the Board's May 15, 2003 decision were delaying the start of rail operations. Now, over seven (7) months after the Sixth Circuit Court of Appeals affirmed the Board's ruling, RTRR has still not began rail operations. Rather, RTRR claims to be laying the ground work for rail operations through a series of meetings with contractors and other rail operators. RTRR deems this an "aggressive effort" toward the launch of rail operations.

Given the history of this matter and the issues involved, one would think that RTRR would provide more specific information to the Board regarding the parties with which RTRR is meeting and contracting in relation to the start of rail operations, the general terms of the dealings/contracts, and a time line outlining dates of anticipated performance of contracts

made. Absent this information, RTRR could, conceivably, forever hide behind the veil of “meetings to discuss operations” and “negotiating with contractors” and never be put to the task of showing the fruits of such labors.

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

As stated in the City of Riverview’s supplemental response to RTRR’s second status report, rail operations are the only aspect of RTRR’s intermodal facility which has experienced any delay the initiation of operations. RTRR has been using the RTRR site to house and stack 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 and may have no intention to conduct rail operations on the site.

RTRR’s status report points out a City of Riverview ordinance which regulates the stacking of shipping containers and states that “RTRR intends to schedule a meeting with appropriate officials of the City of Riverview in the near future.” (RTRR’s Fourth Status Report, pg. 4). Yet another vague and ambiguous statement of its intentions. To date, RTRR has scheduled no meetings with City of Riverview officials despite invitations from the City.

RTRR continues to maintain that the majority of the environmental conditions prescribed by the Board are yet to be triggered. This position ignores the fact that many of the conditions were designed to reduce the adverse effects on the community stemming from all operations at the site, not just rail operations. There is a good deal of heavy truck traffic at the facility, yet RTRR has still refused to use landscaping such as berms and vegetation, as

appropriate, to minimize noise as required. Perhaps this would also serve to minimize the unsightly appearance of the facility.

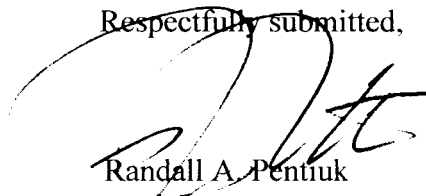
Furthermore, it is interesting that RTRR claims to be putting forth great effort in the planning stages of rail operations, but says nothing of meetings with contractors and local officials in anticipation of compliance with the environmental conditions. Has RTRR identified and made contact with all providers of emergency services in the area whom it will be obligated to notify prior to use of the north end grade crossing once rail operations commence? RTRR does not discuss any such efforts in its status reports.

As noted in the City of Riverview's previous filings, 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 provide more detailed reports regarding the planning stages of rail operations and to take immediate corrective action to cure its non-compliance with the environmental conditions set by the Board.

Respectfully submitted,



Randall A. Pentiuik
CITY ATTORNEY
CITY OF RIVERVIEW

Date: September 27, 2005

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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Finance Docket No. 34040

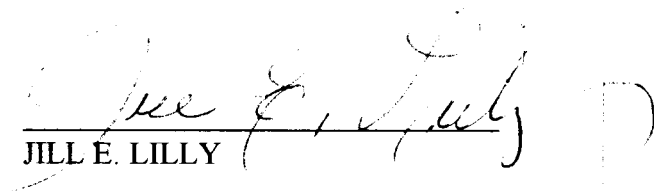
CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of October, 2005, a copy of the City of Riverview's Reply to Fourth Status Report of Riverview Trenton Railroad Company was served by First Class Mail, postage pre-paid upon the following:

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