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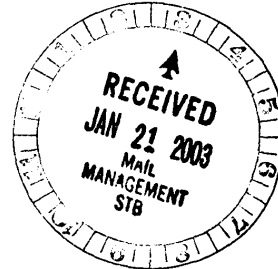
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January 16, 2003

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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

**Re: Finance Docket No. 34040 - Riverview Trenton Railroad Company -
Petition for Exemption**

Dear Secretary Williams:

The City of Trenton is in receipt of a late communication from the Riverview Trenton Railroad Company (RTRR) requesting that the Surface Transportation Board (Board) issue a final decision to its Petition for Exemption at its earliest convenience. Only because the City takes exception to several of the claims made in that communication, it feels compelled to note those exceptions for the record:

1. The RTRR correspondence indicates that "the proceeding is ripe for Board action, without which RTRR will remain unable to implement its transportation plans". The City has consistently maintained that certification of RTRR as a Railroad is not required to load and off-load either containerized shipping or truck freight on the 75 acre site. Certainly certification as a Railroad may be desirable from the perspective of RTRR, however such certification really only facilitates RTRR's plans, and is not a requirement for it to conduct its business.

Contrary to RTRR's assertions, the absence of action by the Board does not prevent RTRR from its mission of "serving the needs of the shipper community." In fact, had RTRR presented to, and secured approval from, the City's Planning Commission, its Site Plan for the development of the parcel at the time it was first acquired, RTRR might already be "serving the needs of the shipping community". Instead, it elected to pursue Railroad Certification. The City believes that the election to forego the site plan process and commencement of its project, best evidences RTRR's real intention which is to avoid subjecting itself to local review and approval by seeking Federal preemption over local zoning and planning regulations. Even if one was to accept the claim that avoidance of local regulation was not the primary motive for Certification, RTRR's claim that rail Certification is required for its customers, turns out to be merely that rail Certification represents a

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"convenience" to its customers, not a requirement, because it allows through-shipping of product from ship to rail to truck, with a single invoice.

2. RTRR claims that the local units of government are adequately protected through its commitment to abide by the conditions set forth in the Environmental Assessment. The governmental units have each filed exceptions to that Assessment indicating that it was too limited and failed to consider the full scope or impact of the Project, the necessary protections are not therefore in place, and a commitment to abide by those limited conditions is itself, illusory. RTRR responded only that it's long term plans for the site are speculative and therefore the EA need not address them.

3. RTRR filed the pending Petition for Exemption which included its affirmative case in support of that Petition. In response to the Board's February 15, 2002, request for supplemental information, the City filed extensive additional evidence. Pursuant to the Board's directive of June 21, 2002, the City attempted to negotiate in good faith a resolution which included efforts on a spontaneous basis, to respond to each and every new demand made by RTRR associated with a proposed relocation: first for a parcel with a mile and one-half of track suitable for the assembly of a 100 car train, then a mile and a half of straight track, then track in "operating condition" (which does not exist on the existing site), finally consummating in a declaration to the STB and their final communication that the existing 75 acres itself was more than sufficient for its operation.

4. It was apparent from these discussions that RTRR would resist the county's and cities' efforts by any means available, unconstrained by any requirement of good faith. For example, RTRR claimed to the Surface Transportation Board that DTE Energy had definitively refused to make any property available and that the City was aware of that fact at the time of its September report to the Surface Transportation Board. In fact, the evidence and correspondence from DTE in this matter clearly and unmistakably demonstrated that the City had continued its discussions with authoritative personnel at DTE Energy, long after its interim report to the Board. At the time RTRR called a halt to the negotiations, DTE was still amenable to discussing long term lease arrangements for some limited portion of its property. Unfortunately, plans by the local units of government and discussions with other property owners were similarly misrepresented to the Board by RTRR, impugning the integrity of those units and their public officials.

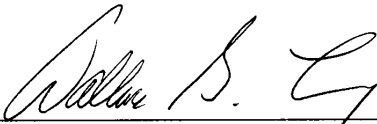
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For these reasons, the City urges the Board to deny RTRR's Petition.

Very truly yours,

HOWARD & HOWARD ATTORNEYS, P.C.

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WGL/glb

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