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April 26, 2004

210681

ENTERED
Office of Proceedings

APR 26 2004

Part of
Public Record

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

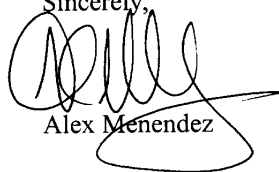
Re: Docket No. AB 167 (Sub-No. 1094)A; *Chelsea Property Owners –
Abandonment – Portion of the Consolidated Rail Corporation's West 30th
Street Secondary Track in New York, NY*

Dear Sir:

I am enclosing for filing an original and ten copies of each of the 1) Motion of the City of New York, NY For Leave to File A Reply to Reply of The Forty Plus Foundation/Manhattan Central Railway System; and 2) The City of New York, NY Reply to The Forty Plus Foundation/Manhattan Central Railway System Opposition to the City of New York and the Chelsea Property Owners' Request for Abeyance in this proceeding. An extra copy of each document is enclosed for date stamp and return to our messenger. In addition, we are enclosing a 3.5 inch diskette with these documents.

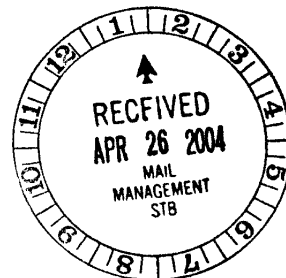
Thank you.

Sincerely,


Alex Menendez

Enclosures

cc: All Parties of Record



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

210681

**Docket No. AB 167 (Sub-No. 1094)A
CHELSEA PROPERTY OWNERS -- ABANDONMENT -- PORTION OF THE
CONSOLIDATED RAIL CORPORATION'S WEST 30TH STREET SECONDARY
TRACK IN NEW YORK, NEW YORK**

**MOTION OF THE CITY OF NEW YORK, NY
FOR LEAVE TO FILE A REPLY TO REPLY OF
THE FORTY PLUS FOUNDATION/MANHATTAN CENTRAL RAILWAY SYSTEM**

Communications with respect to this
document should be addressed to:

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Office of Proceedings**

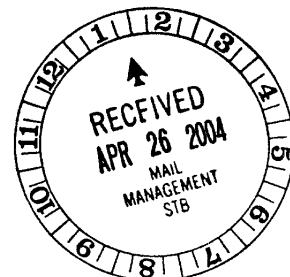
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Dated: April 26, 2004



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**Docket No. AB 167 (Sub-No. 1094)A
CHELSEA PROPERTY OWNERS -- ABANDONMENT -- PORTION OF THE
CONSOLIDATED RAIL CORPORATION'S WEST 30TH STREET SECONDARY
TRACK IN NEW YORK, NEW YORK**

**MOTION OF THE CITY OF NEW YORK, NY
FOR LEAVE TO FILE A REPLY TO REPLY OF
THE FORTY PLUS FOUNDATION/MANHATTAN CENTRAL RAILWAY SYSTEM**

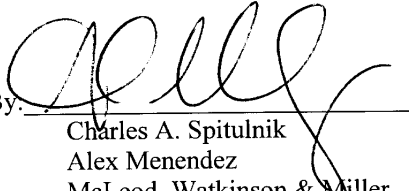
The City Of New York ("New York"), pursuant to 49 C.F.R. § 1117.1 respectfully requests leave to file the accompanying reply ("City's Reply") to The Forty Plus Foundation/Manhattan Central Railway Systems Opposition To The City Of New York And The Chelsea Property Owners Request For Abeyance ("Forty Plus Reply") filed on or about April 14, 2004. The Reply is necessary because the Forty Plus Reply raises new issues that New York has not raised or addressed in its request. Specifically, Forty Plus ignores the Board's rules and regulations which support the private resolution of disputes whenever possible.

Good cause exists for granting this Motion. In its Reply New York will address this issue that is an entirely new legal issue not presented in its initial pleading. The Reply to the Forty Plus Reply does not broaden the issue here but rather will lead to a decision based on a complete and accurate record with respect to the issues raised in this record. Permitting New York to reply to the Forty Plus Reply is consistent with the public interest and will not prejudice any party.

In anticipation of a favorable ruling on this motion, New York's Reply is attached to this motion for filing today.

WHEREFORE, the City Of New York respectfully requests the Board to grant it leave to
file a Reply to the Forty Plus Reply.

Respectfully submitted,

By: 
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Dated: April 26, 2004

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of April, 2004, a copy of the foregoing MOTION OF THE CITY OF NEW YORK, NY FOR LEAVE TO FILE A REPLY TO REPLY OF THE FORTY PLUS FOUNDATION/MANHATTAN CENTRAL RAILWAY SYSTEM was served by first class mail, postage prepaid, upon:

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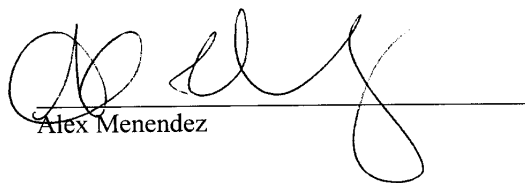
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