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NAME: HONORABLE VERNON A. WILLIAMS, SECRETARY
COMPANY: SURFACE TRANSPORTATION BOARD
OFFICE: 202-565-1674
FAX: 202-565-9004
DATE: April 1, 2004
of PAGES: - 6 -

FACSIMILE FROM

NAME: Tomislav R. Neuman
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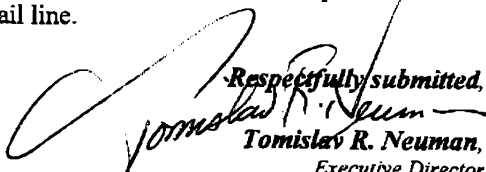
**Re: Docket No. AB-167 (Sub-No. 1094)A [ie Highline]
Chelsea Property Owners - Abandonment - Portion of the
Consolidated Rail Corporation's West 30TH Street Secondary Track
in New York, NY**

Dear Secretary Williams;

Attached for filing in the above-captioned proceeding is a
facsimile of FORTY PLUS FOUNDATION / MANHATTAN
CENTRAL RAILWAY SYSTEMS, LLC, [MCRS]; **NOTICE OF
INTENT TO FILE OFFER OF FINANCIAL ASSISTANCE**, for filing
with the Board in the above referenced matter.

Please be advised that our formal request (including ten (10)
copies) is being directed to your attention via priority mail.
MCRS looks forward to working closely with the Board in
order to consummate a mutually beneficial acquisition of the
above referenced rail line.

Respectfully submitted,


Tomislav R. Neuman,
Executive Director

FORTY PLUS FOUNDATION &
MANHATTAN CENTRAL RAILWAY SYSTEMS, LLC

TRN/jm

Enclosures

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**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, NY**

**NOTICE OF INTENT TO FILE
OFFER OF FINANCIAL ASSISTANCE**

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Dated: April 1, 2004

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SURFACE TRANSPORTATION BOARD**

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OFFER OF FINANCIAL ASSISTANCE**

At the invitation of CSX, after it successfully secured ownership of the West 30th Street Secondary Track ⁽¹⁾ on June 1st, 1999 from CONSOLIDATED RAIL CORPORATION'S (ConRail), CSX is actively soliciting to secure a buyer for the above referenced rail line. CSX' solicitation is compounded by the abysmal projections of "*Highline*" revenue generation, in addition to the extraordinary "*defacto 14 year abeyance*" chronology of Docket No. AB 167 (Sub-No. 1094)_A, spawning the unprecedented "novel legal issues" affecting the present status of this line. CSX has expressed concerns resulting from

¹ Part of the former New York Central (later Penn Central) freight line [*Highline*]. The line was acquired by ConRail in 1976 as part of the conveyance of the properties of the bankrupt railroads in the northeast and Midwest under the Regional Rail Reorganization Act, 45 U.S.C. 701 et seq. (3R Act) -- an approximate 1.6-mile rail line originating today from a deep cut at approximately milepost 9.35 near West 37th Street between Eleventh and Tenth Avenues, where it veers south-westerly away from AMTRAK's service line... the upstate New York Empire (AMTRAK runs down the West Side and into Penn Station). The *Highline*, continues south, then gradually ascends to street level at approximately milepost 9.75 near West 33rd Street and Eleventh Avenue and subsequently becomes an elevated railroad trestle that, in order to accommodate all trains emerging from beneath street level it must make a 0.48 mile long "¾" [west-south-easterly] great loop around the outer perimeter of the Long Island Rail Road's John D. Caemmerer West 30th Street Rail Yards - in order to eliminate any potential street level crossings. Once emerged, the *Highline* viaduct now ascends to a minimum clearance of 14 feet over most of the remaining length continuing south at 30th Street & 10th Avenue. The *Highline*, is generally situated just west of Tenth Avenue as it proceeds in a somewhat "meandering" comportment between and through buildings, continuing downtown (south) running along it's elevated viaduct "easement" with varying widths of 30' to 80 feet and a track height of approximately 30 feet -- presently terminating at approximately milepost 10.47 at the northern boundary of Gansevoort Street, intersecting at Washington St. near the West Side Highway [Rt. 9A] in the popularly referred to 'Meat Packing District' in the Borough of Manhattan, NY. The *Highline* is elevated on a steel and concrete viaduct that was constructed in 1930. ConRail operated over the *Highline* pursuant to easements negotiated over a 40 year planning period from 1885 thru 1925, with the original owners of the properties underlying the *Highline* for the purpose of shipping and receiving rail freight thought the west side of Manhattan Island on a grade separated right-of-way to replace the original 1849 perilous street-level tracks laid along 10th and 11th Avenues.

both past and present City administrations ambiguous to demolish (*or not*) agenda(s) plus the current administration's (and others') recent plans to propose various development scenarios that would remove or disable sections of the line (thus compromising the main line connection to AMTRAK's upstate EMPIRE service). Furthermore on January 15, 2004, the Appellate Division of the NEW YORK STATE SUPREME COURT ruling dealt a lethal legal set back to supporters of a CITU by excluding the use of the Uniform Land Use Review Procedure (ULURP), effectively removing local barriers that could impede the reactivation of rail service -- in addition to the conclusion on April 5th 2004 of the recent 6 month City/CPO abeyance that has frustrated CSX efforts to sell this line -- pursuant to 49 U.S.C. § 10904(c) and 49 C.F.R. § 1152.27(c)(2)(iii), the MANHATTAN CENTRAL RAILWAY SYSTEMS, LLC (MCRS) hereby advises **the Board** and parties of record of its intent to file an OFFER OF FINANCIAL ASSISTANCE ("OFA") under 49 CFR 1152.27. The OFA is to purchase all of the above referenced CONSOLIDATED RAIL CORPORATION's West 30th STREET SECONDARY TRACK [*"HIGHLINE"*].

THE INTENDED OFFER OF FINANCIAL ASSISTANCE ("OFA")

WILL BE FOR CONTINUED RAIL SERVICE

This notice is designed to verify the intentions of MCRS to acquire this rail line as a **Class III Short line**, incorporating state-of-the-art and environmentally responsible, non-polluting intermodal freight technology to generate self-sufficient profitability and competitively priced rail services designed to address local and national shipper's demands. MCRS will provide valuable freight redundancy that will dramatically alleviate surface street congestion, reduce pollution, contribute to pedestrian safety and the quality of life in NYC while further reducing hydro-carbons and oxides of caustic nitrogen per mile generated by inefficient and costly truck transports who congest city streets and who's pollutants double as each vehicle ages and furthermore contribute vast volumes of carbon monoxide that lead to principal causes of global warming plus debilitating and even lethal respiratory health ailments within our

community. **MCRS** acquisition will generate much needed employment plus institute essential community employment support programs funded by a reactivated **Highline**.

Presently the battle is to make New York's economy healthy as the biggest and richest freight port on the East Coast – and create thousands of freight/transportation dependent jobs – this hinges on the future of NYC's fabled transportation infrastructure. Experts predict that in 10 years with the freight industry adopting an airline-style *hub-and-feeder* system, there will be only one major East Coast port between Canada and Mexico. If we do not aggressively support benefits new freight transport technology offers our New York-New Jersey market (presently the third-busiest port in the nation) NYC/NJ loses its competitive advantage. The New York region could lose 40% of its current **230,000+** freight-dependent jobs, according to a Port Authority study, that is over 92,000 jobs at risk!

The same study illustrated if New York were to upgrade its transportation infrastructure, it would multiply freight commerce and jobs by **800%** to **1,000%** during the next 40 years. **FORTY PLUS** (established in NYC in 1939 and parent of **MCRS**) is a national and local authority on how to produce employment -- we recognize the dramatic impact that a reactivated **Highline** would contribution in our tri-state region. **PORT AUTHORITY** studies show the NY-NJ ports are now operating at 90% capacity and that demand for cargo space will triple in the next 15 years. Complicating future shipping development is the severe difficulty of carrying shipper's goods into and out of Manhattan.

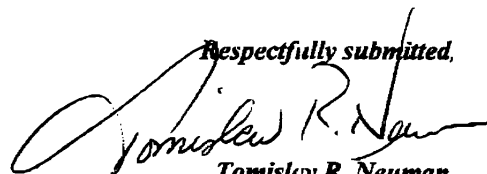
Today, in the interests of national security, officials feel the time is right for a bold plan proposed more than 80 years ago: a \$7 billion rail freight tunnel under NY harbor. More than 90% of everything that comes into NYC is *via* the George Washington and Verrazano bridges. As freight demand grows a new freight tunnel and the necessity of providing the City with **additional secure** and environmentally sensitive freight redundancy confirms the importance of rehabilitating and reactivating the Highline ASAP. As in its prime and now imminent future, it can continue to be the "*lifeline of NYC*" for the hope and health of our City and Nation -- as Manhattan's only direct rail freight link.

NOTICE TO REVIEW CRITICAL INFORMATION

In connection with this Notice of Intent to File an OFA, MCRS requests that the **ConRail/CSX** applicant carrier provide the information set forth in 49 CFR 1152.27 (a) including the minimum purchase price required to acquire the line. MCRS also requests that **ConRail/CSX** provide its most recent report on the physical condition of the involved line and revenues and other data necessary to determine **ConRail/CSX's** estimate of net liquidation value of the line together with supporting data reflecting available real estate (easement) appraisal, assessments of the quality and quantity of track material in the line and removal cost estimate used to obtain the net liquidation value (NOTE: in light of the lines last usage in 1980 a traffic report would not be necessary in this instance).

Offeror (MCRS) also requests that the **Board** toll period for submitting **Offers of Financial Assistance** for an additional 30 days in order to provide MCRS with an adequate opportunity to review and analyze the material provided by **ConRail/CSX** and submit MCRS' OFA. This will not prejudice the interests of **ConRail/CSX** or any other party.

Respectfully submitted,



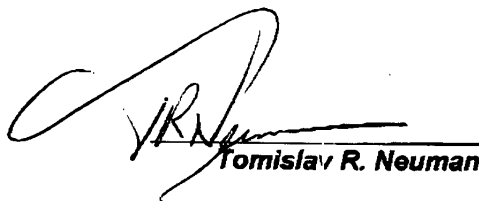
Tomislav R. Neuman,

Executive Director

**FORTY PLUS FOUNDATION &
MANHATTAN CENTRAL RAILWAY SYSTEMS, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of April, 2004, copies of the forgoing Notice of Intent to File Offer of Financial Assistance of the Forty Plus Foundation & Manhattan Central Railway Systems, LLC was served by first-class mail, postage prepaid, or (hand-delivery), upon all interested parties of record.



Tomislav R. Neuman