

210487

FORTY PLUS FOUNDATION

Since 1939 - America's oldest non-profit out placement service
Mailing Address: 7 Monmouth Road, Oakhurst, N.J. 07755-1656 Office: (732) 222-4327

FOUNDER

Henry Simler, (1876-1954)
President/CEO
American Writing Machine, Co.,
(Remington/Rand)

FOUNDING ADVISORY BOARD

Elliot V. Bell
Editorial Chairman
BUSINESS WEEK
James Bruce, Jr.
Financier
Col. Howard E. Cox,
Attorney
Cox, Treanor & Shaghnassy
Arthur Godfrey
Entertainer & Conservationist
Peter Grimm,
Chairman
Wm. A. White & Sons
J. Peter Grace,
Chairman
W.R. Grace & Co.
Henry Hazlitt
Syndicated Columnist
Dr. R. Gordon Hoxie,
Chairman Emeritus
Center for the
Study of the Presidency
James A. Linen,
President
TIME, Inc.
Frank W. Lovejoy,
Executive
Socony, Mobil Oil Co.
Dr. Norman Vincent Peale
Marble Collegiate Church
James Cash Penney
Founder
J.C. Penney & Co.
Charles L. Plumb,
Chairman
Franklin Society Federal Savings
& Loan Association
F.C. Rooney, Jr.
Chairman
Melville Corp.
Hicks B. Waldron
Chairman,
AVON
Thomas J. Watson, Jr.
Chairman,
IBM

HONORABLE VERNON A. WILLIAMS, SECRETARY
SURFACE TRANSPORTATION BOARD
1925 K Street, N.W. Suite 700
Washington, D.C. 20423-0001



Re: Docket No. AB-167 (Sub-No. 1004) *File Highline*
*Chelsea Property Owners - Abandonment - Portion of the
Consolidated Rail Corporation's West 30TH Street Secondary Track
in New York, NY*

Dear Secretary Williams:

Enclosed for filing in the above-captioned proceeding is an
original and ten (10) copies 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.

Kindly acknowledge receipt by date stamping the enclosed
duplicate copy of this letter and returning it in the self
addressed, stamped envelope provided.

Respectfully submitted,

Tomislav R. Neuman,

Executive Director

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

TRN/jm

Enclosures

cc: All Parties of Record

100,000+ Successful
Placements

40+ OFFICES

NEW YORK
NEW YORK CITY
BUFFALO
CALIFORNIA
OAKLAND
LAGUNA HILLS
LOS ANGELES
SAN DIEGO
SAN JOSE
ILLINOIS
CHICAGO
COLORADO
DENVER
Ft. COLLINS
COLORADO SPRINGS
HAWAII
HONOLULU
TEXAS
HOUSTON
DALLAS
NORTH CAROLINA
RALEIGH,*
WINSTON-SALEM
UTAH
SALT LAKE CITY
OGDEN
PROVO
WASHINGTON
SEATTLE
WISCONSIN
BROOKFIELD
MASSACHUSETTS
BOSTON*
MINNESOTA
ST. PAUL
OHIO
COLUMBUS
OREGON
BEAVERTON
PENNSYLVANIA
PHILADELPHIA
D.C.
WASHINGTON

INTERNATIONAL

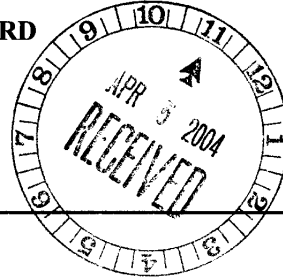
CANADA
MONTREAL*
TORONTO
LONDON, UK*
FRANCE*
RHODESIA, SA*
* inactive

ENTERED
Office of Proceedings

APR -5 2004

Part of
Public Record

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

FORTY PLUS FOUNDATION &
MANHATTAN CENTRAL RAILWAY SYSTEMS, LLC
Tomislav R. Neuman,
Executive Director
7 MONMOUTH ROAD
SUITE #1
OAKHURST, NJ 07755
TEL: (732) 222-4327
FAX: (732) 222-4758
E-MAIL: tomislavneuman@aol.com

Dated: April 1, 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, NY

NOTICE OF INTENT TO FILE
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.

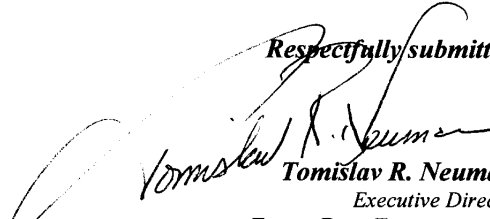
Today, in the interests of national security, officials feel the time is right for a bold plan proposed more than 80 years ago: a \$7 billion rail freight tunnel under NY harbor. More than 90% of everything that comes into NYC is *via* the George Washington and Verrazano bridges. As freight demand grows 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).

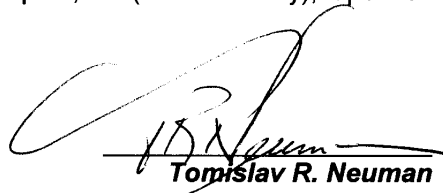
Offeror (MCRS) also requests that **the Board** toll period for submitting **Offers of Financial Assistance** for an additional 30 days in order to provide **MCRS** with an adequate opportunity to review and analyze the material provided by **ConRail/CSX** and submit **MCRS' OFA**. This will not prejudice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