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NAME: HONORABLE VERNON A. WILLIAMS, SECRETARY
COMPANY: SURFACE TRANSPORTATION BOARD
OFFICE: 202-565-1674
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DATE: April 9, 2004
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Office of Proceedings

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FACSIMILE FROM

NAME: Tomislav R. Neuman
COMPANY: MANHATTAN CENTRAL RAILWAY SYSTEMS, LLC
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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:

Enclosed for filing in the above-captioned proceeding is a facsimile of the Reply of FORTY PLUS FOUNDATION / MANHATTAN CENTRAL RAILWAY SYSTEMS, LLC, [MCRS] responding to a request from The City of New York ("the City") and the Chelsea Property Owners ("CPO") for a third 90 day abeyance in the above referenced matter.

Please be advised that our formal request (including appropriate copies) is being directed to your attention via priority mail.

Respectfully submitted,

Tomislav R. Neuman
Tomislav R. Neuman,

Executive Director

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MANHATTAN CENTRAL RAILWAY SYSTEMS, LLC

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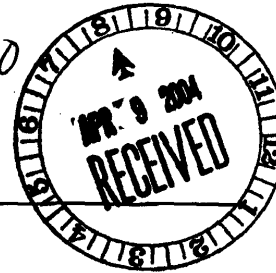
Enclosures

cc: All Parties of Record



BEFORE THE
SURFACE TRANSPORTATION BOARD

2/0540



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

REPLY OF FORTY PLUS FOUNDATION / MANHATTAN CENTRAL RAILWAY SYSTEMS,
TO THE REQUEST FROM THE CITY OF NEW YORK ("THE CITY") AND THE CHELSEA
PROPERTY OWNERS ("CPO") A THIRD "90 DAY ABEYANCE".

MANHATTAN CENTRAL RAILWAY SYSTEMS, LLC, [MCRS] replies here to yet a 3rd request to;

*"hold this proceeding in abeyance for an additional period of ninety (90) days, and to refrain
during that period from issuing a decision with respect to the various motions now pending"*

that was filed in this proceeding by The City of New York NY ("the City") and the Chelsea Property
Owners ("CPO"), on April 5, 2004. In this request, the City and CPO again replicate the want for a 3rd
abeyance -- as originally requested (and granted) by the Board in both the City and CPO October 2, 2003
& January 5, 2004 on unclear "discussions" relating to "not yet resolved all outstanding issues".

Unfortunately, the originally STB mandated direction for "timely presentations" has taken a very
inappropriate and ill-fated twist. As members within a very concerned community the recent events of
indiscriminate abeyance approval(s) equaling 6 months now, have resulted in a wily "Catch 22"
sequestering the STBs' primary mission "to preserve rail lines and protect rail roads", in this instance by
further inhibiting the owners of this line from any potential negotiations with other parties such as MCRS
for the purpose of reactivating rail service on the *Highline*.

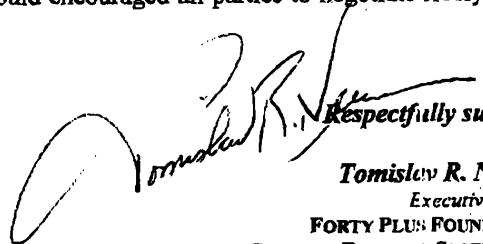
As the Board is aware there are a number of options that are available to interested parties to affect
the sale of the *Highline* for the purpose of reactivating rail service, but only with the ability to negotiate
unencumbered by abeyance's and other delaying tactics that in this instance have resulted in a *de facto*

restricted access to both the Board and CSX/ConRail management (who insist that the Board make all finale decisions regarding the disposition of this line) by any other party's.

The Board obviously recognizes the futility of the ICC's original flawed "conditional abandonment" ruling and directed affected parties to present briefs outlining perspective solutions to the current impasse. All parties have in fact submitted their briefs and fully expect a timely decision by the Board. There are no objection from MCRS restricting others from proceeding in private negotiations to advance their agendas, but our reasonable objections focus on the cunningly crafted caveats within these 3 abeyance's that effectively thwarts other parties from freely negotiating with the owners of this line, or the STB from rendering a timely decision(s) on briefs submitted last year.

In light of the "novel legal issues" and extraordinary chronology of this case with its current *de facto* 14+ year abeyance -- requests resulting in further delays in this proceeding would not be in the publics' best interests. Both "the City" and "CPO" have it wholly within their control to effectuate their collective transaction(s) and discussion(s) either, prior to, during and/or following any STB decision regarding all submitted briefs and therefore should not be encouraged to interfere with opposing parties negotiations -- for this reason and the reasons listed above, it is not in the publics best interest to be forced to accept any additional and wholly avoidable delays in this case.

MCRS wishes to impress upon the Board our continued strenuous objections to any further debilitating abeyances that result in delays to the Boards fiduciary duties to review and respond to briefs submitted last year by all parties. Accordingly, "the City" and "CPOs" request for an additional abeyances should not be granted and the Board should encouraged all parties to negotiate freely with no artificial delays or encumbrances.

 Respectfully submitted,
Tomislav R. Neuman,
Executive Director
FORTY PLUS FOUNDATION &
MANHATTAN CENTRAL RAILWAY SYSTEMS, LLC

Dated: April 9, 2004

CERTIFICATE OF SERVICE

I hereby certify that on this 9th 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