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September 1, 2004

VIA FEDERAL EXPRESS

Hon. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W., Room 1715
Washington, DC 20423-0001

Re: STB Finance Docket No. 34462

Dear Secretary Williams:

I am in receipt of a copy of a letter to you dated August 25, 2004 sent by Robert G. Boyle, Esquire, on behalf of MVC Transportation, LLC ("MVC") regarding the above-referenced Surface Transportation Board (the "Board") docket number wherein Mr. Boyle indicates that counsel for CSXT will be providing the Board with a written submission regarding its "interest in the McKees Rocks yard in McKees Rocks, Pennsylvania" by the end of this week and requests that the Board "defer making a decision . . . until the said correspondence is received from CXST (sic)."

I write on behalf of ProLine Railroad Track Company ("ProLine"), which has sought to revoke the exemption claimed by MVC for the McKees Rocks yard and opposes MVC's petition for expedited declaratory order, because ProLine believes that Mr. Boyle's request is improper. As is detailed in the papers already submitted by the parties, the proceedings at the above-referenced docket number involve a straightforward state law ownership dispute regarding track that is located in an exempt and inactive switching yard. Although the parties' claims are currently pending before the Allegheny County (Pennsylvania) Court of Common Pleas, MVC has sought to interfere with the timely determination of those claims by commencing the instant proceedings. Moreover, because this matter involves a state law ownership dispute, whatever CSXT wishes to say regarding its interest in the McKees Rocks yard simply cannot change the legal issues that have been presented to the Board in this case. Those legal issues should consequently be decided on positions already articulated by the parties in their submissions to the Board.

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Additionally, I would note that CSXT is neither a party to the proceedings at the above-referenced docket number nor has it sought to formally intervene in those proceedings. Consequently, there is no basis for Mr. Boyle's request that the Board delay its consideration of this matter to receive and consider any alleged interest of CSXT in the McKees Rocks yard. Nonetheless, should the Board choose to consider whatever written submission is forthcoming from CSXT, ProLine intends to promptly respond to the CSXT submission and requests the same consideration of its position prior to any determination by the Board.

Finally, I would like to correct any misperception generated by MVC's continued attempts to portray ProLine as standing in the way of any interest on the part of CSXT to utilize the McKees Rocks yard. ProLine welcomes CSXT's interest and is eager to work with CSXT regarding any plans that it may have or devise to utilize the yard. ProLine's ultimate concern is directed to MVC's attempts to misappropriate ProLine's property for itself and financially benefit from the sale of such property. Whatever CSXT may offer regarding its interest in the yard cannot change ProLine's (i) right to have the Court of Common Pleas of Allegheny County determine the issues before it and (ii) clear title to the track, as evidenced in ProLine's earlier submissions.

Thank you for your anticipated cooperation.

Very truly yours,



Jay D. Marinstein

JDM:jrg

cc: Robert G. Boyle, Esq.
Mr. Melvin F. Clemens, Jr., Office of Compliance and Enforcement, Surface Trans. Bd.
Ellen D. Hanson, General Counsel, Surface Trans. Bd.
Louis E. Gitomer, Esq.
Christian C. Farls
Eric Close

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