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SEC

SERVICE DATE – LATE RELEASE DECEMBER 15, 2004

SURFACE TRANSPORTATION BOARD

DECISION

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

Decided: December 15, 2004

In a decision served on October 7, 2003, the Board granted the request of the City of New York (the City) and Chelsea Property Owners (CPO) to hold this proceeding in abeyance until January 5, 2004, to permit settlement discussions that would lead to the execution of a trail use agreement. At the request of the City, the Board, in a number of decisions, continued this proceeding in abeyance through September 30, 2004.

On September 22, 2004, the City joined by New York State Urban Development Corporation d/b/a Empire State Development Corporation, Consolidated Rail Corporation (Conrail) and CSX Transportation, Inc. (CSXT), filed a request for issuance of a Certificate of Interim Trail Use. At CPO’s request, the time to reply was extended three times through December 13, 2004.

On December 13, 2004, CPO filed a motion requesting a 3-day enlargement of the time to reply to the joint request. CPO states that the settlement documents are substantially completed but that additional time is needed to ensure that the various documents are internally consistent and that the substantive adjustments that have been made are approved by the signatory parties. According to CPO, the City, Conrail, and CSXT do not object to the requested enlargement.

As previously noted in this proceeding, the Board favors the private resolution of disputes whenever possible and has actively encouraged the parties to negotiate a settlement here. The request for further enlargement of the reply period is reasonable and will be granted.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The due date to reply to the joint request is extended to December 16, 2004.

2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary