

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 3, 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 the parties to engage in 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 joint request for issuance of a Certificate of Interim Trail Use. At CPO’s request, the time to file replies was extended twice through December 2, 2004.

On December 2, 2004, CPO filed a motion requesting an 11-day enlargement of the time to reply to the joint request. CPO states that significant progress has been made in documenting the results of the parties’ agreements on the substantive issues in this proceeding but that additional time is needed to complete the documentation process and sign the settlement documents. 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 13, 2004.

2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary