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SERVICE DATE - JUNE 25, 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: June 24, 2004

In a decision served on October 7, 2003, the Board granted the joint 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. At the City's request, the Board, in a decision served on January 7, 2004, continued to hold the proceeding in abeyance until April 5, 2004. Forty Plus Foundation (Forty Plus) and Manhattan Central Railway Systems, LLC (MCRS) filed an appeal of the October 7 abeyance decision. Their appeal was denied and the January 7 decision was affirmed by the Board in a decision served on March 15, 2004.

On April 2, 2004, Forty Plus and MCRS jointly filed a notice of intent to file an Offer of Financial Assistance (OFA) to acquire the Highline and asked that the period for submitting OFAs be tolled for an additional 30 days. Consolidated Rail Corporation (Conrail) and CPO filed replies on April 7 and 9, 2004, respectively.

On April 5, 2004, the City filed a request to continue this proceeding in abeyance for an additional 90 days. The City states that settlement discussions are continuing in good faith but that the parties have not yet resolved all of the outstanding issues. According to the City, CPO, Friends of the High Line, CSX Transportation, Inc., and Conrail do not oppose the extension request.

Forty Plus and MCRS filed a reply in opposition to the City's abeyance request on April 9, 2004. The City's request to continue this proceeding in abeyance for an additional 90 days will be granted. As noted in the March 15 decision, the Board favors the private resolution of disputes whenever possible. This agency has actively encouraged the parties to negotiate a settlement here. The request of Forty Plus and MCRS to toll the period for submitting OFAs will be addressed in a separate decision.

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

It is ordered:

1. This proceeding will continue in abeyance until July 5, 2004.
2. This decision is effective on its service date.

By the Board, Chairman Nober, Vice Chairman Mulvey, and Commissioner Buttrey.

Vernon A. Williams  
Secretary