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SEC

SERVICE DATE – LATE RELEASE DECEMBER 15, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-596

NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION — ADVERSE
ABANDONMENT — NEW YORK CROSS HARBOR RAILROAD
IN BROOKLYN, NY

Decided: December 15, 2004

On November 23, 2004, the Board, in response to the decision of the United States Court of Appeals for the District of Columbia Circuit in New York Cross Harbor R.R. v. STB, 374 F.3d 1177 (D.C. Cir. 2004), issued a decision asking the New York City Economic Development Corporation (NYCEDC) to show cause why the Board should not deny its application for adverse abandonment and dismiss this proceeding. On December 8, 2004, NYCEDC filed a reply to the Board's show cause order stating that it did not intend to introduce any evidence in this proceeding to address the issues raised by the court. In light of this filing, NYCEDC's application for adverse abandonment will be denied and the proceeding dismissed.

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

It is ordered:

1. NYCEDC's application for adverse abandonment is denied.
2. This proceeding is dismissed.
3. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary