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SEC

SERVICE DATE – DECEMBER 27, 2002

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 24, 2002

On December 4, 2001, New York City Economic Development Corporation (NYCEDC), on behalf of the City of New York (City), filed an application under 49 U.S.C. 10903 requesting that the Board find that the public convenience and necessity require or permit the adverse abandonment of the tracks and facilities at the Bush Terminal Yards (a/k/a “First Avenue Yards”) and the floatbridge and related tracks at the Harborside Industrial Center (a/k/a “Brooklyn Army Terminal”) (jointly the tracks and facilities) in Brooklyn, Kings County, NY. The New York Cross Harbor Railroad (NYCH) presently operates over the tracks and facilities under a lease with the City and protests the application. In a decision served on March 25, 2002, the Board held this proceeding in abeyance.

On October 21, 2002, NYCEDC filed a letter requesting that the Board move forward in this proceeding. By letter filed on November 12, 2002, as supplemented on November 13, 2002, NYCH replied, requesting that the Board continue to hold this proceeding in abeyance for an additional 60 days to allow negotiations to proceed. On November 14, 2002, NYCEDC filed a reply asking that the Board deny NYCH’s request (November 14 letter).<sup>1</sup>

The request to hold the proceeding in abeyance for some additional time to permit the parties to attempt to resolve differences is reasonable, and the proceeding will be held in abeyance until January 31, 2003. The parties will be directed to notify the Board in writing as to the status of the discussions at that time.

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<sup>1</sup> On November 15, 2002, NYCH filed a letter requesting that the Board reject NYCEDC’s November 14 letter as a reply to a reply, a pleading normally prohibited by the Board’s Rules of Practice. In the interest of forming a complete record and because no party will be prejudiced, NYCEDC’s November 14 letter will be accepted.

It is ordered:

1. This proceeding will be held in abeyance until January 31, 2003. The parties will report to the Board, in writing, on the status of the discussions no later than January 31, 2003.

2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary