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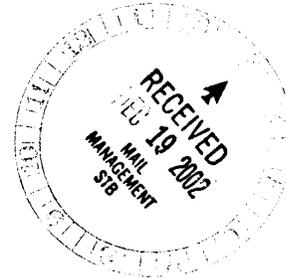
December 19, 2002

Hon. Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423

ENTERED  
Office of Proceedings

DEC 20 2002

Part of  
Public Record



Re: Docket No. AB 167 (Sub-No. 1094)A; *Chelsea Property Owners – Abandonment – Portion of the Consolidated Rail Corporation's West 30<sup>th</sup> Street Secondary Track in New York, NY*

Dear Sir:

We are co-counsel for New York City in the above-referenced proceeding. On December 17, 2002, we filed the Reply of the City of New York to Motion by Chelsea Property Owners that A Certain Settlement Agreement Satisfies the Surety Condition in the ICC's September 16, 1992 Order in this Proceeding. We have just discovered that Exhibit L was inadvertently omitted from that submission and from the copies distributed to all persons on the service list. Please accept for filing the enclosed 11 copies of Exhibit L.

I am today serving by hand delivery copies of this letter and Exhibit L on all persons on the attached service list that are in Washington, D.C., and by overnight delivery on all other persons.

Please date stamp the additional copy of this letter that is enclosed and return to our messenger. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles A. Spitulnik".

Charles A. Spitulnik

Cc: All persons on attached service list

L



**Parsons  
Brinckerhoff  
Quade &  
Douglas, Inc.**      *One Penn Plaza  
New York, NY 10117  
212-465-5000  
Fax: 212-465-5600*

October 15, 2002

Jonathan Meyers  
Hamilton Rabinovitz & Alschuler  
1790 Broadway, Suite 800  
New York, NY 10019

Subject: Potential Connectivity of High Line to National Rail System in the Event of Overbuild  
Development of 30<sup>th</sup> Street Yards Site

Dear Mr. Meyers:

You have asked me to examine engineering feasibility of an easement to connect the High Line to the LIRR Hudson Yards in the event that the existing connection is severed to facilitate the construction of a stadium or other development north of 30<sup>th</sup> Street.

This analysis is based on my understanding that a connection to the national rail system is maintained if the entity that controls the High Line is able to maintain an easement that would allow for the construction of a technically feasible mechanism at a future date. Additionally, these options have been designed with the understanding that it is the City's desire to have as little encroachment as possible on the development of Hudson Yards, particularly on the area between 11<sup>th</sup> and 12<sup>th</sup> Avenues that is currently being considered for a stadium.

These options have not been tested for cost effectiveness, and conceptual designs have not been developed for any of these ideas. Nonetheless, we are able to state with reasonable confidence that a feasible, though perhaps unconventional, solution can be developed.

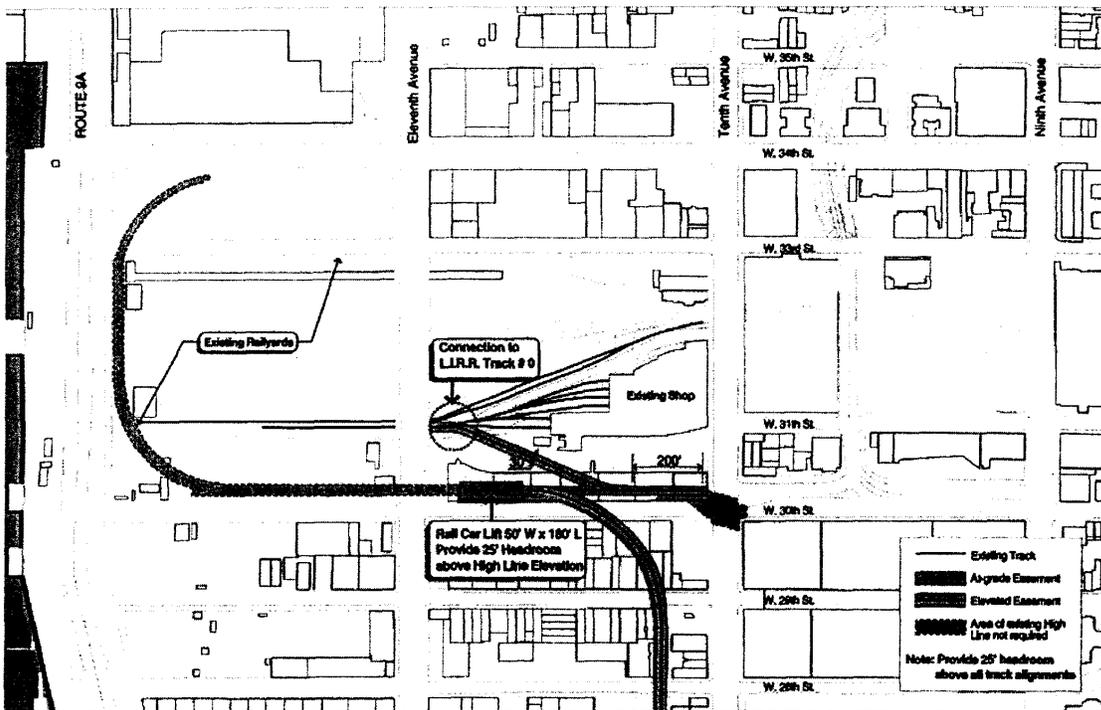
Based on our understanding of the need for the maintenance of an easement on which construction could later occur, we have devised several options, three of which are detailed below.



Option One: A lift elevator

The basic challenge in the design of this easement is the change in elevation from the High Line to the existing LIRR tracks. One option to overcome this challenge is to create an easement to allow for a "lift" or elevator mechanism that would lower the freight car down from High Line elevation to the existing track grade.

The following diagram shows one potential alignment of the easement for such a lift.

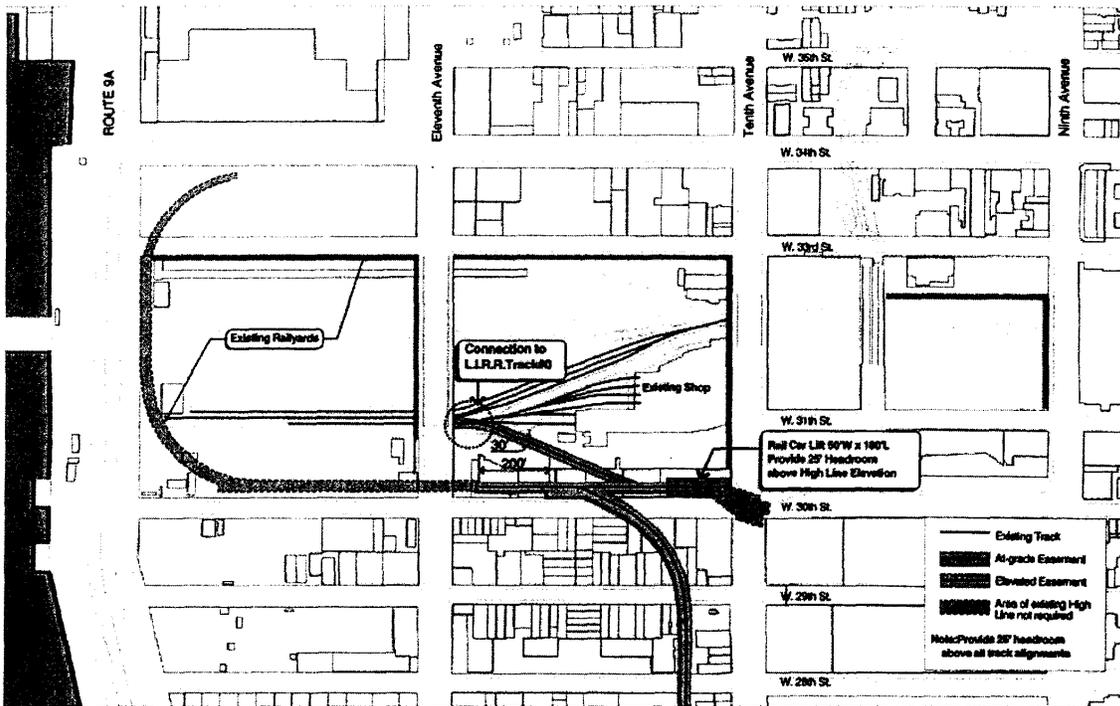


In this alignment, the High Line structure is maintained, at least as far as the end of the curve, just north of 30<sup>th</sup> Street. The remainder of the structure could be removed as necessary. A 50' wide x 180' long x 25' high easement would be maintained in line with the existing structure as noted on the diagram above. This is the point at which the theoretical lift would drop to the ground. The remaining portions of the easement - noted in blue - would be at ground level. The easement would be in place to allow for a train car to move east from the end of the lift, and then northwest into the existing rail tracks as noted above. In each of these three cases the easements are maintained north of 30<sup>th</sup> Street, and do not encroach on the existing street right-of-way.



Option Two: An alternate lift configuration

The drawing below details a second potential alignment of an easement for a lift mechanism as described above.

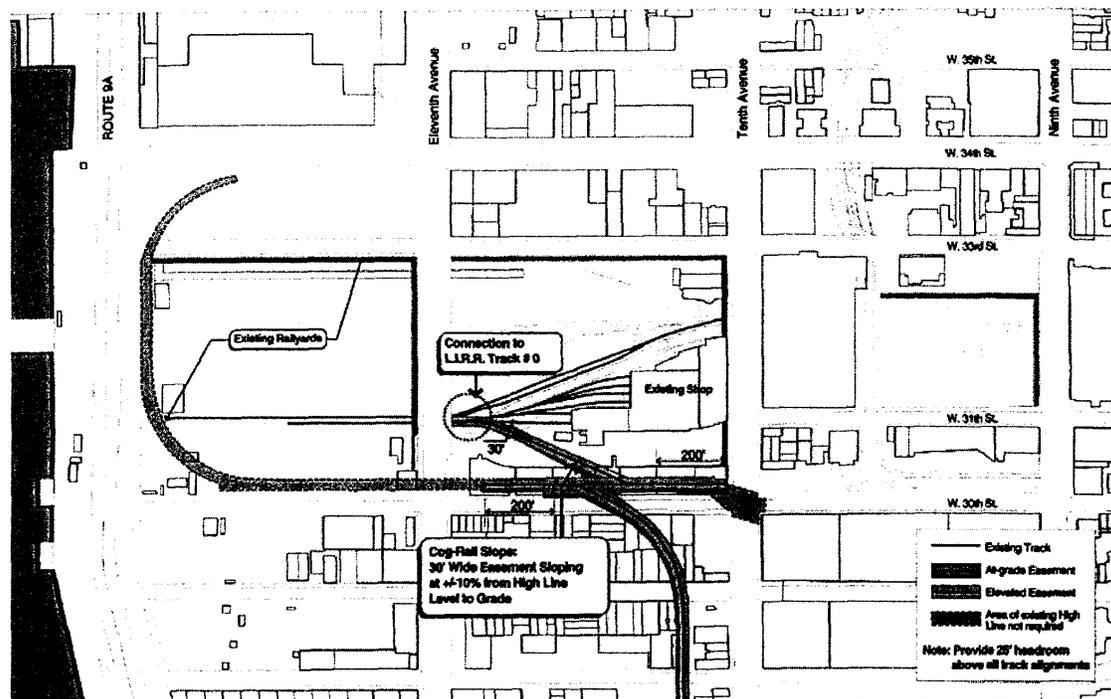


In this case, the easement would be maintained at High Line level that extends westward around the curve and then reverses back to the east toward 10<sup>th</sup> Avenue. The easement for the lift mechanism would occur at approximately the northwest corner of 10<sup>th</sup> Avenue and 30<sup>th</sup> Streets. From this corner, the easement proceeds to the northwest at ground level until it connects to the existing rail tracks.



### Option Three: An easement for a ramp down into the Hudson Yards

In addition to the elevator mechanism described above, there is a viable alternative means of addressing the change in grade from the High Line to the rail tracks. In this second solution, an easement would be maintained for a ramp descending from High Line grade down to the track level. The map below shows the general alignment of an easement for this type of ramp solution.



The easement would include the existing High Line structure around its existing curve as well as the east-west portion that would allow for movement east toward the northwest corner of 10<sup>th</sup> Avenue and 30<sup>th</sup> Street. The ramp easement would then proceed northwest and downward until it reached track level. Because of the constraints imposed by 11<sup>th</sup> Avenue, this ramp would be steeper than standard grade for freight rail, which means that it would require some sort of traction device if it were ever constructed.

A potential solution to ensure sufficient traction on the slope would be to install a rack or cog system on the connection track (i.e., a toothed center rail) and specially equip the yard locomotive with a pinion system (i.e., toothed cogwheel) for operating on the steep incline. The technology could be similar to



that used on the cog railways at Pikes Peak, CO and Mount Washington, NH (which achieves a grade of more than 13 percent), or on numerous rack railways in Europe, especially Switzerland, that carry both passengers and freight and include integrated operations over both conventional railways and rack railways. The connection track would need to be designed with a derail and/or buffer system at the west end to ensure that a runaway freight car is stopped within the site before reaching the Twelfth Avenue right-of-way. Such a system could be engineered to work at this location.

Any of these configurations would provide national rail network connectivity via the LIRR yard lead tracks to Penn Station, where rail connections could be made to Long Island, the Bronx and New England via the East River Tunnels and to New Jersey via the North River Tunnels. These options highlight the flexibility that is available with the section of the High Line north of 30<sup>th</sup> Street, depending on the final configuration of development in the Hudson Yards.

Sincerely yours,  
PARSONS BRINCKERHOFF QUADE AND DOUGLAS, INC.

Foster Nichols  
Senior Professional Associate



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, N.Y. 10007-2601

MICHAEL A. CARDOZO  
*Corporation Counsel*

December 17, 2002

Hon. Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423

Re: Docket No. AB 167 (Sub-No. 1094)A; *Chelsea Property Owners –  
Abandonment – Portion of the Consolidated Rail Corporation's West 30<sup>th</sup>  
Street Secondary Track in New York, NY*

Dear Sir:

I am enclosing for filing the original and 10 copies of the Reply of The City of New York to Motion by Chelsea Property Owners that a Certain Settlement Agreement Satisfies the Surety Condition in the ICC's September 16, 1992 Order in this Proceeding (the "Reply"). The Reply contains an application for a Certificate of Interim Trail Use.

In accordance with the Board's regulations I am also enclosing a diskette that includes the text of this document.

I have also enclosed one additional copy, that I ask you to date stamp and return to our messenger.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph T. Gunn".

Joseph T. Gunn  
Senior Counsel

Certificate of Service

I, Joseph Gunn, certify that on the 17th day of December, 2002, I caused a copy of the foregoing REPLY OF THE CITY OF NEW YORK TO MOTION BY CHELSEA PROPERTY OWNERS THAT A CERTAIN SETTLEMENT AGREEMENT SATISFIES THE SURETY CONDITION IN THE ICC'S SEPTEMBER 16, 1992 ORDER IN THIS PROCEEDING to be served by first class mail on the parties listed below.

Counsel

Represents

Elizabeth Bradford  
655 West 34<sup>th</sup> Street  
New York, New York 10001-1188

(NYCCDC)

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New York Department of Transportation  
Albany, NY 12232

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(Friends of the  
High Line)

John Broadley, Esq.  
Chelsea Property Owners  
1054 31<sup>st</sup> Street, N.W. - Suite 200  
Washington, D.C. 20007

(CPO)

Dated:



Handwritten signature of Joseph T. Gunn, underlined.

# High Line



Certificate of Service

I hereby certify that on this 19th day of December, 2002, I caused a copy of the foregoing letter and its attachment to be served by hand delivery on the following counsel who are located in Washington, D.C. and by overnight delivery on all other counsel listed below.

Counsel	Represents
Elizabeth Bradford 655 West 34 <sup>th</sup> Street New York, New York 10001-1188	(NYCCDC)
John F. Guinan New York Department of Transportation Albany, NY 12232	(NYDOT)
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Dennis G. Lyons Arnold & Porter 555 Twelfth Street NW, Suite 940 Washington, DC 20004-1206	(CSX and CSXT)
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John Broadley, Esq. Chelsea Property Owners 1054 31 <sup>st</sup> Street, N.W. - Suite 200 Washington, D.C. 20007	(CPO)

  
Charles A. Spitulnik