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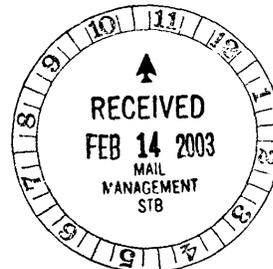
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February 14, 2003

Part of
Public Record

BY HAND

The Honorable Vernon A. Williams, Secretary
Surface Transportation Board
Office of the Secretary
1925 K Street, NW
Washington, DC 20423-0001



Re: Docket No. AB-167 (Sub-No. 1094)A — Abandonment —
Portion of the Consolidated Rail Corporation's
West 30th Street Secondary Track in New York, N.Y.

Dear Secretary Williams:

We write on behalf of CSX Corporation and CSX Transportation, Inc. (collectively "CSX"), in response to the February 6, 2003 filing by the Friends of the High Line ("Friends") requesting leave to file additional comments, a filing not contemplated by the Board's rules. If the Friends' request is granted, CSX requests that the following comments be considered by the Board. We have seen a similar request of response on behalf of Consolidate Rail Corporation ("Conrail") and generally support its comments.

The position of the Friends is one that, intentionally or not, will not assist in bringing this matter to a conclusion and, indeed, will have the effect of preventing an expeditious resolution. The Friends filed a lengthy Petition to reopen aspects of the 1992 ICC Decision, but at this point are asking the Board not to consider their Petition, while at the same time declining voluntarily to dismiss their Petition. They ask that the parties negotiate while the Board holds the petitions and applications by the various parties in abeyance while negotiations take place.

The problem is that negotiations will not reach any resolution as long as the controverted issues raised by the parties that fall under the Board's jurisdiction remain adjudicated. The Friends have objected to the CPO Petition; CPO has objected to the Friends Petition; and there may be issues concerning the "rails to trails" proposal by the City that may require the Board's resolution.

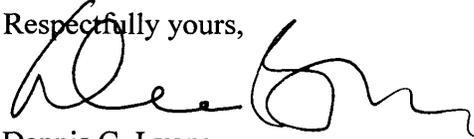
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The parties have engaged in considerable negotiations in the past decade and particularly in the more immediate past. But at this time it does not seem that any progress can be made unless and until the Board resolves the open issues of whether the CPO proposal conforms to the ICC Order, whether it is necessary or appropriate to have the reopening sought (at least last August) by the Friends, and any Board issues raised by the New York City and other New York public entity filings. Until the parties know where the Board stands on these issues, negotiations are not likely to be fruitful.

CSX respectfully requests that the Board proceed to decide the contested matters before it. The present state of affairs, a High Line standing but not used either for transportation or for recreation, and not demolished, is satisfactory to no one, and the Board should act promptly to provide such resolution of the issues before it that it can.

Respectfully yours,



Dennis G. Lyons
*Counsel for CSX Corporation and
CSX Transportation, Inc.*

rjm
cc All Parties of Record