

**New York State Department of Environmental Conservation
Division of Legal Affairs, Region 2**

47-40 21ST Street, Long Island City, NY 11101-5407

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Erin M. Crotty
Commissioner

209444

November 18, 2003

By Telefacsimile (202 565-9004) and Overnight Mail

Vernon Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

ENTERED
Office of Proceedings

NOV 18 2003

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Public Record



Re: Finance Docket No. 34429
Verified Petition of the New York City Economic Development Corporation,
Acting on Behalf of the City of New York, New York for Declaratory Order

Dear Mr. Williams:

Enclosed please find one original and ten copies of a request for extension of time to
submit papers in opposition to the above referenced petition.

Very truly yours,

Louis P. Oliva
Regional Attorney

cc:

By telefacsimile and overnight mail

Charles A. Spitulnik
Alex Menendez
MCLEOD, WATKINSON & MILLER
One Massachusetts Avenue, N.W.
Suite 800
Washington, D.C. 20001
(Fax No. 202 408-7763)

By first class mail

Robert La Palme
New York City Economic Development Corporation
110 William Street
New York, NY 10038
(Fax No. 212 312-3912)

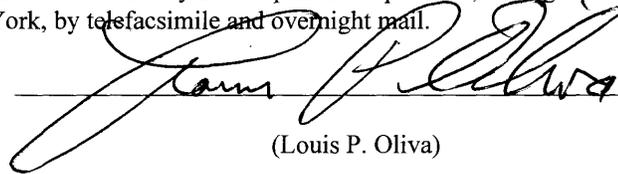
By telefacsimile and hand-delivery (11/19/93)

Heidi Rubinstein
New York City Law Department
100 Church Street
New York, NY 10007
(Fax No. 212 788-1619)

CERTIFICATION

I certify that I have this day served copies of a request for an extension of time to file papers upon the petitioner, the New York City Development Corporation, Acting on Behalf of the City of New York, New York, by telefacsimile and overnight mail.

November 18, 2003



(Louis P. Oliva)

Surface Transportation Board

Finance Docket No. 34429

Request for Extension of Time

By:

Louis P. Oliva
Regional Attorney
New York State Department of Environmental
Conservation, Region 2
47-40 21st Street
Long Island City, New York 11101-5407
(718) 482-4963

November 18, 2003

The New York State Department of Environmental Conservation hereby requests an extension of the time to submit papers in opposition to the petition of the New York City Economic Development Corporation, filed with the Surface Transportation Board under Docket No. 34429.

At this point, the request is submitted merely to preserve the State of New York's ability to formally oppose the petition in accordance with the Surface Transportation Board's ("the Board") procedural regulations.

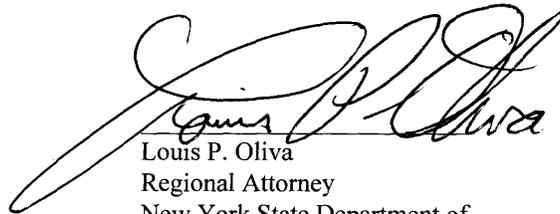
I am the regional attorney for Region 2 of the New York State Department of Environmental Conservation ("NYSDEC"). Under New York state law, the NYSDEC has jurisdiction over the implementation of the environmental laws of the State of New York. The commissioner of the NYSDEC serves also as the steward for natural resources within the State of New York, and some of these resources will be affected by the proposed construction project(s). The Region 2 office has geographic jurisdiction over the five boroughs of the City of New York, including Staten Island, where the proposed construction/repair projects are to occur.

Through its petition, submitted on or about October 29, 2003, the New York City Economic Development Corporation seeks to obtain a ruling in an attempt to avoid not only the permitting process under state environmental laws but also to preempt any review by the Board under the Board's own environmental rules set forth in 49 C.F.R.1105. Therefore, this

proceeding is of great interest to NYSDEC.

We were informed of the pending petition not until November 6, 2003, when we received a letter from the City of New York, requesting a meeting to discuss the proposed work. That meeting is scheduled to take place on November 19, 2003. Since the NYSDEC's preclusion from this proceeding would be highly prejudicial, we respectfully request that the Board extend the time period for the submission of papers in opposition of the pending petition by at least four (4) weeks.

Long Island City, New York
November 18, 2003

A handwritten signature in black ink, appearing to read "Louis P. Oliva", written over a horizontal line.

Louis P. Oliva
Regional Attorney
New York State Department of
Environmental Conservation Region 2
Long Island City, NY 11101-5407