

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB-167 (Sub-No. 1094)A

CHELSEA PROPERTY OWNERS–ABANDONMENT–PORTION OF THE CONSOLIDATED
RAIL CORPORATION’S WEST 30TH STREET
SECONDARY TRACK IN NEW YORK, NY

Decided: January 4, 2005

In a decision served on October 7, 2003, the Board granted the request of the City of New York (the City) and Chelsea Property Owners (CPO) to hold this proceeding in abeyance until January 5, 2004, to permit settlement discussions that would lead to the execution of a trail use agreement. At the request of the City, the Board, in a number of decisions, continued this proceeding in abeyance through September 30, 2004.

On September 22, 2004, the City joined by New York State Urban Development Corporation d/b/a Empire State Development Corporation, Consolidated Rail Corporation and CSX Transportation, Inc., filed a request for issuance of a Certificate of Interim Trail Use (CITU). At CPO’s request, the time to reply was extended through December 16, 2004. On December 17, 2004, CPO filed a statement withdrawing its objections to the issuance of the CITU, and 511 West 23rd Street Associates, LLC, filed a motion to intervene and statement in opposition to the issuance of a CITU.

Forty Plus Foundation/Manhattan Central Railway Systems, LLC (Forty Plus), on December 13, 2004, filed a motion to dismiss the joint request. On January 3, 2005, the City filed a request for a 10-day extension to file a reply. The City states that it has not been able to prepare an adequate reply because of the holiday season and vacation schedules and that the requested extension would give the Board the benefit of a more complete record.

The extension request will be granted; it is reasonable and will not prejudice Forty Plus.

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

It is ordered:

1. The due date to reply to Forty Plus’ motion to dismiss is extended to January 13, 2005.

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2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary