

11/13/2002

15:57

LAW OFFICE → 5659004

NO.515 0002

206621

THE LAW OFFICES OF
JOHN D. HEFFNER
555 TWELFTH STREET, N.W.
SUITE 950N
WASHINGTON, D.C. 20004
(202) 737-4335
FAX (202) 371-2240
j.heffner@verizon.net



November 13, 2002

BY FAX AND MAIL

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

ENTERED
Office of Proceedings
NOV 14 2002
Part of
Public Record

RE: Docket No. AB-596, New York City Economic Development Corporation - Adverse Abandonment - New York Cross Harbor Railroad, Inc.

Dear Secretary Williams:

I am writing on behalf of the New York Cross Harbor Railroad ("NYCH") in connection with the above-captioned proceeding to clarify a statement made in a letter filed with the Board yesterday. NYCH does not want a statement made on page three of its letter to be misconstrued.

There NYCH stated that it had reached what it termed an "interim agreement with NY&A and CP..." That agreement referred to an informal emergency understanding made between NYCH personnel and operating personnel of NY&A and CP Rail to permit NYCH to use on a temporary basis the 65th Street car float facilities to move traffic between Brooklyn and New Jersey. NYCH's own float bridge facility at 51st Street was flooded and inoperable. NYCH secured the consent of NY&A and CP Rail to make their facilities available for its needs on an emergency basis in order to be able to move traffic while it repaired its own facilities. However, NYCH was still unable to use that facility absent NYCEDC's consent.

11/13/2002

15:57

LAW OFFICE → 5659004

NO.515 0003

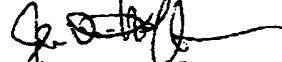
Hon. Vernon A. Williams
November 13, 2002
Page two

The emergency has now past and NYCH does not mean to imply that the above tentative understanding constituted any agreement without NYCEDC's agreement and with the details of NYCH temporary use left unresolved.

NYCH appreciates the opportunity to clarify this statement.

I am submitting an original and 10 copies of this letter by first class mail as the official filing.

Sincerely yours,



John D. Heffner

cc: David Konschnik, Esq. (by fax)
Charles Spitulnik (by fax)
Thomas A. McFarland (by mail)
Barry McGrath, Esq. (by fax)
Mr. Ronald Bridges
Mr. Wayne Eastman

11/13/2002

15:57

LAW OFFICE → 5659004

NO.515 0001

THE LAW OFFICE OF JOHN D. HEFFNER

555 12TH STREET, N.W.
SUITE 950 NORTH
WASHINGTON, D.C. 20004

PHONE: (202) 737-4335

FAX: (202) 371-2240

TELEFAX

DATE: 11/13/02

TO: David Korschnick 565-9002
FROM: John D. Heffner
Veronica Williams 565-9004

Company:

Direct Line: (202) 737-4335

FAX Number:

Number of Pages: Cover + 2

Confirmation Number:

Client/Matter: 9248

The information contained in this facsimile transmittal is information intended only for the use of the individual or entity named above, and may be subject to the attorney/client privilege and is confidential. If the reader of this message is not the intended recipient, you are hereby notified that any distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us by telephone and destroy the facsimile message received. Thank you.

MESSAGE:



If you have any problems with this fax, please call (202) 737-4335