

**Jacob K. Javits
Convention Center
of New York**

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Robert E. Boyle
Chairman of the Board

Gerald T. McQueen
President and
Chief Executive Officer

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July 17, 2003

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

208454

Re: 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*

Dear Sir:

Enclosed please find an original and 10 copies of the Statement on Behalf of New York Convention Center Development Corporation in Connection with July 24, 2003 Public Hearing.

Please be advised that, contrary to the Notice of Intent to Participate dated July 7, 2003 and filed with the Board on July 8, 2003, the Javits Center *does not intend to appear at the hearing* and therefore withdraws its request for an allotment of speaking time.

Sincerely,

Elizabeth Bradford
General Counsel

EB:em

Enclosures

cc: Service List

208 454

BEFORE THE
SURFACE TRANSPORTATION BOARD



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, NEW YORK

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STATEMENT ON BEHALF OF THE NEW YORK CONVENTION CENTER
DEVELOPMENT CORPORATION IN CONNECTION WITH JULY 24, 2003 PUBLIC
HEARING

The New York Convention Center Development Corporation ("Javits" or "Javits Center"), a New York State public benefit corporation that owns the property on which the Jacob K. Javits Convention Center and its appurtenant facilities are located, respectfully submits this statement of its position with respect to Conrail's West 30th Street Secondary Track (the "Highline") in the borough of Manhattan in New York City.

The northern-most portion of the Highline structure is located on the city block that extends from 33rd to 34th Streets and from 11th to 12th Avenues, immediately to the south of the Javits Center building. The lot is owned by Javits, is presently undeveloped and is used in part as a marshalling yard for the storage of tractor-trailers between the moving in and moving out of exhibitions and other events at Javits, and in part for employee parking. Javits was an active

participant in the earlier phases of this abandonment proceeding, and in the separate state court action filed by Conrail seeking a declaration of the respective rights and responsibilities of the property owners with respect to the potential demolition of the Highline. In the state court action Javits noted that the Highline interfered with its current marshalling yard operations and that, far more importantly, the continuing existence of both the line and the easement on its property would present a serious obstacle to anticipated expansion of the Center. Both of these concerns are still present today. In March 2002, Javits executed a Voluntary Abandonment Agreement among the City of New York, the public and private owners of property encumbered by the Highline, and CSX and Conrail ("the railroads"), providing for the demolition of the entire Highline and the transfer back to the property owners of the Highline easements ("the Settlement Agreement").

Like the other state property owner concerned with the fate of the Highline, the Metropolitan Transportation Authority of the State of New York ("MTA"), Javits' primary concern is control over the development of its property. In the event of the Center's expansion, its current marshalling facilities, which are already insufficient to meet its needs, will become woefully inadequate. A number of proposals to meet those needs have been considered, all of which would require the construction of a facility on the 33rd-34th Street lot. Whatever plan is ultimately approved two things are clear: it must be the Convention Center's decision, and nothing productive can be accomplished with the property unless the Highline comes down.

The same holds true for the extinguishing of the legal easement. While the property could theoretically undergo construction of a facility once the actual Highline is removed, the facility would almost certainly occupy most if not all of the space covered by the easement. Any

continuation of the easement, then, creates the risk that the new structure or structures would have to be removed if rail service were reestablished in the future. Even more importantly, the owner of the easement would be in a position to veto, modify or dictate the terms of development with respect to a piece of state-owned property. Such a result would be unconscionable. The Javits Center must be able to exercise its own judgment in carrying out its public mandate to operate the exhibition and convention business in the best interests of the City and the State.

Javits also shares the MTA's need for a prompt disposition of the Highline issue. As the MTA notes in its statement, the preparation by MTA and the City of a Generic Environmental Impact Statement, which includes Javits' expansion, is well underway. The expansion cannot take place without a resolution of the Highline issue. The delay in accomplishing a Javits expansion has already put the Center at a disadvantage in competing for business against other centers in major cities that have already begun or in some cases completed expansions. Any further delay risks the permanent loss of much of that business, to the economic detriment of the City and State.

Javits signed the Settlement Agreement in the belief that it represented the most promising prospect for accomplishing its objective of achieving timely (as well as cost effective) demolition of the portion of the structure located on and abolishment of the easement over Javits' property. After years of negotiation an agreement had finally been reached that appeared to have the blessing of all interested parties and that included agreements with a contractor and construction manager who were prepared to move forward with the actual work upon approval by the Board. Since then, however, the City has filed an application for a Certificate of Interim Trail Use ("CITU"), seeking to convert at least a portion of the Highline to a public park. Javits

I, Elizabeth Bradford, certify that on the 17^h day of July, 2003, I caused a copy of the foregoing Statement on behalf of the New York Convention Center Development Corporation in connection with July 24, 2003 Public Hearing to be served by first class mail on the parties listed below.

Counsel

Represents

Joseph T. Gunn
New York City Law Department
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(City of New York)

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State of New York
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(CSX AND CSXT)

Anthony P. Semancik
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347 Madison Avenue
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(MTA)

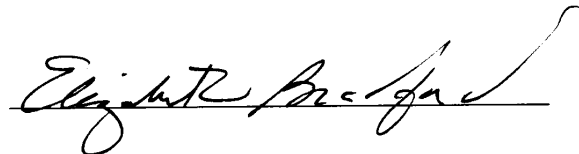
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1201 Pennsylvania Avenue, NW.
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(Friends of the
High Line)

John Broadley, Esq.
Chelsea Property Owners
1054 31st Street, NW – Suite 200
Washington, DC 20007

(CPO)

Dated: July 17, 2003

A handwritten signature in cursive script, appearing to read "Elizabeth Bradford", is written over a horizontal line.

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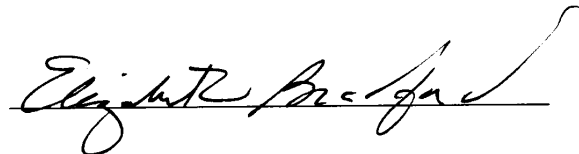
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