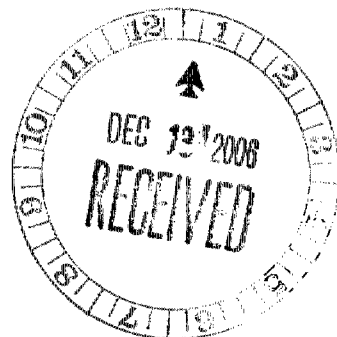




KAPLAN KIRSCH ROCKWELL

December 13, 2006



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

218 276

Re: *Tri-State Brick and Stone of New York, Inc. and Tri-State Transportation Inc. –
Petition for Declaratory Order*; Finance Docket No. 34824

Dear Sir:

I am enclosing an original and ten copies of each of the following documents:

- 1) Petition of the New York City Economic Development Corporation on behalf of the City of New York, NY for Leave to File A Reply to A Reply; and
- 2) Reply of the New York City Economic Development Corporation on behalf of the City of New York, NY to Comments of Hon. Jerrold Nadler

in the above referenced proceeding. Additional copies are enclosed for date stamp and return to our messenger. Please note that a 3.5 inch diskette is enclosed with these documents.

Thank you for your attention to this matter.

Sincerely,

Charles A. Spitulnik

Charles A. Spitulnik

Enclosure

111377

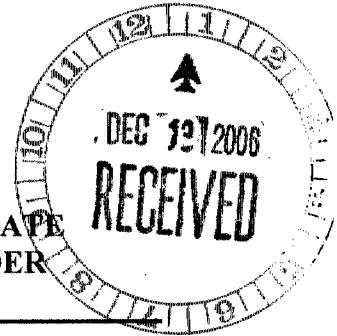
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Part of
Public Record

218276

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Finance Docket No. 34824

**TRI-STATE BRICK AND STONE OF NEW YORK, INC. AND TRI-STATE
TRANSPORTATION INC. – PETITION FOR DECLARATORY ORDER**



**PETITION OF
THE NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION ON BEHALF
OF THE CITY OF NEW YORK, NY
FOR LEAVE TO FILE A REPLY TO A REPLY**

Communications with respect to this document should be addressed to:

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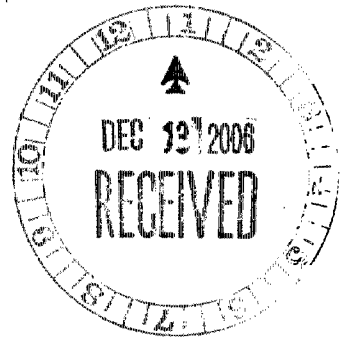
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Office of Proceedings
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Public Record

ALEX MENENDEZ
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One Massachusetts Avenue, N.W.
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Counsel for the New York City Economic
Development Corporation
and the City of New York, NY

Dated: December 13, 2006

**BEFORE THE
SURFACE TRANSPORTATION BOARD**



Finance Docket No. 34824

**TRI-STATE BRICK AND STONE OF NEW YORK, INC. AND TRI-STATE
TRANSPORTATION INC. – PETITION FOR DECLARATORY ORDER**

**PETITION OF
THE NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION ON BEHALF
OF THE CITY OF NEW YORK, NY
FOR LEAVE TO FILE A REPLY TO A REPLY**

Pursuant to 49 C.F.R. §1117.1, the New York City Economic Development Corporation (“EDC”) and the City of New York, NY (the “City”) hereby file this Petition for Leave to File a limited Reply to the Comments of the Hon. Jerrold Nadler, filed in this proceeding on December 1, 2006. In support of this Petition, EDC and the City state the following:

1. Although Congressman Nadler styles the pleading filed on December 1, 2006 as “Comments,” it is in fact a Reply to the Petition to Reopen.

2. The Board’s rules do not permit the submission of a reply to a reply. 49 C.F.R. §1104.13(c).

3. However, in this instance good cause exists to permit Respondent to submit a brief reply to the Nadler Reply Comments. As explained in the Reply of the New York City Economic Development Corporation and the City of New York, which is being submitted along with this Petition in the event that the Board rules favorably on this Petition, Congressman Nadler’s Comments include a number of statements that are not supported by evidence in the record before this Board or verified by testimony from persons with knowledge of the facts

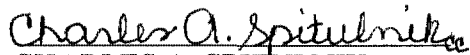
stated therein. In the proposed Reply EDC and the City identify those pieces of "testimony" that have no support.

4. Permitting EDC and the City to submit a Reply will not broaden the issues in this proceeding, will permit this Board to make a decision based on an evidentiary record that has been submitted by persons with knowledge of the facts stated in their testimony, and will not prejudice any party.

WHEREFORE, and in view of all of the foregoing, the City and EDC respectfully request that this Board grant their Petition for Leave to File a Reply to the Comments of Hon. Jerrold Nadler.

Dated: December 13, 2006

Respectfully submitted,



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Counsel for the New York City Economic
Development Corporation and the
City of New York, NY

CERTIFICATE OF SERVICE

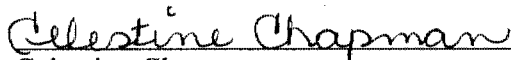
I hereby certify that on this 13th day of December, 2006, a copy of the foregoing Petition of the New York City Economic Development Corporation on behalf of the City of New York, NY for Leave to File a Reply to a Reply was served by first class mail, postage prepaid, upon the following:

John F. McHugh, Esquire
6 Water Street, Suite 401
New York, NY 10004

Hon. Jerrold Nadler
U.S. House of Representatives
201 Varick Street, Suite 669
New York, NY 10014

Fritz R. Kahn, Esquire
Fritz R. Kahn, P.C.
1920 N Street, N.W., Suite 800
Washington, DC 20036

John D. Heffner, Esquire
John D. Heffner, PLLC
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Celestine Chapman