

220506



## KAPLAN KIRSCH ROCKWELL

October 22, 2007

**E-Filing**

Hon. Vernon A. Williams  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423-0001

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 attaching a letter from Mayor Michael R. Bloomberg for filing in the above referenced proceeding

Sincerely,



Charles A. Spitulnik

Attachment

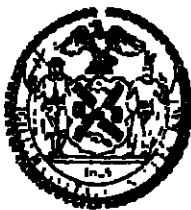
cc: All Parties of Record

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THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

October 15, 2007

The Honorable Charles Nottingham  
The Honorable W. Douglas Buttrey  
The Honorable Francis Mulvey  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423-0001

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

Dear Chairman Nottingham, Vice Chairman Buttrey and Commissioner Mulvey:

I am writing to request that the STB review Finance Docket 34824 and issue a decision on the pending matters with all deliberate speed for the reasons below. As you know, Tri-State Brick and Stone of New York, Inc. and Tri-State Transportation Inc. (collectively Tri-State), have submitted a petition to the STB regarding resolution on a matter involving Tri-State's tenancy at the 65<sup>th</sup> Street Rail Yard. The last pleadings were submitted to the STB in December 2006, over nine months ago. Presently, I understand that the City of New York and two appellate courts are awaiting a decision from the STB in order to come to closure on this matter.

The City purchased this rail yard in 1982 and the New York City Economic Development Corporation (NYCEDC) manages this asset for the City of New York. As part of the City's efforts to promote sustainable economic growth, rail freight assets and their ability to help reduce truck traffic within the City are very important. NYCEDC will soon be releasing a Request for Proposal for rail and/or maritime users at the 65<sup>th</sup> Street Rail Yard. A portion of this space, however, is currently unlawfully occupied by Tri-State. We would like to see more intensive rail freight use at the site than the wholesale storage of materials by one sole rail user, Tri-State.

As you know, New York City is undergoing intensive construction activities, most notably the rebuilding of the World Trade Center site in Lower Manhattan. NYCEDC anticipates that this activity will require sufficient space for shipper/receivers to access the rails. The 65<sup>th</sup> Street Yard is an ideal location for them to secure this access. However, the current uncertainty over its status and Tri-State's continued unlawful occupation cloud the City's ability to use it fully. As a result, your expeditious review of this matter would be appreciated.

Thank you very much for your attention to this matter that has such enormous potential for improving the rail transportation network that serves this City.

Sincerely,

Handwritten signature of Michael R. Bloomberg in black ink.  
Michael R. Bloomberg  
Mayor

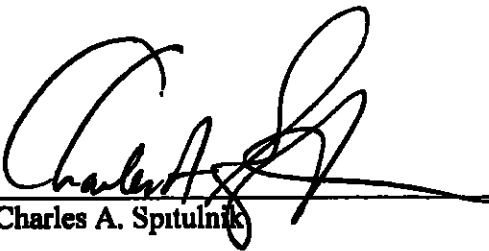
MRB ac

### **Certificate of Service**

I certify that on this 22<sup>nd</sup> day of October 2007, I caused a copy of the foregoing letter from Mayor Michael R. Bloomberg to be served by first class mail with postage pre-paid upon the following:

John F. McHugh, Esq.  
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

  
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Charles A. Spitulnik