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SEC

SERVICE DATE - LATE RELEASE OCTOBER 8, 2004

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: October 8, 2004

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 the parties to engage in settlement discussions that would lead to the execution of a trail use agreement. At the City's request, the Board, in a number of decisions served on and after January 7, 2004, 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 (Conrail) and CSX Transportation, Inc. (CSXT), filed a joint request for issuance of a Certificate of Interim Trail Use (CITU). They assert that many of the property owners represented by CPO have expressed support for the issuance of a CITU and state that the City will submit statements of support to the Board as it receives them from the property owners.

On October 7, 2004, CPO filed a motion requesting a 21-day enlargement of the time to reply to the joint request. CPO contends that a small number of issues remain open and that the requested extension will give the City and CPO additional time to negotiate a full settlement. According to CPO, the City, Conrail, and CSXT do not object to the requested enlargement.

As previously noted in prior decisions in this proceeding, the Board favors the private resolution of disputes whenever possible and has actively encouraged the parties to negotiate a settlement here. The request for enlargement of the reply period is reasonable and will be granted.

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 the joint request is extended to November 2, 2004.
2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary