

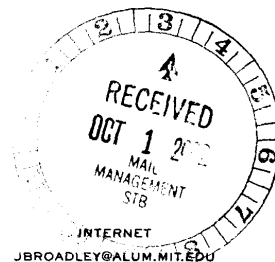
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October 1, 2002

JOHN H. BROADLEY

Honorable Vernon Williams
Secretary
Surface Transportation Board
1925 K Street, N.W. Suite 700
Washington, D.C. 20423-0001

Re: Chelsea Property Owners -- Abandonment--Portion of the Consolidated Rail Corporation's West 30th Street Secondary Track in New York, NY. Docket No. AB-167 (Sub-No. 1094)A.

Dear Mr. Williams:

Enclosed for filing in the captioned case is an original and ten copies of the
OPPOSITION OF CHELSEA PROPERTY OWNERS TO THE MOTION OF THE CITY OF NEW
YORK TO ENLARGE TIME. Please file stamp the extra copy of the document and return it with
our messenger.

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Office of Proceedings

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Yours very truly,

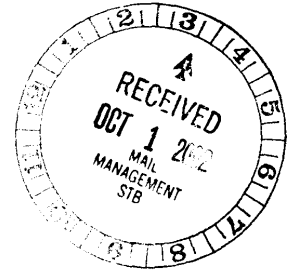
John Broadley

John Broadley

cc: All counsel
w/enclosure

206 302

BEFORE THE
SURFACE TRANSPORTATION BOARD
Washington, D.C.



CHELSEA PROPERTY OWNERS -- Abandonment --
PORTION OF THE CONSOLIDATED RAIL
CORPORATION'S WEST 30TH STREET SECONDARY
TRACK IN NEW YORK, NY

Docket No. AB-167
(Sub-No. 1094)A

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OPPOSITION OF CHELSEA PROPERTY OWNERS TO MOTION OF
THE CITY OF NEW YORK TO ENLARGE TIME FOR RESPONDING
TO MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT
AND PETITION TO REOPEN

The City of New York ("City") has filed a motion asking the Board to enlarge the time for responding to CPO's Motion to Approve Settlement Agreement and to FHL's Petition to Reopen from September 6, 2002 and September 23, 2002, respectively, to December 17, 2002 ("City Motion"). As grounds for that enlargement the City asserts that it is awaiting a study commissioned by Friends of the Highline ("FHL") on the feasibility and financial implications of reuse and rehabilitation of the Highline. The City asserts that it expects the study (and one being prepared by CPO) to be completed "within the next week" (City Motion at 2), and requests a 90 day enlargement of time in order to finalize its position on the Highline after taking the studies into consideration. The City Motion should be denied.

BACKGROUND

To assist the Board in understanding the City's extraordinary and belated request for a 90 day enlargement of time to respond to a motion and a petition filed over a month ago, it is necessary to provide the Board with some background information. It will be clear to the Board

upon reviewing this information that the City is operating under an entirely erroneous view of the working of the railbanking provisions of the Trails Act (16 U.S.C. 1247(d)), and that the City's "need" for more time for evaluation of its position on the Highline is predicated on that erroneous view. The City believes it can "railbank" the part of the Highline south of 30th Street even if that part of the Highline is severed and separated from the national rail system by an 86,000 seat Olympic stadium built north of 30th Street on the Highline's right of way. As the Board is well aware, the scheme the City is contemplating *cannot succeed as a matter of law*, and thus there is no purpose in further delaying this proceeding to give the City an opportunity to evaluate the financial feasibility of a scheme which, *as a matter of law*, cannot be carried out using the provisions of the Trails Act.

In his affidavit attached hereto, Michael Lefkowitz explains that he and other representatives of CPO met with representatives of the City of New York on September 23, 2002 to discuss the City's position on matters relating to the Highline. The City's delegation was led by Deputy Mayor Daniel Doctoroff. (Lefkowitz Aff. ¶4) At the meeting, the Deputy Mayor stated that the City agreed that the Highline had to be abandoned and demolished between 30th Street and 34th Streets. (Lefkowitz Aff. ¶5) This will permit development over the 30th Street rail yards, including the construction of an Olympic stadium if New York is chosen as the site of the 2012 Olympic games. Deputy Mayor Doctoroff stated that the City is considering supporting the retention of the Highline structure south of 30th Street where it runs over the property of private owners for other possible uses. The Deputy Mayor stated that the City believes this can be accomplished under the Trails Act, notwithstanding the abandonment and demolition of the Highline north of 30th Street and the construction of major facilities on its former right-of-way. (Lefkowitz Aff. ¶7) Abandonment

of the Highline north of 30th Street will sever the portion of the Highline south of 30th Street from the national rail system.

ARGUMENT

A. The City's Motion is Untimely

The City of New York is a party to this proceeding and was served with a copy of CPO's Motion to Approve Settlement Agreement on August 14, 2002. The date to reply to CPO's motion was extended to September 6, 2002. The City made no attempt to seek an enlargement of time to reply until over two weeks after the time for reply had passed and has provided no explanation for its delay.

FHL filed its Petition to Reopen on August 16, 2002 and the certificate of service thereon recites that it was served on the attorney representing the City of New York. The original date to reply to FHL's Petition to Reopen was September 5, 2002. During that period the City made no effort to seek an enlargement. FHL and CPO agreed to an enlargement to September 19 because of vacation schedules, an enlargement the Board granted. The Board subsequently extended the due date to September 23 because of unexpected business matters that delayed completion of CPO's Reply. Again, the City made no effort to seek an enlargement until the last minute and has given the Board no explanation for its delay.

This is not a case where the City has suddenly become aware that a matter of interest to the City is before the Board. The City is, as we have noted, a party to this proceeding; it is a signatory to the Settlement Agreement; and it is well aware of the issues relating to abandoning the Highline as the abandonment of the Highline is inextricably intertwined with the City's bid for the

2012 Olympic Games. As the City has presented no explanation for its extraordinary delay in seeking an enlargement of time to reply, the Board should deny its request.

B. The FHL Study Is Not Relevant To The Issues Raised
By The Motion To Approve Settlement Agreement
And By FHL's Petition To Reopen.

The City asserts that it is awaiting the receipt of FHL's study on the feasibility of reuse of the Highline for other purposes in order to formulated its position on the matters pending before the Board. The pending matters, however, are CPO's motion approve the Settlement Agreement, which presents solely the question of whether the Settlement Agreement satisfies the surety bond condition in the Board's September 16, 1992 decision, and FHL's Petition to Reopen to reconsider historic preservation and environmental issues relating to the abandonment and demolition of the Highline. None of these issues relates to the reuse of the Highline. To put the matter another way, the FHL study on reuse of the Highline cannot rationally influence the City's view on whether the Settlement Agreement satisfies the surety bond conditions, nor on whether reopening of the abandonment is required to consider historical and environmental issues.

The only issue which rationally could raise the issue of reuse of the Highline, would be the filing of an application for a CITU. No one has done so to date, and allowing the expeditious resolution of the pending matters before the Board would not affect the City's ability to file an application for a CITU at an appropriate time if it decides to do so.¹

¹ CPO believes the time for filing a CITU application is long past.

C. Regardless of the Results of the FHL Study The City's
Plan Cannot Be Carried Out Under the Trails Act.

The only rationale for delaying *this proceeding* in order to permit the City to evaluate the feasibility and financial implications of reuse and rehabilitation of the Highline is if the City intends to use railbanking under the Trails Act to preserve the Highline south of 30th Street and a delay in resolution of the pending issues is needed to preserve the City's ability to file a CITU application.² However, because the City supports and intends to continue to support the abandonment and demolition of the Highline north of 30th Street, thus meeting its commitments to the United States Olympic Committee regarding the construction of an Olympic stadium and permitting development over the 30th Street rail yards (Lefkowitz Aff. ¶5), the option of obtaining a CITU is unavailable *as a matter of law*. The abandonment of the Highline north of 30th Street and the construction of an Olympic stadium on the Highline's right-of-way will sever the Highline south of 30th Street from the national rail system. Under such circumstances, neither the City nor anyone else can obtain a CITU for that portion of the Highline as its severance from the national rail system will render it ineligible for railbanking and will constitute an abandonment.³ See e.g. *RLTD Railway*

² The Highline is built on rail use easements which, by their terms and by New York law, will terminate if and when the Highline is abandoned. The Trails Act provides a vehicle for preserving the right-of-way for future rail use ("railbanking") while permitting interim use of the right-of-way for trail purposes. See 16 U.S.C. 1247(d). Congress has accepted that this may involve a taking of the interests of the servient property owners and the Supreme Court has held that the Tucker Act is available for the servient property owners to be compensated. See *Preseault v. ICC*, 494 U.S. 1 (1990), *Preseault v. United States*, 100 F.3d 1525 (Fed. Cir. 1996).

³ The abandonment of the Highline will also trigger the obligation of the owner of the structure, either under the express terms of the easements or under state law, to remove the structure and restore the servient property.

Corp. -- Abandonment Exemption -- Leelanau County, 2 STB 685 (1997), *aff'd sub nom. RLTD Railway Corp. v. Surface Transportation Board*, 166 F.3d 808, 813 (6th Cir. 1999).⁴

1. Abandonment of the Highline north of 30th Street will preclude issuance of a CITU for the part of the line south of 30th Street.

The City recognizes that the construction of an Olympic stadium on the Highline's right-of-way north of 30th Street is not consistent with the continuation of rail service over that section of line, and recognizes that its plans will require abandonment of that part of the Highline. (Lefkowitz Affidavit ¶5). The consequence of the abandonment of the Highline north of 30th Street, however, will be to sever the portion of the Highline south of 30th Street from the national rail system and will result in an abandonment of that part of the line as well. In *RLTD Railway Corp. -- Abandonment Exemption -- Leelanau County*, 2 STB 685 (1997) the Board stated that:

It is well settled that neither the ICC nor the Board has jurisdiction over lines that are not linked to and part of the interstate rail system. n.21 See e.g. *Magner-O'Hara Scenic Ry. v. ICC*, 692 F.2d 441 (6th Cir. 1982). Thus, once the Leelanau Line was severed from the interstate rail network, there was both a de facto and de jure abandonment of that line, and the ICC lost jurisdiction over the property.

⁴ This is not to say that the City cannot proceed with any plans it has in mind for the Highline south of 30th Street. The City has ample authority to condemn the necessary property interests to accomplish public purposes, provided it meets the compensation requirements of the Fourteenth Amendment. The significant point is that so long as it maintains its plan to sever the Highline at 30th Street, either by construction of an Olympic stadium or another development over the 30th Street yards, the City cannot, *as a matter of law*, use the Trails Act to acquire the Highline south of 30th Street, which is the only course of action that would make the FHL study and the position of the City relevant to this proceeding.

The Board's construction of the scope of its jurisdiction and the effect on its jurisdiction of severance of a line from the interstate rail network was affirmed in *RLTD Railway Corp. v. Surface Transportation Board*, 166 F.3d 808, 813 (6th Cir. 1999) where the court held:

The STB's interpretation of the interplay between its responsibilities under the Trails Act and its jurisdiction under 49 U.S.C. 10501 is reasonable. Although the parties cite to no case that deals specifically with a track that has fallen outside the STB's jurisdiction because it has been severed from the national transportation system in some manner other than abandonment, once a line of track has been properly abandoned, the STB loses jurisdiction and cannot issue a trail condition. *See Becker v. STB*, . . . 132 F.3d 60, 62-63 (D.C. Cir. 1997). It is reasonable for the STB to conclude that it loses jurisdiction when a track is no longer part of the interstate rail network and may not issue a trail condition unless it determines that the "over-riding interests of interstate commerce require" assumption of jurisdiction. *See Kalo Brick & Tile*, 450 U.S. at 320.

* * *

. . . Here, the Leelanau Line is not presently part of the interstate rail system. Giving due deference to the STB's interpretation of its empowering statute, we cannot say that the STB erred in its judgment that it loses jurisdiction over a line once it becomes severed from the interstate rail system so that it may not issue a trail condition.

Thus, if the Highline south of 30th Street were severed from the national rail system by abandonment and demolition of the line north of 30th Street as the City proposes, the STB would lose jurisdiction over it and the line would be *defacto* and *de jure* abandoned, thus triggering obligations to remove the elevated structure under the prior agreements or New York law.⁵

⁵ It is highly unlikely that Conrail would consent to abandon the Highline north of 30th Street, an action that would risk triggering the unconditional abandonment of the line south of 30th Street and the consequent demolition obligation that Conrail has struggled to avoid for almost 20 years.

2. Construction of an Olympic Stadium on a right-of-way is not consistent with rail banking and is not a permissible use under a CITU.

One alternative to the legal abandonment of the Highline north of 30th Street which the City may consider is to seek the issuance of a CITU for the entire Highline both south and north of 30th Street and to proceed to build an Olympic stadium on the right-of-way north of 30th Street. As the Board will recognize, however, this approach is entirely inconsistent with the objectives of the Trails Act.

The principal objective of the Trails Act is to preserve existing railroad corridors for restoration of rail service in the future while permitting interim trail use of the right-of-way. The Board has issued regulations implementing the Act that establish procedures for the issuance of a certificate of interim trail use ("CITU") in lieu of an abandonment certificate. 49 CFR 1152.29. The CITU permits the railroad to discontinue service, cancel any applicable tariffs, and salvage track and material consistent with interim trail use and railbanking. The CITU specifically provides, however, that any interim trail use is subject to future restoration of rail service. *See* 49 CFR 1152.29(c). Therefore, an interim use under the Trails Act is not permissible if it precludes restoration of the line to future rail service.

In its decision adopting the railbanking regulations, the Interstate Commerce Commission addressed the use that can be made of right-of-way subject to a CITU (*Rail Abandonments -- Use of Rights-of-Way as Trails*, 2 I.C.C. 2nd 591 (1986)) (emphasis added):

[W]e see no reason why the development of non-trail activities or structures on or around the right-of-way should be restricted, ***as long as they are consistent with interim trail use, rail banking, and future restoration of rail service*** Any facility necessary to

maintain the integrity of the corridor and rail bank must be preserved consistent with the purposes of the amendment.

It is difficult to find any argument to support of the proposition that the demolition of the Highline's elevated structure and the construction of an 86,000 seat Olympic stadium across its right-of-way would be consistent with future restoration of rail service on that line.⁶ In the case of the Highline which runs on an elevated rail structure, preservation of the right-of-way requires preservation of the elevated rail structure itself, or the provision of a substitute right-of-way to maintain the continuity of the line. In the case of the Highline between 30th and 34th Streets, however, this would be an enormously expensive, if not impossible task. That section of the Highline is where the line moves from an elevated structure (along the north side of 30th Street) into a cutting at 34th Street. Reference to the map at Exhibit C of FHL's Petition to Reopen shows clearly that the Highline makes this vertical transition in a loop running first west on 30th Street, then north on Twelfth Avenue, and finally northeast to 34th Street, all the while descending to the cutting at 34th Street. Any substitute right-of-way would have to include a structure to permit the Highline to make this vertical transition.⁷

Moreover, the construction of an Olympic stadium obstructing the right-of-way would be inconsistent with use of that part of the Highline as a trail. The Commission recognized that a right-of-way preserved under the Trails Act may be used for public purposes *in addition* to its use

⁶ The City's plans for an Olympic stadium are clearly shown by Mr. Sarini's Verified Statement, Exhibit 6, p. 41. The Olympic stadium effectively fills the area where the Highline now makes its loop and descent. Mr. Sarini's Verified Statement is Exhibit A to CPO's Opposition to FHL's Petition to Reopen.

⁷ The vertical transition made by the Highline loop between 30th and 34th Streets can be seen in part on photograph No. 9, p.13 of "Reclaiming the Highline" submitted by FHL in support of its Petition to Reopen.

as a trail, see *Baltimore & O. R.R. -- Abandonment and Discontinuance of Service in Montgomery County, MD*, ICC Docket No. AB-19 (Sub-No. 112) (February 22, 1990) (use of right-of-way for light rail in addition to trail purposes is not inconsistent with the Trails Act.) The Board has never sanctioned the use of a right-of-way or a portion of a right-of-way that is totally inconsistent with its use as a trail, such as the construction of a stadium.

The Board's approach to the issue of the uses that can be made of a right-of-way for which a CITU has been issued is entirely consistent with its views of the obligation of owners of rail lines. The owner of a line of railroad is subject to a common carrier obligation and cannot wilfully take any action with respect to the line that would interfere with the railroad's ability to meet its common carrier obligation. See *Maine Dept. of Trans. -- Acquisition Exemption -- Maine Central Railroad*, 8 I.C.C.2d 835 (1991). In the case of a railbanked line, the CITU authorizes the railroad to take certain limited actions which, in the absence of the CITU, would be inconsistent with its common carrier obligations, such as the removal of rail, ties and materials from the line. The CITU does not authorize the railroad or any successor to take actions that would preclude restoration of rail service, for the good reason that the right-of-way remains subject to restoration of the common carrier obligation.

The demolition of a four-block segment of the Highline north of 30th Street and the construction on the right-of-way of an 86,000 seat Olympic stadium obstructing the entire right-of-way would effectively preclude restoration of rail service on the line and thus would be inconsistent with both the residual common carrier obligation on the line and with railbanking. It is not within the scope of actions permitted by a CITU.

D. The City Has Not Explained Its Need for 90 Days to Evaluate the FHL Study

Even if the FHL study were in any sense relevant to this proceeding (which it is not), the City's motion smacks of delay. First, it is difficult to believe that the City's position on the retention of the Highline, a project that would cost the City many tens of millions of dollars, will be affected by the results of a study undertaken by a lobbying group dedicated to preserving and redeveloping the Highline for non-rail uses. The City and State have studied the Highline repeatedly and all have reached the conclusion that the line is not useful. For example, in 1989 Parsons Brinkerhoff conducted a comprehensive transitway study for the City Planning Department which concluded that the Highline was not useful for transit. *See* CPO Reply to Petition to Reopen, Sarini V.S. Exhibit No. 5.

Second, the ninety-day evaluation period is inconsistent with time frames the City itself has set. In Exhibit A to the FHL Petition to Reopen (a press release from the Office of the Mayor dated April 7, 2002) the City announced that it was doing the following:

- (a) Undertaking a four month feasibility review of the potential reuse of the elevated "Highline" railway Mayor Bloomberg asked Deputy Mayor Doctoroff to oversee the project.
- (b) Retaining Turner Construction to evaluate the structural integrity of the Highline and its viability for reuse from an engineering standpoint.
- (c) The Friends of the Highline, a non-profit group formed to preserve the Highline for adaptive reuse, has agreed to fund a study that will analyze the costs of rehabilitating the Highline structure and building an elevated greenway with public access along the route.

The study will also examine whether preservation and reuse of the Highline would be consistent with sound growth and development of the West Side, and will estimate the overall financial and other costs and benefits to the City of preservation versus demolition.

Our first observation is that the feasibility review was planned to take *four months*, or until approximately early August. The City has given us no explanation of why four months has stretched to eight.

Our second observation is that the City has given no explanation of why it will take 90 days to formulate its position after receiving the FHL study. In April 2002 the City believed that a feasibility study would take four months, including the time to evaluate a timely submitted FHL study. Now the City is telling the Board that it will take three months to evaluate the FHL study once it is received. This makes no sense. This is not a new issue for the City. The City has participated in this proceeding from the beginning. It has signed the Settlement Agreement. It has studied the Highline repeatedly. The situation has not become more complicated in the past six months and, as with other questions raised by the City's motion, it has supplied no explanation or answers.⁸

CONCLUSION

The Board should deny the City's request for an enlargement of time for the following reasons:

1. The request is untimely and the City has provided no explanation for its tardiness;
2. The FHL Study is irrelevant to the issues now before the Board on which the City would express its views
3. The City remains committed to its bid for the 2012 Olympic games which requires the abandonment of the Highline north of 30th Street and the construction of an Olympic stadium on its right-of-way.

⁸ This objection is independent of the point made above that the FHL Study is irrelevant to the issues now before the Board in this proceeding.

4. The railbanking provisions of the Trails Act cannot be used to acquire the Highline south of 30th Street if the line is severed from the national rail system by an Olympic stadium north of 30th Street.
5. The City has offered no explanation why it needs 90 days to evaluate the FHL study.

In the alternative, CPO would not object of an enlargement of time of 21 days from September 19, 2002 for the City to state its position on the pending motion for approval of the Settlement Agreement and the FHL Petition to Reopen. This will permit FHL to submit the study within the time represented by the City, and it will give the City two weeks to determine whether the study warrants modification of conclusions that City has already reached regarding the future of the Highline. *See* Settlement Agreement, Exhibit No. 1 to Motion for Approval of Settlement Agreement.

Respectfully submitted,

CHELSEA PROPERTY OWNERS ASSOCIATION

By: John Broadley
One of its attorneys

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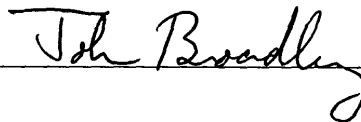
Dated: October 1, 2002

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of October 2002 I served a copy of the foregoing OPPOSITION TO MOTION OF CITY OF NEW YORK FOR ENLARGEMENT OF TIME on the parties to this proceeding and on Friends of the Highline by causing a copy thereof to be deposited in the United States mails, postage prepaid, addressed to counsel for such parties listed below:

Counsel	Represents
Elizabeth Bradford 655 West 34 th Street New York, NY 10001-1188	(NYCCDC)
John F. Guinan New York Department of Transportation Albany, NY 12232	(NYDOT)
Robert M. Jenkins Mayer Brown Rowe & Maw 1909 K Street NW Washington, D.C. 20006-1101	(Conrail)
Dennis G. Lyons Arnold & Porter 555 Twelfth Street NW, Suite 940 Washington, D.C. 20004-1206	(CSX and CSXT)
Gail Rubin 100 Church Street Room 3-158 New York, NY 10007	(City of New York)
Anthony P. Semancik 347 Madison Avenue New York, NY 10017-3706	(MTA)
Kimberly Egan Covington & Burling 1201 Pennsylvania Avenue NW Washington, D.C. 20004	(FHL)

Dated: October 1, 2002



**BEFORE THE
SURFACE TRANSPORTATION BOARD
Washington, D.C.**

CHelsea PROPERTY OWNERS -- Abandonment --
PORTION OF THE CONSOLIDATED RAIL
CORPORATION'S WEST 30TH STREET SECONDARY
TRACK IN NEW YORK, NY

Docket No. AB-167
(Sub. No. 1094)A

**AFFIDAVIT OF MICHAEL G. LEFKOWITZ IN SUPPORT OF THE
OPPOSITION OF CHELSEA PROPERTY OWNERS
TO MOTION OF THE CITY OF NEW YORK TO EXTEND
TIME FOR RESPONDING TO PETITION TO REOPEN**

Michael G. Lefkowitz states for his verified statement as follows:

I. The Affiant.

1. I am Michael G. Lefkowitz, I was formerly Vice President and General Counsel of Edison Properties, LLC. for twelve years. At present I am the principal of HWI Structures, LLC a consulting firm for real estate development. I currently represent both Edison Properties and Chelsea Property Owners in connection with matters relating to the Highline.

2. In the course of my duties I have become familiar with the viewpoints and opinions of the various parties relating to the question of the Highline

3. I was responsible for negotiating the terms of the Voluntary Abandonment Agreement (Settlement Agreement) and engaged in frequent and exhaustive discussions over a period in excess of two years with various representatives of the City State and CSX. These discussions involved all of the details involved in this complex agreement including insurance, demolition safety and all other matters relevant

to demolition. All parties fully participated to ensure that their interests were represented in the final Agreement.

4. I was present at a meeting held Monday September 23, 2002 at New York City Hall. Representatives of Chelsea Property Owners and Edison Properties as well as Elizabeth Bradford the General Counsel of the New York City Convention Center, another advocate of demolition, met with Deputy Mayor for Economic Development Daniel Doctoroff and Senior Policy Advisor Laurel Blatchford to discuss the City's current position on the demolition of the Highline.

II. The Position of the City of New York.

5. Deputy Mayor Doctoroff stated categorically that "everyone wants the Highline down between 30th and 34th Street" i.e., the Highline has to be abandoned and demolished north of 30th Street to 34th Street. This encompasses the entire City and State owned property.

6. Mr. Doctoroff continued that the City would like to examine the possibility of preserving the Highline over the property of the private owners south of 30th Street to 14th Street under the authority of Rails to Trails. This decision is to be reached after considering the various policy and economic arguments to be contained within competing planning studies to be presented to the City in the near future.

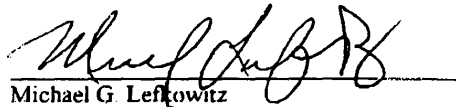
7. Representatives of CPO explained to Mr. Doctoroff that the railbanking statutes do not permit the railbanking of lines that are separated from the National Rail System as a result of demolition of a four block stretch of rail line and the

construction of a multimillion dollar 86,000 seat stadium for the Olympics and the New York Jets, but Mr. Doctoroff was unconvinced.

8. It was clear to me at that meeting that a conclusive ruling by the Board of the impossibility of granting a CITU for the stretch of Highline from 14th Street to 30th Street with no feasible connection to the national rail system, would immediately clarify the desires of the City with respect to the Highline without necessitating a 90 day extension period.

Declaration Under 28 U.S.C. 1621

I, Michael G. Lefkowitz, declare under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verified Statement. Executed on September 26, 2002.


Michael G. Lefkowitz