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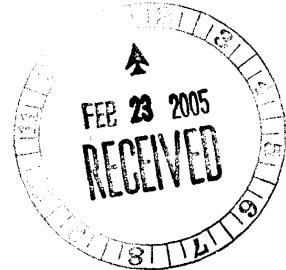
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GOVERNMENT RELATIONS

February 23, 2005

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

ENTERED
Office of Proceedings
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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

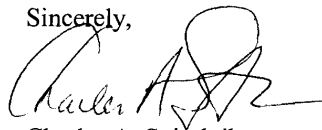
Dear Sir:

On Tuesday, February 22, 2004 we filed the Reply of the City of New York, NY, to 511 West 23rd Street Associates, LLC's Reply to CITU Request in Further Support of Adverse Abandonment Proceeding. The Affidavit of Marc Ricks was attached as Tab A. The filing included a facsimile of the original, and I am attaching to this letter the original of that Affidavit.

Please return a date-stamped copy of this document to our messenger. I am serving a copy of this letter on all parties to this proceeding.

If you should have any questions, please don't hesitate to contact me.

Sincerely,


Charles A. Spitulnik

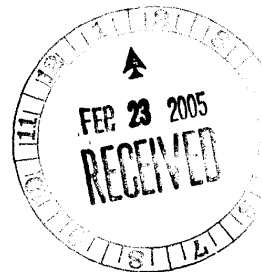
Attachment

cc: All Parties of Record

ND: 4836-9943-0656, Ver 1

State of New York)
) ss:
City of New York)

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AFFIDAVIT OF MARC RICKS

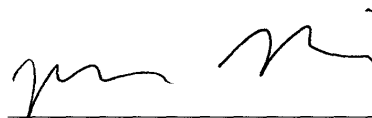
1. I am a Senior Policy Advisor in the Office of the Deputy Mayor for Economic Development and Rebuilding (the "Deputy Mayor's Office") of The City of New York (the "City"). I make this affidavit in support of the City's reply to the reply of 511 W. 23rd St. Associates, LLC in the captioned proceeding.
2. I have previously submitted an affidavit in this proceeding that was submitted as Exhibit A to *The Reply of The City of New York, NY, to (1) Motion of 511 West 23rd Street Associates, LLC for Leave to Intervene and (2) Reply of 511 West 23rd Street Associates, LLC to CITU Request in Support of Adverse Abandonment Proceeding* ("Ricks Affidavit I"). I hereby adopt and incorporate by reference the statements I made in that affidavit.
3. I make this affidavit based upon records available to me and attorneys for the City and my understandings based upon my day to day involvement with the High Line Rail Viaduct and the Hudson Yards project on behalf of the City, including information provided to me by staff members in various City agencies.
4. The City has sought a Certificate of Interim Trail Use ("CITU") in this proceeding. When we submitted that request, the City's officials were aware of the requirements set forth in 49 C.F.R. § 1152.29.

5. As was the case at that time, the City acknowledges and expressly states that it is willing to assume full responsibility: for managing the right-of-way; for any legal liability arising out of the use of the right-of-way; and for the payment of all taxes assessed against the right-of-way.

6. Furthermore, the City acknowledges that the interim trail at issue in this proceeding is subject to possible future reconstruction and reactivation of the right-of-way for rail service. To that end, the City is willing to reconstruct and reactivate the rail corridor if it becomes necessary to do so consistent with its obligations under 16 U.S.C. §§ 1241 *et seq.* and 49 C.F.R. § 1152.29.

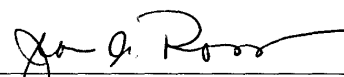
7. The City is not in a position at this time to prepare contingency plans or cost estimates for restoration of service because the future uses of the existing High Line right-of-way are not yet precisely defined in all particulars. Plans are in their early stages and all details are not yet fully defined. It would be irresponsible of the City to expend resources compiling a plan to restore the line to service until the final details of the plans for the proposed sports and convention complex, as well as the needs of whomever might be requesting service, are in place

8. Further, Affiant sayeth not.



Marc Ricks

Subscribed and sworn to
before me this 22nd day of February, 2005



Notary Public
My Commission Expires: 5-10-2007

ND: 4850-4934-1184, Ver 1

JEAN A. ROSS
Notary Public, State of New York
No. 31-5007029
Qualified in New York County
Commission Expires May 10, 2007