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October 4, 2002

BY HAND DELIVERY

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

ENTERED
Office of Proceedings

OCT 4 2002

Part of
Public Record

SUB - 1094A

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

Dear Secretary Williams:

We are writing to address certain statements made by Chelsea Property Owners ("CPO") in its September 23 reply to Friends of the High Line's Petition to Reopen the 1992 Abandonment Decision.

First, CPO suggests that the Board should reject Friends of the High Line's Petition to Reopen because, it argues, Friends of the High Line is not a party to the abandonment proceeding. CPO appears to assume that Friends of the High Line can become a party only by submitting a formal request for party status, such as a motion to intervene. In fact, the Board's regulations do not require submission of a formal motion to intervene in order to become a party; instead, they state that "[i]nterested persons may become parties to an abandonment or discontinuance proceeding by filing written comments or protests with the Board." 49 C.F.R. § 1152.25(a). Friends of the High Line's Petition to Reopen is a "protest" as defined by 49 C.F.R. § 1152.25(a)(i)-(v), and, as result, Friends of the High Line is now a party to this proceeding.

Second, CPO states that if New York is selected as the site of the 2012 Olympics, then the City of New York "will require the abandonment and subsequent removal" of the portion of the High Line between 30th and 33rd streets. Friends of the High Line believes this mischaracterizes the position of the City of New York. On September 19, the City asked the Board for an extension of time until December 17 in order to finalize its position on the High Line. The City explained that it had not finished analyzing the feasibility and financial implications of preserving the High Line. As a result, it is premature for CPO to assert that the

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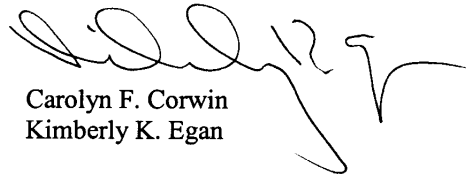
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City has already concluded that construction of a new stadium over the 30th Street Long Island Railroad yards would necessarily require demolition of the High Line. In addition, as we explained in our Petition to Reopen, any stadium that might be build on the site of the 30th Street yards could be constructed to integrate the High Line and to use it to bring pedestrians from the New York City subway or from Pennsylvania Station to the stadium. See Petition to Reopen at 14, 39. Friends of the High Line will address the implications of a potential Olympic stadium on the site of the 30th Street rail yards in more detail when it responds to CPO's recent petition for a declaratory order in this proceeding.

Moreover, conclusions about the views of the City are premature in light of the pending litigation discussed in the response of Friends of the High Line to the motion CPO filed on August 14, 2002. Oral argument in that case is now scheduled for October 23, 2002.

Finally most of the points CPO makes in its reply simply underscore the need for the Board to reexamine its earlier conclusions. Clearly, there are disagreements on many issues relating to historic preservation of the High Line. CPO fails to mention other points raised by the Petition to Reopen, such as the impact of the decisions by some property owners to leave portions of the High Line standing. As we argued in the Petition to Reopen, the Board should reopen its earlier decision to resolve these issues.

Respectfully submitted,



Carolyn F. Corwin
Kimberly K. Egan

Attorneys for Friends of the High Line, Inc.

cc: All Counsel of Record