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THE CITY OF NEW YORK
LAW DEPARTMENT
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J. GUNN
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MICHAEL A. CARDOZO
Corporation Counsel

January 24, 2003

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

ENTERED
Office of Proceedings
JAN 27 2003
Part of
Public Record

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:

I am enclosing for filing the original and 10 copies of each of (1) the Motion of the City of New York for Leave to File a Reply to a Reply, and (2) the Reply of the City of New York to Chelsea Property Owners Reply to the Petition of the City of New York to Late File a Request for Issuance of a Certificate of Interim Trail Use (the "Reply"). The City tenders the latter document for filing in anticipation of a favorable ruling on the request for leave to file.

In accordance with the Board's regulations I am also enclosing a diskette that includes the text of these documents.

I have also enclosed one additional copy, that I ask you to date stamp and return to our messenger.

Thank you.

Sincerely,

Joseph T. Gunn
Senior Counsel

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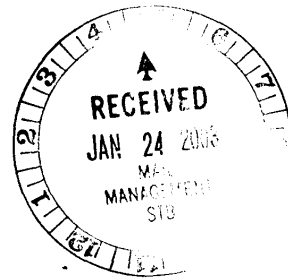
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BEFORE THE
SURFACE TRANSPORTATION BOARD

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, NEW YORK

THE CITY OF NEW YORK'S MOTION FOR LEAVE TO FILE A REPLY TO CHELSEA
PROPERTY OWNERS REPLY TO THE PETITION OF THE CITY OF NEW YORK TO
LATE FILE A REQUEST FOR ISSUANCE OF A CERTIFICATE OF INTERIM TRAIL USE

The City of New York (the "City"), pursuant to 49 C.F.R. § 1117.1 respectfully requests leave to file the accompanying reply ("Reply") to Chelsea Property Owners Reply To The Petition Of The City Of New York To Late File A Request For Issuance Of A Certificate Of Interim Trail ("CPO Reply"). The Reply is necessary because Chelsea Property Owners ("CPO") raises new issues in the CPO Reply. Specifically, those issues are:

- (1) CPO misstates the reach of the City's Uniform Land Use Review Procedure.
- (2) CPO posits the existence of a limitation on the applicability of the interim trail use procedure that finds no basis in the statute or this Board's regulations.

Good cause exists for granting this Motion. In its Reply the City will address these issues that are entirely new legal issues that it did not address in its initial pleadings. The Reply to CPO's Reply does not broaden the issue here but rather will lead to a decision based on a complete and accurate record with respect to the issues raised in this record by CPO. Permitting

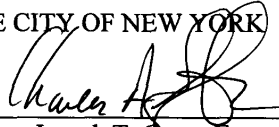
the City to reply to CPO's Reply is consistent with the public interest and will not prejudice any party.

In anticipation of a favorable ruling on this motion, the City's Reply is attached to this motion for filing today.

WHEREFORE, the City respectfully requests the Board to grant it leave to file its Reply to CPO'S Reply.

Respectfully submitted,

THE CITY OF NEW YORK

By: 

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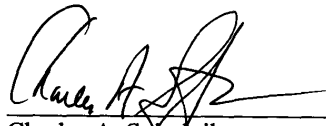
Dated: January 24, 2003

Certificate of Service

I, Joseph Gunn, certify that on the 24th day of January, 2003, I caused a copy of the foregoing CITY OF NEW YORK'S MOTION FOR LEAVE TO FILE A REPLY TO CHELSEA PROPERTY OWNERS REPLY TO THE PETITION OF THE CITY OF NEW YORK TO LATE FILE A REQUEST FOR ISSUANCE OF A CERTIFICATE OF INTERIM TRAIL USE to be served by first class mail and hand delivery on the parties listed below.

Counsel	Represents
Elizabeth Bradford 655 West 34 th Street New York, New York 10001-1188	(NYCCDC)
John F. Guinan New York Department of Transportation Albany, New York 12232	(NYDOT)
Robert M. Jenkins Mayer Brown Rowe & Maw 1909 K Street, NW Washington, D.C. 20006-1101	(Conrail) (by hand delivery)
Dennis G. Lyons Arnold & Porter 555 Twelfth Street NW, Suite 940 Washington, DC 20004-1206	(CSX and CSXT) (by hand delivery)
Anthony P. Semancik 347 Madison Avenue New York, New York 10017-3706	(MTA)
Carolyn F. Corwin Kimberly K. Egan Covington & Burling 1201 Pennsylvania Avenue, NW Washington, D.C. 20004	(Friends of the High Line) (by hand delivery)
John Broadley, Esq. Chelsea Property Owners 1054 31 st Street, N.W. - Suite 200 Washington, DC 20007	(CPO) (by hand delivery)

Dated: January 24, 2003


Charles A. Spitulnik