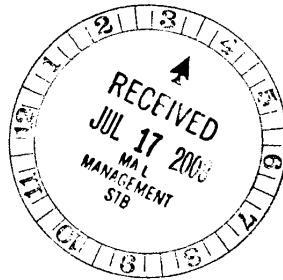


BEFORE THE
SURFACE TRANSPORTATION BOARD



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, NY

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STATEMENT OF FRIENDS OF THE HIGH LINE, INC.
IN CONNECTION WITH THE JULY 24, 2003 HEARING

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Includes Color Image

TABLE OF CONTENTS

	<u>Page</u>
I. HISTORY AND SIGNIFICANCE OF THE HIGH LINE	4
II. REQUESTS PENDING BEFORE THE BOARD	7
A. Earlier Proceedings	7
B. CPO's August 14 Motion	9
C. Friends' August 16 Petition to Reopen	10
D. The City's Request for a CITU	14
E. The Railroads' Request for Advice as to Whether the City May Lawfully Seek a CITU	17
III. RESOLUTION OF THE HIGH LINE MATTER	17
CONCLUSION	19

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IN CONNECTION WITH THE JULY 24, 2003 HEARING

The Friends of the High Line, Inc. ("Friends") is a non-profit organization dedicated to the preservation and reuse of the High Line.¹ Friends believes the High Line offers the City of New York the opportunity to create a one-of-a-kind recreational and educational resource while simultaneously preserving the industrial heritage of the surrounding neighborhoods and preserving a rail right-of-way that might again become a significant urban transportation resource. Friends submits this statement to summarize its views on the current legal posture of various requests pending before the Board and to suggest how the pending issues should be resolved. Ultimately, Friends hopes that the parties will be able to negotiate a solution that will avoid the need for Board resolution of many of these issues.

After briefly summarizing the history and significance of the High Line, we will discuss the principal issues raised by: (i) the Motion filed by the Chelsea Property Owners ("CPO") on August 14, 2002; (ii) the Petition to Reopen filed by Friends on August 16, 2002;

¹ Members of Friends include New York City residents, business owners, artists and gallery owners, architects, and design professionals.

(iii) the Request for a Certificate of Interim Trail Use filed by the City of New York ("the City") on December 17, 2002; and (iv) the requests of Conrail and CSX (the "Railroads") for advice on whether the City may lawfully seek a Certificate of Interim Trail Use ("CITU"), presented in pleadings filed on January 13, 2003. We suggest that all parties' interests will be best served by Board action that encourages further negotiations.

I. HISTORY AND SIGNIFICANCE OF THE HIGH LINE

The High Line is a 1.45-mile, elevated rail line that runs between 34th Street and Gansevoort Street on the West Side of Manhattan. Between 30 and 60 feet wide, the structure crosses city streets 25 times and touches more than 22 city blocks, through Chelsea, the Meat Packing district, and lower Clinton/Hell's Kitchen. The High Line curves around and descends to ground level at West 34th Street, near rail yards that connect to Penn Station.²

The High Line opened in 1934 as part of the New York Central System's West Side Improvement Project. New York Central's prior West Side Line had occupied the middle of Tenth Avenue, a heavily used commercial artery that bisected the Meat Packing district and Clinton/Hell's Kitchen. The combination of heavy pedestrian, rail, and truck traffic on Tenth Avenue resulted in a high accident rate and earned Tenth Avenue the nickname "Death Avenue." The West Side Improvement Project elevated the rail line below 30th Street above the streets, eliminated 105 at-grade street crossings, and added 32 acres to New York City's Riverside Park.³

² For the Board's convenience, a map showing the High Line is included as Attachment A to this statement.

³ See The Friends of the High Line, Inc.'s Petition to Reopen the 1992 Abandonment Decision, Aug. 16, 2002 ("Friends' Petition to Reopen"), pp. 7-8, Exhibits D, J. We encourage the Board to review the extensive information about the High Line contained in the text and exhibits in the Petition to Reopen.

New York Central's unique edifice carried freight rail traffic into America's largest city for decades. The High Line included elevated sidings, which allowed trains to meet and pass above ground, and in its heyday the line handled over 700 freight cars per day, including the U.S. Mail and fresh meats for the Meat Packing district. An engineering marvel, the High Line runs through buildings and warehouses, permitting delivery of merchandise directly to shippers without affecting street traffic. "[C]ookie boxes for animal crackers and other Nabisco products could be made in Beacon, New York and shipped down the New York Central's tracks and then along the High Line, to the firm's cookie factory on 15th Street" – the building on West 15th Street that today houses the popular Chelsea Market.⁴

Conrail acquired the High Line in the mid-1970s after the bankruptcy of the Penn Central Transportation Company. Conrail, now a joint CSX-Norfolk Southern entity, continues to own the line.⁵ The High Line last carried freight traffic in 1980.

In recent years, there has been an increasing appreciation that the High Line is a key piece of the history of industrial New York City and a unique historic structure that should not be demolished. Many members of the surrounding communities, as well as groups and individuals with an interest in preserving historic structures in New York City, have come to the conclusion that the High Line should be preserved, and that it has the potential to play a significant role in the ongoing revitalization of the West Side.⁶

⁴ Id., Exhibit I (letter from architectural historian Andrew Scott Dolkart).

⁵ The portion of the original High Line south of Gansevoort Street was demolished beginning in the 1960s. See Attachment A to this statement.

⁶ See Exhibits E and I-K of Friends' Petition to Reopen for copies of numerous letters supporting preservation of the High Line, from public officials, organizations, businesses, and (continued...)

Friends was formed to promote preservation and reuse of the High Line. The organization has worked to raise money for that purpose and to promote creative thinking about potential uses for the High Line that would be compatible with its historic values and with future rail use. Among other things, Friends believes the High Line could serve as a unique urban walkway that would be an oasis for city residents and visitors. Friends recently held a design competition in which it invited proposals for future use of the High Line. The competition attracted over 700 entries from 36 countries. It culminated with an exhibition – “Designing the High Line” – at Grand Central Station’s Vanderbilt Hall, July 10-26, 2003. Friends plans to host a public forum in the fall of 2003 to discuss design options. At the end of 2003, Friends will incorporate comments from the forum into a Request for Proposals that will lead to selection of a design team and development of a master plan.

Friends also supervised a feasibility study for the High Line, which the City of New York considered when it decided last year to endorse plans for saving the High Line. On July 9, 2003, at the opening of Friends’ design competition exhibition, Gifford Miller, the Speaker of the New York City Council, announced a \$15.75 million funding commitment for planning and construction related to conversion of the High Line to public use. Speaker Miller stated, “The High Line was built during the Depression to invigorate New York’s economy, and it will reinvigorate our City again today.”⁷

others. A listing of some of the supporters of High Line preservation is included as Attachment B to this statement.

⁷ See Press Release at http://www.thehighline.org/newsletters/071003_pr.html.

Friends will present additional information about its vision for reuse of the High Line at the hearing scheduled for July 24, 2003, and anticipates that City officials will provide information about the City's plans for railbanking and for the surrounding community and steps they are taking to bring these plans to fruition.

II. REQUESTS PENDING BEFORE THE BOARD

There are four requests pending before the Board. Two of them – the CPO Motion of August 14 and Friends' Petition to Reopen – focus on CPO's plans to demolish the High Line. The other two – the City's request for a CITU and the Railroads' request for advice on the lawfulness of that request – focus on plans to preserve the High Line for future transportation use through railbanking and to reuse the line for various civic purposes in the interim.

As described below and in Friends' and the City's earlier filings in this proceeding, CPO's plans to demolish the High Line face numerous obstacles and could not be implemented without further Board proceedings to resolve numerous issues. On the other hand, the City's plan for railbanking and reuse of the High Line for civic purposes has the potential to be a tremendous success. With the City's leadership, it appears that the parties may be moving toward a satisfactory resolution of their differences, minimizing the need for Board decisions on many issues.

A. Earlier Proceedings

In 1989, a group of property owners and developers with interests in property under the High Line, known as the Chelsea Property Owners, asked the Interstate Commerce Commission to authorize abandonment of the High Line, over Conrail's objections. The ICC conducted an environmental assessment and concluded that demolishing the High Line would

“not affect significantly the quality of the human environment.”⁸ Relying on this conclusion, as well as conclusions that demolishing the High Line would remove an obstacle to local development and that the property did not appear suitable for other public purposes, the ICC in 1992 conditionally authorized abandonment and demolition of the High Line.⁹ To protect Conrail from undue economic harm, the Commission conditioned its abandonment authorization by requiring CPO to “post an appropriate surety bond or similar security to ensure payment of any demolition costs exceeding \$7 million.”¹⁰

In 1999, CPO asserted that it had met the security condition imposed in 1992 and asked the Board to authorize immediate abandonment, over Conrail’s continuing objections. CPO tendered a contract with an entity willing to demolish the High Line for less than \$7 million, but the Board denied CPO’s request, finding that the contract did not adequately protect Conrail against cost overages.¹¹

CPO then renewed its effort to fashion a security arrangement that would satisfy the 1992 condition. More than a decade later, however, CPO still has not succeeded. And now the High Line is anything but an obstacle to local development or unsuitable for public purposes;

⁸ Chelsea Property Owners – Abandonment – Portion of the Consolidated Rail Corp.’s W. 30th Street Secondary Track in New York, NY, Docket No. AB-167 (Sub-No. 1094), 1989 WL 246713 (I.C.C.) at 2 (Oct. 27, 1989).

⁹ Chelsea Property Owners – Abandonment – Portion of the Consolidated Rail Corp.’s W. 30th Street Secondary Track in New York, N.Y., 8 I.C.C. 2d 773, 783, 794 (1992). So far as Friends has been able to determine, the ICC did not conduct a formal historic preservation study in connection with the 1992 decision.

¹⁰ Id. at 792.

¹¹ See Chelsea Property Owners – Abandonment – Portion of the Consolidated Rail Corp.’s W. 30th St. Secondary Track in New York, NY, STB Docket No. AB-167 (Sub-No. 1094)A (served July 14, 1999), at 5.

instead, it is in the midst of thriving neighborhoods and at the center of a lively discussion about how best to develop it to serve various civic purposes.

B. CPO's August 14 Motion

On August 14, 2002, CPO presented the Board with a draft settlement agreement that allegedly protects Conrail's financial interests in connection with demolishing the High Line. CPO seeks an order finding that this draft agreement satisfies the 1992 surety condition. Contrary to CPO's contention, however, the draft agreement does not satisfy the condition. The City explained in its December 17, 2002 filing why there is serious doubt that the draft agreement will ever become a final, valid, and binding agreement.¹² Among other things, some parties have not signed the agreement, the Railroads and the City have requested changes to the draft agreement that have not yet been accepted, and certain approvals have not yet been and may never be obtained. The City's comments make it clear that the draft agreement is unlikely to be finalized in its current form. In addition, more recent developments (described below) suggest that discussions among the parties are now headed in a different direction altogether.

As a result, the Board should conclude that this agreement is too uncertain to satisfy the surety bond condition and should deny CPO's motion on that basis.

¹² See Reply of the City of New York to Motion by Chelsea Property Owners That a Certain Settlement Agreement Satisfies the Surety Condition in the ICC's September 16, 1992 Order in This Proceeding, Dec. 17, 2002 ("City Reply of Dec. 17, 2002"), pp. 2-7.

Moreover, a New York court has held that the City may not authorize demolition until it complies with the Uniform Land Use Review Process. See New York City Council v. City of New York, 2002 WL 554192, No. 122270/01 (N.Y. Sup. Mar. 12, 2002). The City has appealed this decision. So far as Friends is aware, the appellate court has not yet issued a decision.

C. Friends' August 16 Petition to Reopen

On August 16, 2002, Friends filed a petition to reopen that portion of the ICC's original abandonment decision that authorizes demolition of the High Line. Friends pointed out that the Commission's original conclusions regarding the historical and environmental impacts of demolishing the High Line are outdated and inaccurate. See 49 U.S.C. § 722(c) (Board may reopen a proceeding because of "new evidence, or substantially changed circumstances"); 36 C.F.R. § 800.4(c)(1) ("passage of time, changing perceptions of significance, or incomplete prior evaluations may require" a new historical review). Friends also explained that changed circumstances in the surrounding neighborhoods warranted an updated environmental review because federal law imposed on the Board a "continuing duty to gather and evaluate new information relevant to the environmental impact of its actions." Warm Springs Task Force v. Gribble, 621 F.2d 1017, 1023 (9th Cir. 1980).

Friends explained that almost 70 years after the High Line was constructed, it is now recognized as an historic monument, a key feature of New York's transportation and industrial development. Several prominent architectural historians have stated that the structure is eligible for inclusion in the National Register of Historic Places:

- Andrew Dolkart, the architectural historian who authored the New York City Landmarks Preservation Commission's Guide to New York City Landmarks, has stated that "the High Line is eligible for listing in the National Register of Historic Places." Mr. Dolkart explained: "The High Line is significant in the history of transportation as an important response to the issues of congestion and danger from rail tracks that ran on the surface The High Line is a major link in the transportation networks that permitted New

York City to dominate the American industrial economy for over one hundred years.”¹³

- Vicki Weiner, the Kress Fellow for Historic Preservation at New York City’s Municipal Art Society, agrees that the High Line “clearly meets two of the four major criteria that make it eligible for listing on the State and National Registers of Historic Places.” She explains that “[t]he High Line’s continued presence informs the public’s knowledge of the transportation and engineering history of the City, and also enables us to understand the distinctive and largely intact historic architecture in the Meat Packing District and lower Chelsea.”¹⁴
- Craig Morrison, a member of the New York City Chapter of the Historic Buildings Committee of the American Institute of Architects, wrote that the High Line will “undoubtedly be considered eligible for inclusion in the National Register of Historic Places” and that the Committee is “in total agreement that this railway is a historic element in New York’s transportation and industrial development.” He explained that “[t]he manner in which it interfaces with the buildings that it serves, by actually passing through their upper floors, represents a uniquely futuristic approach to integrating industry and transportation.”¹⁵

Moreover, it now appears that demolishing the High Line could damage nearby historic structures. As explained in Friends’ Petition to Reopen, the High Line runs directly into structures now recognized as eligible for inclusion in the National Registry, and it passes near

¹³ Friends’ Petition to Reopen, Exhibit I.

¹⁴ Id., Exhibit J.

¹⁵ Id., Exhibit K.

areas already designated as historic.¹⁶ There is no indication that the ICC foresaw or analyzed such potential impacts.

In addition, Friends' petition explained that because of changed circumstances in the neighborhoods surrounding the High Line, the environmental effects of destroying the line would be far different from those the Commission anticipated in 1992. Development in the neighborhoods surrounding the High Line means that demolition would have a much more disruptive effect now than it would have in 1992. Demolition would also foreclose the vision Friends, the City, and many others have for reuse of the High Line as an urban park and for other civic purposes. Moreover, as Friends has explained, some adjacent property owners do not plan to demolish the portions of the structure that cross their property.¹⁷ As a result, here and there, truncated segments of the structure will remain standing. There is no indication that the ICC took into account the environmental, safety, and aesthetic effects of leaving isolated, stub-ended pieces of elevated railroad in the midst of West Side neighborhoods.

Finally, the ICC's conclusion that demolishing the High Line was necessary to promote economic development in the surrounding neighborhoods is no longer valid. Once in decline, Chelsea, the Meat Packing district, and Clinton/Hell's Kitchen are now among the most vibrant areas of New York City.

- Chelsea: Chelsea is "New York's newest art destination" and the "commercial center of gravity of the New York City art world." It has developed into "the hottest pocket of the city: a mix of contemporary galleries, hip clubs, and low-key restaurants" In 1997, Chelsea Market opened

¹⁶ See id. at 22-25.

¹⁷ See id. at 39-40.

in the old National Biscuit Company building offering “fishmongers, butchers, bakers and greengrocers.” The Chelsea Market building (through which the High Line runs) is also a media center and has included as tenants such businesses as Oxygen Media, New York 1 News, and Major League Baseball’s recording studios. According to The Villager, “real estate developers will tell you” that Chelsea “has become one of the city’s ‘in’ neighborhoods, with the cachet of a trendy arts scene and amenities like Ladies Mile shopping, upscale restaurants, gyms, good transportation and the Hudson River Park.”¹⁸

- The Meat Packing District and Clinton/Hell’s Kitchen. The Meat Packing district is also now one of New York City’s trendiest and most eclectic neighborhoods. It was featured prominently in the 2003 season premiere of the award-winning HBO series Sex and the City.¹⁹ The Meat Packing district sports an eclectic blend of velvet-rope nightclubs, trendy restaurants, wine bars, expensive boutiques and art galleries mixed in with the meat packers, prostitutes and the underground clubs that have been among the area’s few mainstays. According to some, it is now “the hottest neighborhood south of 14th Street and West of Eighth Avenue.” No longer a derelict warehouse district, “Hell’s Kitchen is the place to be.”²⁰

¹⁸ Id. at 29-31.

¹⁹ As the Newark Star Ledger reported, one of the four stars on the HBO show complained in the season premiere about the turn-around evident in the Meat Packing district: “Grousing that her once-edgy neighborhood has become too chic, Samantha declares, ‘The only designer name that belongs in the meat-packing district is Oscar Mayer.’” Matt Zoller Seitz, “They’re Still Just Good Friends,” Star Ledger (Newark), June 21, 2003. Another newspaper reports that “real estate values have skyrocketed” in the Meat Packing district since the hit series began filming there. Mo Gannon, “Chasing Sex in the City,” Toronto Star (Travel), Dec. 1, 2001.

²⁰ Friends’ Petition to Reopen, pp. 32-33. A recent Village Voice article summed up the transformation nicely:

Whether it’s 5 a.m., when Washington Street is jammed with refrigeration trucks disgorging their pink carcasses, or at dusk, when the sun is setting over the elevated steel track known as the High Line, the Meatpacking District, a/k/a Gansevoort Market, remains a visual knockout. Here, long, low-rise industrial

(continued...)

If CPO persists in its plans for (partial) demolition of the High Line, the new information Friends has submitted requires that the Board reconsider the conclusion the ICC previously reached regarding the historical and environmental effects of abandonment and demolition.²¹ On the other hand, if the parties are able to reach a resolution that would preserve the High Line, there will be no need for the Board to review the impacts of demolition. In those circumstances, the Board could place Friends' Petition to Reopen in abeyance or (if the 1992 decision were vacated) dismiss it as moot.

D. The City's Request for a CITU

On December 17, 2002, the City of New York filed a request for a CITU that would enable it to negotiate with the Railroads for an agreement to railbank the High Line. The City's request meets the requirements of 49 C.F.R. § 1152.29. It includes a map of the right-of-way, a statement that the City is willing to assume management and financial responsibility for the right-of-way, and an acknowledgment that interim trail use is subject to the City continuing to meet these responsibilities and is also subject to possible future reconstruction and reactivation as a right-of-way for rail service. The City explained that changed circumstances (including

buildings with their signature metal awnings abut centuries-old warehouses. The city's 150-year-old marketplace is still home to about 30 meatpacking companies, but these days the district shares its approximately 12 blocks with a slew of hot designer showrooms and snazzy restaurants, a transformation that's slowly driving meatpackers to the Bronx.

Coco McPherson, "Close-Up On: The Meatpacking District," Village Voice, Dec. 31, 2002.

²¹ Indeed, since there is no evidence that the ICC considered historic preservation issues at all, the 1992 decision at a minimum must be reopened for such an analysis.

those described in Friends' Petition to Reopen) constituted good cause for the Board to consider the City's request.²²

CPO's various objections to issuance of a CITU are insubstantial. CPO argued, for example, that the City has not established good cause for filing its request after the time prescribed by the applicable rule and that issuance of a CITU at this time would result in prejudice and delay. But the Board generally grants late-filed CITU requests, at least in the absence of a showing of prejudice or delay.²³ In view of CPO's longstanding failure to meet the condition prescribed in the 1992 order and the City's unwillingness to enter into the draft agreement CPO has proffered, issuing a CITU would not result in prejudice or delay.²⁴

CPO also argued that a CITU is not available in an adverse abandonment proceeding such as this. As the City has previously explained,²⁵ there is no authority for such a claim. Indeed, the Supreme Court case that established the constitutionality of railbanking involved an adverse abandonment. See Preseault v. ICC, 494 U.S. 1 (1990).

²² See City Reply of Dec. 17, 2002, at 9-10.

²³ For example, in Docket No. AB-33 (Sub-No. 70), the railroad applied for authority to abandon a line in 1991. The State of Idaho and the Coeur d'Alene Tribe did not request issuance of a CITU until 1999. The Board issued a CITU to the State and the Tribe without raising any concern about delay. See Union Pacific R.R. – Abandonment – Wallace Branch, ID, Docket No. AB-33 (Sub-No. 70) (served June 26, 2000), at 2, 12. In fact, the Board itself invited additional trail use requests after receiving the request from the State and the Tribe. See Union Pacific R.R. – Abandonment – Wallace Branch, ID, Docket No. AB-33 (Sub-No. 70) (served Aug. 12, 1999), at 6.

²⁴ CPO's objection that the City may not consummate a railbanking agreement without complying with the Uniform Land Use Review Process is not a reason to deny a CITU.

²⁵ 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, Jan. 24, 2003, pp. 8-10.

In its petition for a declaratory order (denied by the Board as premature in a decision served November 27, 2002), and in an opposition to the City's request for an extension of time, both filed on October 1, 2002, CPO argued that the Board may not issue a CITU because the northern part of the High Line might be abandoned and demolished at some point in the future, severing the southern portion from the national rail system. It is unclear whether this will ever occur. Even if a portion of the High Line were altered in some significant way – e.g., by construction of an Olympic stadium on part of the right-of-way – the line might continue to be eligible for railbanking. For example, the High Line structure might be incorporated into the stadium in a manner that would preserve the existing right-of-way. Or, the City might acquire an alternative easement that would preserve a connection with the national rail system. See, e.g., Chicago & North Western Transp. Co. – Abandonment Exemption – Guthrie & Dallas Counties, IA, Docket No. AB-1 (Sub-No. 192X) (STB served July 1, 1996) (abandonment of a segment of railbanked line to make way for a state highway project and purchase of a replacement corridor would not jeopardize the status of the line).²⁶

In short, the City has met the requirements established by the statute and would be entitled to issuance of a CITU if the Board were to authorize abandonment and the Railroads agreed to negotiate. CPO's objections have no basis and should be rejected.

²⁶ The High Line easement was relocated in 1986, to accommodate construction of the Javits Center. See Attachment A to this statement. Thus, there is a precedent for relocation of the easement if this should become necessary.

E. The Railroads' Request for Advice as to Whether the City May Lawfully Seek a CITU

In their filings dated January 13, 2003, the Railroads request that "the Board advise the parties whether the City may lawfully seek a CITU in this case."²⁷ They presumably are seeking assurance that the Board will reject CPO's objections to issuance of a CITU.

Friends believes that issuance of such advice should be unnecessary. In view, however, of the Railroads' apparent reluctance to join fully in the current discussions concerning resolution of this matter, the Board may wish to make clear that CPO's objections are not well founded and that a CITU may issue at the appropriate time if the Railroads agree to negotiate.²⁸

III. RESOLUTION OF THE HIGH LINE MATTER

Friends believes that, thanks to the efforts of the City, the parties are on the way to reaching a resolution of their differences over the High Line. In recent months, the City has sponsored many meetings with interested parties in an effort to broker an agreement that would satisfy all concerned. Friends believes the City is in a position to structure an arrangement that will win the support of CPO, the State of New York, and the Railroads. Such a negotiated

²⁷ Reply of Consolidated Rail Corporation to the Pleading Filed December 17, 2002 by the City of New York, Jan. 13, 2003, at 4; Reply of CSX Corporation and CSX Transportation, Inc. to the December 17, 2002, Pleading Filed by the City of New York, Jan. 13, 2003, at 3.

In the same filings, the Railroads also ask the Board to withhold issuance of a CITU until they notify the Board that the City and the State of New York have provided assurances that they are prepared to meet conditions set by the Railroads. This is unnecessary. The Railroads may themselves simply refuse to execute any trails agreement until they receive satisfactory assurances.

²⁸ There is nothing to prevent the Railroads and the City from negotiating about terms of trail use in the period before a CITU is issued. See Union Pacific R.R. – Abandonment – Wallace Branch, ID, STB Docket No. AB-33 (Sub-No. 70) (served Nov. 15, 1996) (negotiation of a trail use agreement and implementation of interim trail use may proceed without issuance of a CITU where abandonment proceedings have not been completed).

resolution would be far preferable to continuing with this longstanding litigation before the Board.

Friends' primary concern is to preserve the historic High Line for the enjoyment of all, including future residents of New York and visitors to the City and potential future use as a transportation corridor. Accordingly, Friends endorses the City's efforts to obtain an agreement for interim trail use of the High Line. If the City is able to obtain and implement a trail use arrangement that contains terms satisfactory to all parties, the High Line would not be demolished, and there would be no need for the Board to decide the issues raised by several of the pleadings discussed above, including Friends' August 16 petition to reopen.

In its 1999 order denying CPO's request for a final abandonment, the Board encouraged the parties to make efforts to resolve outstanding issues through negotiation.²⁹ The Board should take the same approach now. The City has made substantial progress in bringing all parties to the table and proposing terms that may satisfy the interests of various parties while preserving the High Line. If a compromise can be achieved, it will be possible for railbanking of the High Line to proceed, and it will be unnecessary for the Board to resolve many of the issues now before it.

²⁹ Decision served July 14, 1999, at 5.

CONCLUSION

Preserving the High Line for use by current and future generations would be a magnificent achievement. The Board should consider how best to facilitate the City's efforts to structure a compromise that will satisfy the concerns of all parties, while allowing preservation of the High Line for future transportation use and for reuse for civic purposes in the meantime. As suggested above, the Board may wish to resolve some of the issues now before it – particularly the Railroads' question regarding the lawfulness of the CITU request – if it concludes that such resolution will assist the parties in achieving a negotiated resolution. Above all, the Board should encourage continued discussions among the parties in an effort to promote a final resolution of this matter.

Respectfully submitted,



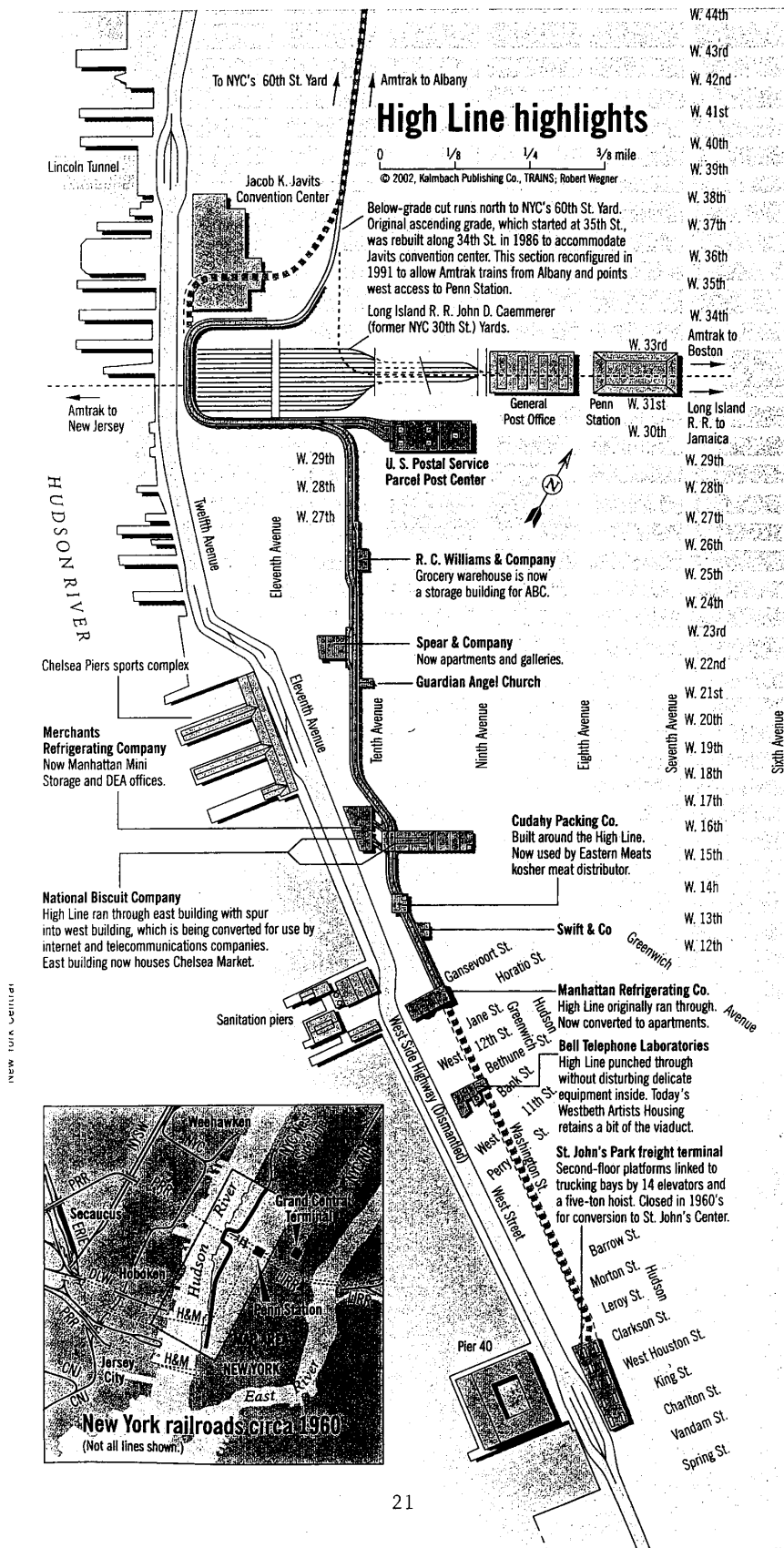
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July 17, 2003

ATTACHMENT A



Source: Joe Greenstein, *West Side Story: The Rise and Fall of Manhattan's High Line*, Trains, Mar. 2002 at 57

ATTACHMENT B

SUPPORTERS OF HIGH LINE PRESERVATION (SELECTIVE LIST)

ELECTED OFFICIALS

Mayor Michael Bloomberg
Speaker Gifford Miller
Senator Hillary Rodham Clinton
U.S. Representative Jerrold Nadler
Manhattan Borough President C. Virginia Fields
Councilmember Christine Quinn
State Senator Thomas Duane
State Senator Eric Schneiderman
State Senator Martin Connor
Assembly Member Richard Gottfried
Assembly Member Deborah Glick

SUPPORTING ORGANIZATIONS

The Municipal Art Society
Greenwich Village Society for Historic Preservation
Preservation League New York State
Dia Art Foundation
300 West Block Association
West 200 Block Association
Far West Chelsea Neighborhood Association
Hell's Kitchen Neighborhood Association
Fifteenth Street Block Association
Spears Building Board of Managers
Chelsea-Village Partnership
Save Gansevoort Market
Neighborhood Open Space Coalition
Design Trust for Public Space
New York Civic Trust for Public Land
New York Parks & Conservation Association
East Coast Greenway Alliance

Transportation Alternatives
New Yorkers for Parks
Open House New York
American Institute of Architects New York
The Kitchen
Rails-to-Trails Conservancy
Fine Arts Federation of New York
Place Matters
Minetta Brook
Institute for Rational Urban Mobility
Chelsea-Village Business Owners
NY Metro American Planning Association

LOCAL BUSINESSES

The Cleaver Company
2/20 Gallery
303 Gallery
Prestone Printing
American Fine Arts
Anton Kern Gallery
Art and Objects
Art Merchandising Inc.
Jim Kempner Fine Art
Luhning Augustine Gallery
The Aurora Gallery
Auto
Axis Gallery
Banchet Bianca Flowers
Deborah Bell Photographs
Belladonna Productions
ACA Galleries
Lost Art/Space 515
Art of this Century
Beyul
Steven Sclaroff
Denise Bibro Fine Art
David Binder Productions
XL
Tanya Bonakdar Gallery
Mary Boone Gallery
Chelsea Bistro & Bar
Boston Market
Boucher Jewelry
Le Cafetiere
Breukelen

Cynthia Broan Gallery
Bruce Wolf Studio
Plum Blossoms Gallery
Charles Bumgardner Creative Services
Clementine Gallery
Cabo Rojo Restaurant
Denise Cade Gallery Ltd.
Caren Golden Fine Art
Chappell Gallery
Blue Mountain Gallery
Paula Cooper Gallery
Cristineroose/Josée Bienvenu Gallery
eyestorm.com Ltd.
D'Amelio Terras
Urban Investments Advisers LLC
Version2 Editing
Cornell DeWitt Gallery
zingmagazine
Andrew Edlin Gallery
El Faro
Electronic Arts Intermix
Eleni's
Bottino
Thomas Erben Gallery
Eyemag Media Inc.
Feigen Contemporary
LFL Gallery
Fitz & Co
Fatima Productions
Kim Foster
La Luncheonette
Team Gallery
Fredericks Freiser Gallery
Barbara Gladstone Gallery
Gloo Design
Empire Diner/Nothing Heavy Inc.
Gotham Builders & Renovators, Inc.
Jay Grimm/James Graham & Sons
H55
Stephen Haller Gallery
2/20 Gallery
Mechanism Digital Inc.
Hell
Heller Gallery
Hellerstein Katz Inc
Glass
Steven Holl Architects

Howard Scott Gallery
 ZZZ Carpentry Inc.
 Stephan Jaklitsch Design
 1-20 Gallery
 Jeffrey
 Paul Kasmin Gallery
 The Thing Inc.
 HellKatz Design
 Greenberg/Kingsley
 Feigen Contemporary
 Klotz/Sirmon Gallery
 Kravets/Wehby Gallery
 First Street Gallery
 Ten in One Gallery
 Gallery Henoch
 Little Pie Company
 Long Fine Art
 Florence Lynch Gallery
 Chambers Fine Art
 Ricco/Maresca
 Kathryn Markel Fine Art
 Matthew Marks Gallery
 Gale-Martin Fine Arts
 Marvelli Galleri
 Bill Maynes Gallery
 David Krut Fine Art
 McKenzie Fine Art
 Manhattan Rickshaw Co.
 DUC Library Program
 Bound & Unbound
 Restaurant Florent
 Kanvas Bar & Lounge
 Viridian Artists Inc.
 White Box Gallery
 The Half King
 Metropolitan Pavilion
 Paint Box Gallery
 Parke & Ronen
 Gorney Bravin + Lee
 Creative Time
 Printed Matter, Inc.
 Max Protech Gallery
 Radio House Gallery
 Creative Time
 ARENA
 Yancey Richardson Gallery
 Briggs Robinson Gallery
 Paul Rodgers/9W
 Room Service Antiques
 Perry Rubenstein Gallery
 Joseph Helman
 Lot 61
 Bitforms
 Amy's Bread
 RN Realty LLC
 Neil Selkirk, Inc.
 The Lerner Group
 Alan's Alley
 Gary Snyder Fine Art

Solo Impressions Inc
 Liz Steger Photography
 Stretch
 Stefan Stux Gallery
 The Original Old Homestead
 DJT Fine Art
 Caelum Gallery
 Gary Tatintsian Gallery
 Tea & Sympathy
 MEET

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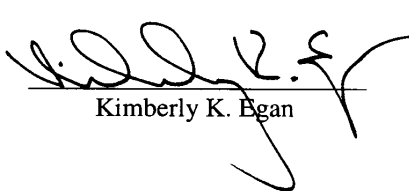
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