



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

MICHAEL A. CARDOZO
Corporation Counsel

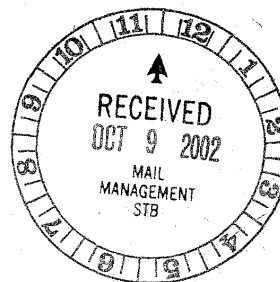
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October 9, 2002

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

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 the following documents:

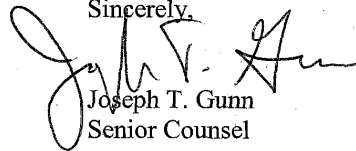
- (1) Motion of the City of New York for Leave To File a Reply to a Reply; and
- (2) Reply of the City of New York to Opposition of Chelsea Property Owners to Motion of The City of New York to Enlarge Time for Responding to Motion for Approval of Settlement Agreement.

In accordance with the Board's regulations I am also enclosing a diskette that includes the text of both 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,

A handwritten signature in black ink, appearing to read "Joseph T. Gunn", is written over the typed name.

Joseph T. Gunn
Senior Counsel

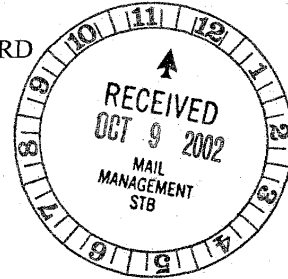
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BEFORE THE SURFACE TRANSPORTATION BOARD



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

**MOTION OF THE CITY OF NEW YORK FOR LEAVE TO FILE A REPLY TO A
REPLY**

The City of New York ("the City") hereby moves this Board pursuant to 49 C.F.R. §1117.1 for leave to file a reply to the Opposition of Chelsea Property Owners to Motion of the City of New York to Enlarge the Time for Responding to Motion for Approval of Settlement Agreement and Petition to Reopen, filed on October 1, 2002 (the "CPO Opposition"). The Reply that the City hereby seeks leave to file is attached to this Motion in anticipation of a favorable ruling on this Motion.

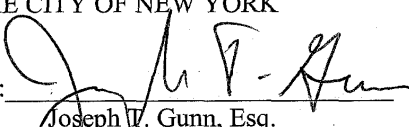
Although this Board's rules provide that a reply to a reply is not permitted, the City's Motion should be granted because the CPO Opposition includes factual inaccuracies. Because this Board will base its decision on the various motions that are pending in this proceeding on a record that is limited to the pleadings submitted by the parties and does not include any oral examination of the parties, the interests of the public would mandate the inclusion in that record

of information that corrects factual misstatements. The attached reply accomplishes that, without broadening the scope of the issues presented by the Motions now pending here.

WHEREFORE, the City respectfully requests this Board to grant its motion for leave to file a reply to a reply and accept the attached reply into the record in this proceeding.

Respectfully submitted,

THE CITY OF NEW YORK

By: 

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Dated: October 7, 2002

Certificate of Service

I, Joseph Gunn, certify that on the 9th day of October, 2002, I caused a copy of the foregoing MOTION OF THE CITY OF NEW YORK FOR LEAVE TO FILE A REPLY TO A REPLY to be served by first class mail on the parties listed below.

Counsel

Represents

Elizabeth Bradford
655 West 34th Street
New York, New York 10001-1188

(NYCCDC)

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New York Department of Transportation
Albany, NY 12232

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New York, New York 10017-3706

(MTA)

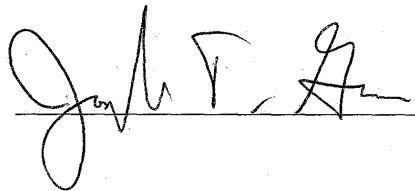
J. Michael Hemmer
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(Friends of the
High Line)

John Broadley, Esq.
Chelsea Property Owners
1054 31st Street, N.W. - Suite 200
Washington, D.C. 20007

(CPO)

Dated October 9, 2002

A handwritten signature in black ink, appearing to read "John T. Broadley", is written over a horizontal line.