



Courthouse News Service

Wednesday, December 14, 2011 Last Update: 9:32 AM PT



Urban Explorer Fights to Save Railroad

By ADAM KLASFELD

Like 7 Tweet ShareThis



MANHATTAN (CN) - An urban explorer demands \$135 million from New York City for shutting down the 19th century tunnel in Brooklyn that he discovered and turned into an historical landmark for the Brooklyn Historical Railway Association.

Robert Diamond, founder and chairman of the Brooklyn Historical Railway Association, sued New York City, its Department of Transportation and Fire Department, and six officials, in Kings County Court.

On Dec. 3, 1844, the Long Island Railroad Company opened the half-mile-long Atlantic Avenue Tunnel in Brooklyn.

Roughly 15 years later, the Atlantic Avenue Commission banned steam locomotives from Atlantic Avenue and called for the tunnel to be filled.

Diamond says the tunnel remained sealed for more than a century until he rediscovered it more than a century later, after hearing a radio broadcast when he was 19.

Diamond said the December 1979 broadcast revealed that Brooklyn "was home to a lost railroad tunnel."

Diamond sought information from city officials with Borough Engineers and people at the Topographical Maps Department of the Brooklyn Borough President's office. He says they told him "not to bother" looking for it because he would never find it, if it existed at all.

But he found it.

"Around July 1980, Diamond, based on his research, surmised that behind one of the walls of the abandoned tunnel was an old 1830s steam locomotive turned on its side and in pristine condition.

"Also based on his research, Diamond discovered an unmarked manhole that he believed led to the tunnel entrance, and after asking for assistance, went with New York City Department of Environmental Protection employees to open the manhole, but only a 3-foot drop with dirt fill was observable. At that point, the DEP crew left, saying, 'There is nothing there.'

"About a year later, Diamond arranged for a crew from the Brooklyn Union Gas Company to revisit the manhole, and this time he found a very narrow crawl space. He crawled seventy feet to the wall that sealed that tunnel, and with the assistance of the crew, penetrated the wall and entered the tunnel's interior.

"In 1982, the Brooklyn Historical Railway Association was formed, with Diamond as President, in part to preserve, publicize, and provide public access to the historic tunnel, and also to build and operate as public transportation, a moving trolley museum."

Diamond says more than "800 people lined up to see the antiquity" when he started tunnel tours on Oct. 10, 1982.

Seven years later, the Atlantic Avenue Tunnel was listed on the National Register of Historic Places, and remained a museum until late 2010, according to the complaint.

In June 2009, Department of Transportation counsel Franco Esposito, a defendant, sent Diamond a letter that began, "It has come to our attention that from time to time you have closed a part of the Atlantic Avenue roadway in Brooklyn. In order to gain access to a tunnel that is the subject of your revocable consent without appropriate governmental approvals."

On Dec. 17, 2010, defendant DOT executive Anne Koenig sent Diamond three letters revoking that "revocable consent," without justification, the complaint states. Diamond says the city and the Department of Transportation also revoked a contract to use the tunnel for a trolley to the Brooklyn neighborhood of Red Hook.

Diamond says the closing of the tunnel interfered with his contracts with Rooftop Films, a production company presenting an underground movie festival, and with National

Geographic, which filmed a one-hour television documentary about the tunnel's history.

A spokeswoman for the city sent Courthouse News the following statement: "The City withdrew its revocable consent owing to serious public safety concerns cited by FDNY, arising from the conditions in and the difficulty of access to the tunnel."

Diamond claims that his enterprise was defamed when the Fire Department of New York gave a similar statement to the Brooklyn Daily Eagle on Dec. 18, 2010: "This is not a safe place for the public to be allowed to go. It's dangerous down there," the FDNY was quoted as saying.

Diamond says in his complaint that the city gave no instructions on how to cure its alleged safety concerns.

"The DOT unreasonably refuses to allow BHRA or its engineers into the tunnel or to remedy any alleged deficiencies," the complaint states.

The DOT defendants include Commissioner Janette Sadik-Khan, executive Emma Berenblit, Koenig and Esposito. The FDNY defendants include Battalion Chief John Martorano and Commissioner Salvatore J. Cassano.

The 39-page complaint seeks \$135 million in punitive damages for 15 counts, including fraud, libel, breach of contract, tortious interference and waste of public funds.

Diamond is represented by Gabriel Salem. 

[Home](#) [Back to Top](#)

[Courthouse News Service](#) [Privacy Policy](#) [Search](#) [RSS](#) [About Us](#)