

BEFORE THE SURFACE TRANSPORTATION BOARD

IN THE MATTER OF)
NEW YORK CENTRAL LINES, LLC -)
ABANDONMENT EXEMPTION -)
IN VERMILLION AND WARREN)
COUNTIES, INDIANA)

STB DOCKET NO.: AB-565 (Sub-No. 4X)
~~AB-55 (Sub-No. 597X)~~



205231

JOINT MOTION FOR EXTENSION OF TIME

Flex-N-Gate Corporation ("Flex-N-Gate"), by counsel, and CSX Transportation, Inc. ("CSX"), by counsel, respectfully request that the Surface Transportation Board ("Board"), pursuant to 49 C.F.R. § 1104.7(b), grant the parties an additional sixty (60) days within which to enter into a purchase agreement which will result in continued rail service under 49 C.F.R. § 1152.27(f)(2), to and including June 28, 2002. In support of this Motion, the parties state as follows:

1. On January 28, 2002 Flex-N-Gate filed its Offer of Financial Assistance to purchase the line at issue in these proceedings.
2. On January 31, 2002, the Board found that Flex-N-Gate was a financially responsible entity and postponed the effective date of the decision authorizing the abandonment of the line at issue in these proceedings to allow the parties to reach an agreement.
3. On February 15, 2002, Flex-N-Gate filed a Motion for Extension of Time, and on February 26, 2002, the Board served its decision granting Flex-N-Gate's Motion and granting the parties until March 29, 2002 in which to enter into a purchase agreement which will result in continued rail service on the line at issue in these proceedings.
4. On March 19, 2002, Flex-N-Gate filed a Motion for Extension of Time, and on March 22, 2002, the Board served its decision granting Flex-N-Gate's Motion and granting the parties until April 29, 2002 in which to enter into a purchase agreement which will result in continued rail service on the line at issue in these proceedings.

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Office of the Secretary
APR 22 2002
Part of
Public Record

5. This Motion is being filed at least ten (10) days prior to April 29, 2002.

6. Flex-N-Gate and CSX are continuing to negotiate in good faith a purchase agreement and operating agreement for the line at issue in these proceedings. The oral agreement reached by the parties regarding the purchase price remains intact. However, counsel for Flex-N-Gate and the Director of Asset Management at CSX believe that additional time will be needed to negotiate and properly structure various aspects of the purchase agreement and operating agreement other than the purchase price. Flex-N-Gate submitted to CSX a draft proposed purchase agreement on March 13, 2002 and to date has not seen a substantive reply to that draft. However, CSX has advised that it is preparing a responsive draft, and Flex-N-Gate understands this will be forthcoming shortly.

7. The parties will continue to negotiate diligently and in good faith, and the parties will promptly present the Board with a purchase agreement which will result in continued rail service in the event that this Motion is granted and such an agreement is reached prior to June 28, 2002.

8. If the Board grants this Motion, Flex-N-Gate will promptly notify all parties to the proceeding of the extension and so certify to the Board, pursuant to 49 C.F.R. § 1104.7(b).

WHEREFORE, Flex-N-Gate and CSX hereby respectfully request that the Board grant the parties an additional sixty (60) days within which to enter into a purchase agreement which will result in continued rail service under 49 C.F.R. § 1152.27(f)(2), to and including June 28, 2002.

Respectfully submitted,

CSX TRANSPORTATION, INC.

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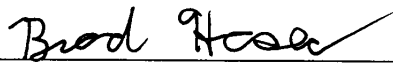
CERTIFICATE OF SERVICE

I certify that I have this day served copies of the foregoing Joint Motion for Extension of Time upon all parties of record in this proceeding, by Federal Express Priority Overnight on April 18, 2002.

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