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August 21, 2002



FedEx

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
Mercury Building, #711
1925 K Street, N.W.
Washington, DC 20423-0001

Re: Louisiana & Delta Railroad, Inc. - Abandonment
Exemption - Iberia Parish, Louisiana
Docket No. AB-318 (Sub-No. 5X)
**Request for Extension of Time
to File Notice of Consummation**

Dear Secretary Williams:

Enclosed for filing are the original and ten copies of the Request for Extension of Time to File Notice of Consummation being filed in connection with the above-referenced matter. Please time-stamp the extra copy of this letter to indicate receipt, and return it to me in the stamped, self-addressed envelope provided for your convenience.

ENTERED
Office of Proceedings

AUG 22 2002

Part of
Public Record

Respectfully,

Stephen B. Gollatz, Esq., for
ERIC M. HOCKY
Attorney for Louisiana & Delta
Railroad, Inc.

Enclosure



Before the
SURFACE TRANSPORTATION BOARD

LOUISIANA & DELTA RAILROAD, INC.
- ABANDONMENT EXEMPTION -
IBERIA PARISH, LA

Docket No. AB-318 (Sub-No. 5X)

Request for Extension of Time
to File Notice of Consummation

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Dated: August 21, 2002

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Before the
SURFACE TRANSPORTATION BOARD

LOUISIANA & DELTA RAILROAD, INC.
- ABANDONMENT EXEMPTION -
IBERIA PARISH, LA



Docket No. AB-318 (Sub-No. 5X)

**Request for Extension of Time
to File Notice of Consummation**

Louisiana & Delta Railroad, Inc. ("L&D") is filing this Request for Extension of Time pursuant to 49 CFR §1152.29(e) (2) to extend the time for filing a notice of consummation if the Board determines that such extension is necessary.

Background

The Board originally issued an abandonment exemption notice in a decision served July 26, 2001. The decision provided that L&D should file its notice of consummation by July 26, 2002 assuming there were no legal or regulatory barriers to consummation. Subsequently in a decision served August 24, 2001, the Board reopened the proceeding and imposed a 180 day trail use exemption and a number of environmental conditions, including a requirement that SEA be notified about the satisfaction of certain of the requirements. The August 24 decision was silent on whether the consummation date was extended until August 23,

2002; however, L&D and its counsel believed that the one year period set forth in 49 CFR §1152.29(e)(2) would run from when the decision was reopened.

In any event, L&D believed until very recently that it continued to be under a legal or regulatory barrier to consummation. As noted above, the August 24 decision imposed a number of environmental conditions on the abandonment and salvage of the line. While L&D has satisfied most of the requirements, it determined that it needed a stormwater permit from the Louisiana Department of Environmental Quality ("DEQ"). Although L&D applied for the permit in early May 2002, because of a change of personnel, no one at L&D had been able to determine the status of its permit application for some time. L&D contacted DEQ to determine the status of the application and received confirmation on August 9, 2002 that the permit had indeed been issued. (The permit was actually dated May 23, 2002, but it was sent to an L&D employee whose position was eliminated.) On or before September 6, 2002, L&D will file a supplemental report with SEA detailing its compliance with the applicable environmental conditions as specified in the Board's August 24 decision. When that is done, L&D understands that under 49 CFR §1152.29(e)(2) the legal and regulatory barriers would be gone and that it would have 60 days

to file the notice of consummation.¹

Although L&D believes it still has approximately 60 days to file that notice of consummation, it is filing this request to ensure that its abandonment authority does not lapse while it is confirming receipt of all of the required permits to allow salvage of the line and reporting thereon. See *Camas Prairie Railnet, Inc. - Abandonment - In Lewis, Nez Perce and Idaho Counties, ID*, STB Docket No. AB-564 (served October 4, 2001).

Request for Extension

Based on the foregoing, L&D requests that the Board confirm that L&D has a 60 day period to file its notice of consummation. L&D further requests that such 60 day period be deemed to commence on the earlier of September 6, 2002 or the date L&D actually files the required supplemental report with SEA, thus removing the final legal or regulatory barrier to consummation. If that timing is unacceptable to the Board, L&D requests that it be given 60 days from the date its management confirmed the issuance of the stormwater permit, namely August 9, 2002. Alternatively, to the extent the Board decides not to make either requested determination with respect to the 60 day period, L&D requests that the Board find that L&D has shown good cause to

¹ At this time, the upcoming sugar cane harvest (L&D's busiest service period of the year) may prevent L&D from salvaging the track before the 60 day period expires. Accordingly, L&D may need to seek additional time from the Board to file its notice of consummation.

extend the time for filing a notice of consummation for a period
of 60 days from the date of the Board's decision on this request.

Respectfully submitted,

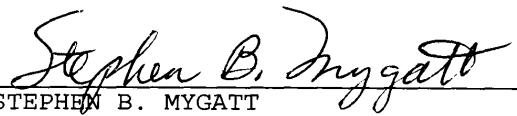
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Railroad, Inc.

DATED: August 21, 2002

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing Request for Extension of Time was served on the underlying landowner and the other potentially interested persons shown on the attached list by first class mail, postage prepaid.


STEPHEN B. MYGATT

Dated: August 21, 2002

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