

**BINGHAM** **MCHALE LLP**  
ATTORNEYS AT LAW

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February 14, 2002

VIA FEDERAL EXPRESS

Mr. Vernon A. Williams  
Secretary, Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423

Re: In the Matter of New York Central Lines, LLC –  
Abandonment Exemption – in Vermillion and Warren Counties, Indiana  
AB-565 (Sub-No. 4X) 204777  
AB-55 (Sub-No. 597X)

Dear Mr. Williams: 204778



Enclosed please find for filing an original and eleven (11) copies of the following document:

1. Motion for Extension of Time.

Please return a file-stamped copy in the enclosed self-addressed, stamped envelope. If you have any questions, please call me.

Very truly yours,

BINGHAM MCHALE LLP

*Brad Hasler*  
Bradley D. Hasler

BDH/lkb  
Enclosures

cc: Jeffrey T. Bennett (w/o encl.)  
Thomas D. Clarkson (w/encl.)  
Paul R. Hitchcock (w/encl. via Federal Express)  
Richard C. Vonnegut (w/encl. via Certified Mail and Federal Express)  
Louis E. Gitomer (w/encl. via Federal Express)

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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)

**MOTION FOR EXTENSION OF TIME**

Flex-N-Gate Corporation ("Flex-N-Gate"), by counsel, respectfully requests that the Surface Transportation Board ("Board"), pursuant to 49 C.F.R. § 1104.7(b), grant Flex-N-Gate an additional thirty (30) 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 March 29, 2002. In support of this Motion, Flex-N-Gate states 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. Pursuant to the Board's January 31, 2002 decision, the abandonment will become effective if the parties neither reach an agreement nor request the Board to establish the terms and conditions of the purchase price on or before February 27, 2002.
4. This Motion is being filed at least ten (10) days prior to February 27, 2002.
5. Flex-N-Gate and CSX Transportation, Inc. ("CSX") have begun negotiating and are continuing to negotiate in good faith a purchase 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 believe that additional time may be needed to confer

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with its client and with CSX regarding various aspects of the purchase agreement other than the purchase price.

6. Counsel for Flex-N-Gate has discussed its request for extension of time with the Director of Asset Management at CSX, and CSX has no objection to the extension of time sought by Flex-N-Gate.

7. Flex-N-Gate will continue to negotiate diligently and in good faith, and it 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 March 29, 2002.

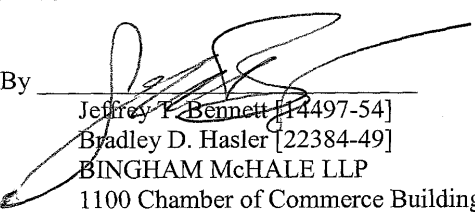
8. If the Board grants this Motion, Flex-N-Gate will promptly notify all parties to the proceeding of the extension and so certify to the Board, pursuant to 49 C.F.R. § 1104.7(b).

WHEREFORE, Flex-N-Gate hereby respectfully requests that the Board grant Flex-N-Gate an additional thirty (30) 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 March 29, 2002.

Respectfully submitted,

BINGHAM McHALE LLP

By

  
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Attorneys for Flex-N-Gate Corporation

**CERTIFICATE OF SERVICE**

I certify that I have this day served copies of the foregoing Motion for Extension of Time upon all parties of record in this proceeding, by Federal Express Priority Overnight on February 19, 2002.

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