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FILING FEE WAIVED

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO AB-341 (Sub-No. 1X)

SOUTHWESTERN RAILROAD COMPANY, INC
—ABANDONMENT EXEMPTION—
IN ELLIS COUNTY, OK, AND
LIPSCOMB, OCHILTREE, AND HANSFORD COUNTIES, TEXAS

MOTION FOR 180 DAY EXTENSION OF NITU NEGOTIATION PERIOD

Comes now the Top of Texas Rural Rail Transportation District ("TTRRTD"), by and through its undersigned counsel, and moves, with the consent of Southwestern Railroad Company, Inc. (per its counsel, Mr. Karl Morell), for a 180-day extension in the NITU negotiation period applicable in this proceeding.

Pursuant to 49 C F R 1002.2(f)(1), "[f]iling fees are waived for an application or other proceeding ... which is filed by a state or local government entity. TTRRTD is a public body and a political subdivision of the State of Texas pursuant to Article 6550c, Tex. Rev. Civ Stat. (2006) TTRRTD hereby requests waiver of the filing fee for this NITU extension pursuant to the cited regulation

Southwestern Railroad Company, Inc. continues to express willingness to negotiate a sale of the properties involved in this proceeding to TTRRTD and the NITU will facilitate this process. The extension here will foster the preservation of this corridor for future rail use and interim trail use. This is the only truly viable potential future rail corridor into Lipscomb, Ochiltree and Hansford Counties, Texas.

Because of extenuating circumstances beyond the parties' control, the sales agreement was unable to be consummated at an earlier date. Nevertheless, the parties are intent upon completing the transaction in the near future.

Conclusion

For all the foregoing reasons, the Board should extend the NITU negotiation period for an additional 180 days through and including May 13, 2009

Respectfully submitted,

Richard H. Streeter /s/

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Dated: November 14, 2008

Certificate of Service

I, Richard H. Streeter, do hereby certify that a true copy of the foregoing Petition was served this 28th day of August, 2007, on the following, by e-mail

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