

JAMES P. CARROLL  
ALAN B. GEORGE  
PAUL S. KULIG  
THOMAS J. LAYDEN  
RICHARD S. SMITH  
CHRISTOPHER P. SULLIVAN

**KEYSER CROWLEY**  
A PROFESSIONAL CORPORATION PROVIDING LEGAL SERVICES  
29 South Main Street  
Rutland, Vermont 05701-5014

Telephone (802) 775-2100 • Telecopier (802) 775-6795

OF COUNSEL  
JOHN P. CROWLEY  
F. RAY KEYSER, JR.

Writer's email address  
ageorge@keycrow.com  
Writers direct ext. #237

228301

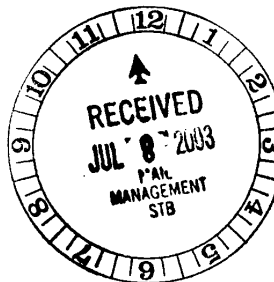
Office of Hearings

JUL 8 2003

July 2, 2003

Secretary  
Surface Transportation Board  
Washington, D.C. 20423

Re: Finance Docket No. 34364  
Vermont Railway, Inc.



Dear Secretary:

Enclosed for filing are the original and ten copies of the Town of Wallingford, Vermont's Motion for Extension of Time.

Thank you.

Very truly yours,

Alan B. George, Esq.

208304

Office of the Secretary

JUL 03 2003

Part of

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
FINANCE DOCKET NO. 34364  
VERMONT RAILWAY, INC. --  
PETITION FOR DECLARATORY ORDER



**MOTION FOR EXTENSION OF TIME**

The Town of Wallingford, Vermont respectfully asks the Surface Transportation Board to grant a 45-day extension of time for interested parties to respond to Vermont Railway's Petition for Declaratory Order. In support of this motion, the Town of Wallingford avers the following:

1. Vermont Railway filed this petition for a declaratory ruling with the Surface Transportation Board on June 17, 2003.
2. The Town of Wallingford did not receive copies of these filings until June 20, 2003.
3. The Town of Wallingford fully intends to respond to Vermont Railway's request for a declaratory ruling. In order to respond adequately to the complex issues raised by Vermont Railway's petition, the Town of Wallingford will need additional time beyond the 20 days set forth in 49 C.F.R. § 1104.13(a).
4. The Town of Wallingford, until it received this petition, had no knowledge of Vermont Railway's intended plans for a site in Wallingford, Vermont and needs time to investigate Vermont Railway's plans and claims relating to the preemption of the Town's zoning ordinances to any proposed railroad activities at that site.

5. The Town of Wallingford has very limited resources with which to prepare its responses. The Select Board meets on the first and third Monday of the month, but held a special joint meeting with the Town Planning Commission on Monday, June 30<sup>th</sup> to address the Vermont Railway's plans as described in the request for a declaratory ruling. The Town decided to retain the undersigned counsel and did so on July 1, 2003. It is not feasible for the undersigned counsel to adequately respond to Vermont Railway's petition pleadings without an extension of time.

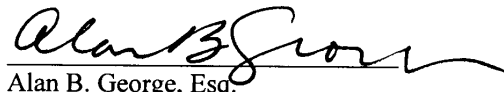
6. This Board has authority to grant an extension of time under 49 C.F.R. § 1104.7.

7. The Town of Wallingford requests 45 additional days in which to respond to Vermont Railway's petition, or until August 21, 2003.

WHEREFORE, the Town of Wallingford requests the Board to grant its motion for an extension of time.

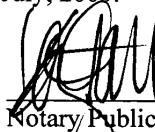
TOWN OF WALLINGFORD, VERMONT

by:



Alan B. George, Esq.  
Keyser Crowley, P.C.  
29 South Main Street  
Rutland, VT 05701

Signed and sworn before me this 2<sup>nd</sup> day of July, 2003.



Notary Public

My commission expires: 2/10/07

Page 2 of 3

KEYSER CROWLEY, P.C.  
ATTORNEYS AT LAW

27-29 SOUTH MAIN STREET • RUTLAND, VERMONT 05701-5014

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Motion for Extension of Time has, this 2<sup>nd</sup> day of July, 2003, been served by first-class mail, postage prepaid, to the following:

Andrew P. Goldstein  
McCarthy, Sweeney & Harkaway, P.C.  
Suite 600  
2175 K Street, NW  
Washington, DC 20037

Michael Pologruto  
Vermont Agency of Transportation  
133 State Street  
Montpelier, Vermont 05633

Eric R. Benson  
P.O. Box 65238  
Champlain Station  
Burlington, Vermont 05406

Melissa Whitmore, Chair  
Wallingford Planning Commission  
P.O. Box 237  
Wallingford, Vermont 05773-0237

Robert B. Luce  
Downs Rachlin & Martin  
P.O. Box 190  
Burlington, Vermont 05402-0190

Elizabeth Lord, Esq.  
Agency of Natural Resources  
103 S. Main St., Center Building  
Waterbury, Vermont 05671-0301

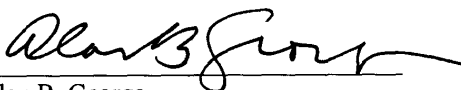
William Burke, Coordinator  
District 1 Environmental Commission  
440 Asa Bloomer State Office Building  
Rutland, Vermont 05701-5903

Bill Loshen, Chair  
Town of Wallingford Selectboard  
P.O. Box 327  
Wallingford, Vermont 05773-0327

Patricia Moulton Powden, Chair  
Vermont Environmental Board  
Nat'l Life Records Ctr Bldg-Drawer 20  
Montpelier, Vermont 05620-3201

Rutland Regional Planning Commission  
P.O. Box 965  
Rutland, Vermont 05702-0965

Jeanne Elias, Esq.  
Assistant Attorney General  
109 State Street  
Montpelier, Vermont 05609-1001

  
Alan B. George