

SERVICE DATE - MAY 8, 1997

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-402 (Sub-No. 4X)

FOX VALLEY & WESTERN LTD.--COMPANY--ABANDONMENT EXEMPTION--
IN MANITOWOC AND BROWN COUNTIES, WI

Decided: May 5, 1997

On April 12, 1996, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for the Wisconsin Department of Natural Resources (WISDNR) to negotiate an interim trail use/rail banking agreement with Fox Valley & Western Ltd. (FVW) for its line of railroad between Rockwood and Denmark, in Manitowoc and Brown Counties, WI. The initial 180-day negotiating period expired on November 11, 1996, but was extended through May 1, 1997, by decision served November 12, 1996.

On April 30, 1997, WISDNR and FVW filed a joint motion to extend the negotiating period until October 28, 1997, to complete an interim trail use/rail banking agreement. The parties state that an initial timely offer has been made and that negotiations are currently continuing. The parties further state that additional time is needed to finalize negotiations.

Because FVW is willing to continue trail use negotiations with WISDNR and an extension of the negotiation period will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act), the requested extension will be granted.¹ The purpose of the Trails Act is to preserve rail corridors for possible reactivation of rail service by permitting and encouraging their interim use as recreational trails. *See Policy Statement on Rails to Trails Conversions*, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990).

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The joint motion of WISDNR and FVW is granted.
2. The negotiation period under the NITU is extended to October 28, 1997.
3. This decision is effective on the service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary

¹ Where, as here, the carrier has not consummated the abandonment at the end of the previously imposed negotiating period and is willing to continue trail use negotiations, the Board retains jurisdiction to extend the NITU negotiating period. *See Rail Abandonments--Supplemental Trails Act Procedures*, 4 I.C.C.2d 152, 157-58 (1987); *Missouri Pacific Railroad Company--Abandonment in OK*, Docket No. AB-3 (Sub-No. 63) (ICC served Jan. 2, 1990); and *St. Louis Southwestern Railway Company--Abandonment in Smith and Cherokee Counties, TX*, Docket No. AB-39 (Sub-No. 12) (ICC served Mar. 27, 1992).