

30884
DO

SERVICE DATE - MARCH 15, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-402 (Sub-No. 6X)

FOX VALLEY & WESTERN LTD.--ABANDONMENT EXEMPTION--
IN WAUPACA COUNTY, WI

Decided: March 9, 2000

By decision and notice of interim trail use or abandonment (NITU) served on March 30, 1999, a 180-day period was authorized for the Wisconsin Department of Natural Resources (WisDNR), acting through the Wisconsin Department of Transportation, to negotiate an interim trail use/rail banking agreement with Fox Valley & Western Ltd. (FVW) for a 10.7-mile line of railroad, known as the Manawa-Scandinavia Line, extending from milepost 50.3 near Manawa to the end of the line at milepost 61.0 in Scandinavia, in Waupaca County, WI. The 180-day negotiating period was extended until March 24, 2000, by decision served September 24, 1999.

By joint motion filed March 3, 2000, WisDNR and FVW have requested an extension of the negotiating period for an additional 180 days from March 24, 2000, in which to conclude negotiations. The parties state that WisDNR has made an initial timely offer to FVW. However, the parties indicate that, while negotiations are currently continuing in good faith between them, more time is needed to finalize negotiations.

The parties' request is reasonable. The requested extension will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). An extension of the trail use negotiating period may be granted in these circumstances if the carrier is willing to continue negotiations. As noted FVW is willing to do so here. Accordingly, the extension will be granted.

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

It is ordered:

1. The joint motion to extend the NITU negotiating period is granted.
2. The NITU negotiating period is extended until September 20, 2000.

STB Docket No. 402 (Sub-No. 6X)

3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary