



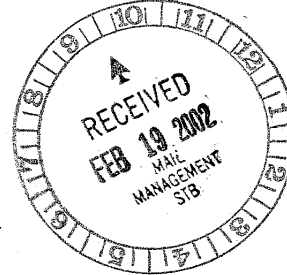
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Via Overnight Delivery

February 15, 2002

204725



Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

ENTERED
Office of the Secretary
FEB 19 2002
Part of
Public Record

Re: Docket No. AB-402 (Sub No. 6X), Fox Valley & Western Ltd. – Abandonment
Exemption – Waupaca County, Wisconsin – Petition for Extension of Notice
Of Interim Trail Use

Dear Secretary Williams:

Enclosed please find an original and ten copies of the Joint Motion of Fox Valley & Western Ltd. and Wisconsin Department of Natural Resources to extend the Notice of Interim Trail Use negotiating period deadline currently in place (March 14, 2002) for the above-referenced abandonment by an additional 180 days.

Very truly yours,

Michael J. Barron, Jr.
Counsel for Fox Valley & Western Ltd.

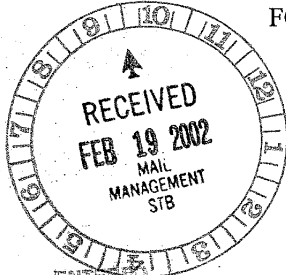
Attachments

cc: Allyn Lepaska

204785

AB-402 (SUB-NO. 6X)

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



Office of the Secretary

FEB 19 2002

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Public Record

**WISCONSIN DEPARTMENT OF NATURAL RESOURCES
AND FOX VALLEY & WESTERN JOINT MOTION FOR
AN EXTENSION OF TIME TO REACH AGREEMENT
FOR AN INTERIM TRAIL USE/RAIL BANKING AGREEMENT**

BACKGROUND

On December 10, 1998, the Fox Valley & Western Ltd. (FVW) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. § 10502 for exemption from the provisions of 49 U.S.C. § 10903 to abandon a line of railroad known as the Manawa-Scandinavia Line, extending between milepost 50.3 near Manawa to the end of the line railroad milepost 61.0 in Scandinavia, a distance of 10.7 miles, in Waupaca County, WI. The line traverses U.S. Postal Service Zip Codes 54949, 54962, and 54977 and includes the station at Scandinavia (milepost 61.0).

On July 21, 1998, the Wisconsin Department of Natural Resources signed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 C.F.R. § 1152.29. This statement is for the segment of FVW railroad line between Manawa Milepost 50.3 to Scandinavia Milepost 61.0, a distance of approximately 10.7 miles in Waupaca County, Wisconsin.

On December 22, 1998, the Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources filed a request for a notice of interim trail use/rail banking (NITU) under 16 U.S.C. § 1247(d) and 49 CFR § 1152.29. FVW

indicated its willingness to negotiate with WisDNR for interim trail use. The Board issued a NITU under 49 CFR § 1152.29, which was served on March 30, 1999, allowing the WisDNR the full 180 days from date of service to negotiate a rail banking agreement with FVW. The 180 day period under NITU was scheduled to expire on September 26, 1999.

By joint motion filed on September 15, 1999, WisDNR and FVW requested an extension of the negotiating period for an additional 180 days. The Board granted the extension of the negotiation period under 49 CFR § 1152.29, which was served on September 24, 1999, allowing the WisDNR until March 24, 2000 to negotiate a rail banking agreement with FVW.

By joint motion filed on March 3, 2000, WisDNR and FVW requested an extension of the negotiating period for an additional 180 days. The Board granted the extension of the negotiation period under 49 CFR § 1152.29, which was served on March 15, 2000, allowing the WisDNR until September 20, 2000 to negotiate a rail banking agreement with FVW.

By joint motion filed on September 7, 2000, WisDNR and FVW requested an extension of the negotiating period for an additional 180 days. The Board granted the extension of the negotiation period under 49 CFR § 1152.29, which was served on September 18, 2000, allowing the WisDNR until March 19, 2000 to negotiate a rail banking agreement with FVW.

By joint motion filed on March 8, 2001, WisDNR and FVW requested an extension of the negotiating period for an additional 180 days. The Board granted the extension of the negotiation period under 49 CFR § 1152.29, which was served on March

19, 2001, allowing the WisDNR until September 15, 2001 to negotiate a rail banking agreement with FVW.

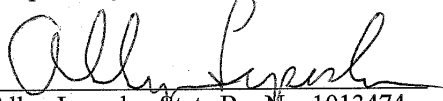
By joint motion filed on August 28, 2001, WisDNR and FVW requested an extension of the negotiating period for an additional 180 days. The Board granted the extension of the negotiation period under 49 CFR § 1152.29, which was served on September 12, 2001, allowing the WisDNR until March 14, 2002 to negotiate a rail banking agreement with FVW.

WisDNR made an initial timely offer to FVW. Negotiations are currently continuing in good faith between WisDNR and FVW. However, more time is needed to finalize negotiations. FVW is agreeable to an extension of time to continue negotiations.

MOTION

Therefore, WisDNR and FVW move that the period prescribed to negotiate an interim trail use/rail banking agreement be extended for 180 days.

Respectfully submitted,



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February 11, 2002