

204787



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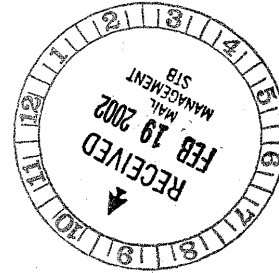
Via Overnight Delivery

February 15, 2002

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Office of the Secretary

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

Re: Docket No. AB-402 (Sub No. 8X), Fox Valley & Western Ltd. – Abandonment
Exemption – Brown and Outagamie Counties, 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 (February 25, 2002) for
the above-referenced abandonment by an additional 180 days.

Very truly yours,

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

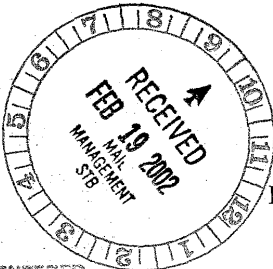
Attachments

cc: Allyn Lepeska

204787

AB-402 (SUB-NO. 8X)

**FOX VALLEY & WESTERN LTD. -- ABANDONMENT EXEMPTION --
IN BROWN & OUTAGAMIE COUNTIES, WISCONSIN**



**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**

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BACKGROUND

On November 13, 2000, 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 Green Bay-New London Line, extending between milepost 4.78 west of Green Bay and milepost 38.98 in New London, in Brown and Outagamie Counties, WI, a distance of 34.2 miles. The line traverses U.S. Postal Service Zip Codes 54311, 54155, 54165, 54170, and 54461 and includes the station at Oneida (milepost 10.5), Seymour (milepost 17.0), Black Creek (milepost 23.5) and Shiocton (milepost 30.6).

On December 14, 2000, 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 Green Bay Milepost 4.78 to New London Milepost 38.98, a distance of approximately 34.2 miles in Brown and Outagamie Counties, Wisconsin.

On November 13, 2000, 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 2, 2001, 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 August 29, 2001.

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 5, 2001, allowing the WisDNR until February 25, 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.

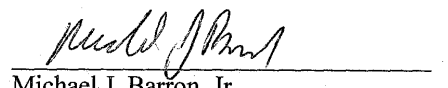
MOTION

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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Wisconsin Department of Transportation
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February 11, 2002


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