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16 April 2007

Hon. Vernon Williams
Secretary
Surface Transportation Board
395 E Street S.W.
Washington, D.C. 20024 (express zip)

Re: Kettle Falls International Railway --
Abandonment Exemption, AB ~~944X~~ 994X

Motion for NITU Extension, action requested by
9 May 2007

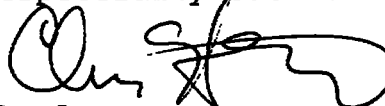
Dear Secretary Williams:

Enclosed for filing please find the original and ten copies of a motion to extend the NITU in this proceeding. The current NITU expires on May 9, 2007. The 180 day extension sought would result in expiration on or about November 5, 2007. This is the first extension sought. Kettle Falls International Railway consents.

This motion for extension is on behalf of Ferry County, Washington, which is a unit of local government. Pursuant to 49 C.F.R. § 1002.2(f)(1), "[f]iling fees are waived for an application ... which is filed by ... a ... local government entity." Ferry County requests waiver of the filing fee for this NITU extension pursuant to the cited regulation.

Thank you for your assistance in this matter.

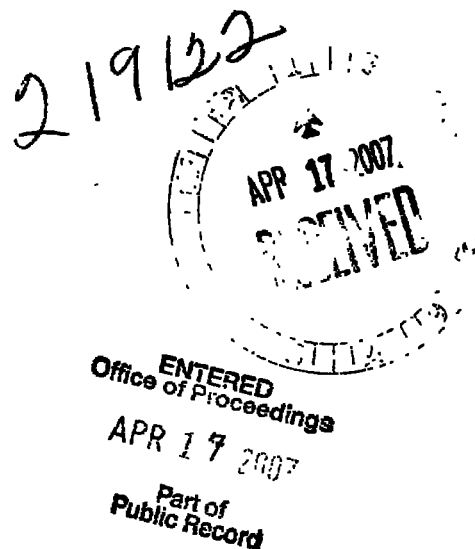
Respectfully submitted,



Charles H. Montange
for Ferry County

Encls.

cc. Ferry County Commissioners (w/encl.)
Kettle Falls International Railway (w/encl.)



BEFORE THE SURFACE TRANSPORTATION BOARD

Kettle Falls International Railway --)
Abandonment Exemption --) AB-994X
in Ferry County, WA)



Motion for Extension
of the
Notice of Interim Trail Use
Negotiation Period

Action Requested by May 9, 2007

Ferry County (WA) moves to extend the "Notice of Interim Trail Use" ("NITU") negotiation period for 180 days in the above captioned proceeding. Ferry County is authorized to state that Kettle Falls International Railway consents to the requested extension.

Background

This Board issued a Decision and Notice of Interim Trail Use in the above captioned proceeding on October 11, 2006. The Decision and NITU provided for a negotiation period of 180 days from the effective date of the Decision. The Decision was effective on November 10, 2006. The 180-day negotiation period therefore expires on or about May 9, 2007.

Grounds for Motion

This Board has followed its predecessor's practice of "appl[ying] the Trails Act broadly" and in particular, STB like ICC "ha[s] always extended the negotiating period ... where the parties need longer than the 6-month period provided by [agency] rules." Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-no. 13B), served Jan. 29, 1990.

Ferry County and Kettle Falls International Railway are

diligently pursuing negotiations for interim trail use and railbanking of the rail line at issue in this proceeding. To this end, the parties have exchanged a draft contract and comments. It is Ferry County's understanding that Kettle Falls is preparing another draft for review. Delays have occurred while the parties consult with BNSF Railway about certain interests BNSF may have retained in the property. However, the parties continue to expect an agreement to be reached, and believe that a further extension of 180 days will be sufficient for that purpose. Since the line has not yet been salvaged, and since substantial progress toward a railbanking agreement is being made, ample grounds exist for an extension of the negotiation period.

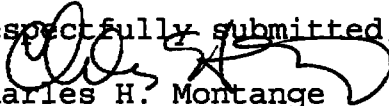
By Ferry County's calculation, the NITU negotiation period will end on November 5, 2007, should this motion be granted.

This is the first extension sought.

Conclusion

For the reasons stated above, Ferry County (with the consent of Kettle Falls International Railway) requests that this Board grant Ferry County's motion for a NITU negotiation period extension of 180 days through and including November 5, 2007.

Ferry County requests action on this motion prior to May 9, 2007 (when the current NITU negotiation period lapses) in order to avoid any question concerning the agency's jurisdiction to authorize the requested extension.

Respectfully submitted,

Charles H. Montange
426 NW 162d St.
Seattle, WA 98177
206-546-1936
for Ferry County

cc. Ferry County Commissioners

Certificate of Service

I hereby certify service by U.S. Mail pre-paid first class upon Karl Morell, counsel for Kettle Falls International Railway, Ball Janik, 1455 F Street, NW, Suite 225, Washington, D.C. 20005, and by email attachment upon Mike Ogborn, Kettle Falls International Railway (Omnitrax) this 16th day of April, 2007.

