

CHARLES H MONTANGE
ATTORNEY AT LAW
426 NW 162ND STREET
SEATTLE WASHINGTON 98177

(206) 546-1936
FAX (206) 546 3739

23 October 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
November 5, 2007

ENTERED
Office of Proceedings

OCT 24 2007

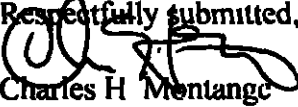
Part of
Public Record

Dear Secretary Williams

Enclosed for filing please find the original and ten copies of a motion to extend the NITU negotiation period in this proceeding. The NITU negotiation period currently expires on November 5. Ferry County by the enclosed motion seeks a 180 day extension, to and including May 4, 2008. Kettle Falls International Railway consents (per email communication from Railway's counsel, Karl Morell)

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 (WA) is a unit of local government in the State of Washington. Consistent with prior fee waivers for the County which the Board has granted in this proceeding, 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. Mr. Morell (Kettle F. I. Rwy) (w/encl.)
Ferry County Commissioners (w/encl.)

BEFORE THE SURFACE TRANSPORTATION BOARD

Kettle Falls International Railway -)
Abandonment Exemption -) AB 944X
in Ferry County, WA)

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

Action Requested by November 5, 2008

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 (per its counsel, Mr. Karl Morell) consents to the requested extension. This is the second extension sought.

Grounds

This Board granted a NITU in this proceeding on October 11, 2006. The initial negotiation period was subsequently extended through November 5, 2007. The parties have exchanged a draft contract and Ferry County is awaiting a revision from Kettle Falls International Railway, which the County understands is attempting to coordinate with BNSF, which is said to retain certain interests in the corridor in question (should the corridor not be fully abandoned). Ferry County remains interested in preserving the corridor for future rail reactivation and interim trail purposes.

This Board applies the Trails Act broadly and customarily extends the NITU negotiation period where the parties need more than the initial six month period to conclude an agreement.

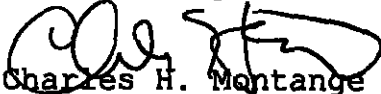
Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-no. 13B), served Jan. 29, 1990. More time is required here due to the need to coordinate with a third party. It is appropriate to extend the NITU negotiation period an additional 180 days here.

Conclusion

For the reasons stated above, Ferry County, with the consent of Kettle Falls International Railway, requests that the Board extend the NITU by 180 days from November 5, 2007, to and including May 4, 2008. Because the current NITU extension expires on November 5, Ferry County requests that the Board act on or before that date in order to obviate any jurisdictional questions.

By my signature below, I certify service by fax transmission and U.S. Mail, postage pre-paid, first class, upon counsel for Kettle F.I. Rwy. (Karl Morell) at his address of record, this 23d day of October, 2007.

Respectfully submitted,



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