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SERVICE DATE - LATE RELEASE NOVEMBER 12, 1996

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-402 (Sub-No. 4X)

FOX VALLEY & WESTERN LTD.--ABANDONMENT EXEMPTION--
IN MANITOWOC AND BROWN COUNTIES, WI

Decided: November 8, 1996

On March 25, 1996, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for the Wisconsin Department of Natural Resources (WISDNR) to negotiate an interim trail use/rail banking agreement with Fox Valley & Western Ltd. (FVR) for its line of railroad between milepost 83.5 in Rockwood and milepost 97.5 in Denmark, in Manitowoc and Brown Counties, WI. The 180-day negotiation period expires on November 11, 1996.

On October 31, 1996, WISDNR and FVR filed a joint motion to extend the negotiating period until May 1, 1997, to complete interim trail use/rail banking agreement.- The parties state that an initial timely offer has been made and that negotiations are currently continuing. The parties further state that additional time is needed to finalize negotiations.

Because FVR is willing to continue trail use negotiations with WISONR and an extension of the negotiation period will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act), the requested extension will be granted. The purpose of the Trails Act is to preserve rail corridors for possible reactivation of rail service by permitting and encouraging their interim use as recreational trails. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990).

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

It is ordered:

1. The joint motion of WISONR and FVR is granted.
2. The negotiating period under the NITU is extended to until May 1, 1997.
3. This decision is effective on the service date.

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

Vernon A. Williams
Secretary