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SERVICE DATE - SEPTEMBER 24, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-402 (Sub-No. 6X)

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

Decided: September 21, 1999

On March 30, 1999, a decision and notice of interim trail use or abandonment (NITU) was served in this proceeding, authorizing Fox Valley & Western Ltd. (FVW) to abandon a 10.7-mile line of railroad, known as the Manawa-Scandinavia Line, extending from milepost 50.3 near Manawa to the end of the line at milepost 61.0 in Scandinavia, in Waupaca County, WI. In the same decision, the Wisconsin Department of Natural Resources (WisDNR), acting through the Wisconsin Department of Transportation, was granted a period of 180 days to negotiate an interim trail use/rail banking agreement with FVW for the right-of-way. The negotiating period is scheduled to expire on September 26, 1999.

By joint motion filed September 15, 1999, WisDNR and FVW have requested an extension of the negotiating period for an additional 180 days until March 24, 2000, in which to complete negotiations. The parties indicate that WisDNR has made an initial timely offer to FVW and that negotiations are currently continuing in good faith. They add, however, that more time is needed to finalize negotiations.

The parties' request is reasonable. The requested extension will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). An extension of the trail use negotiating period may be granted in these circumstances if the carrier is willing to continue negotiations. As noted, FVW is willing to do so here. Accordingly, the extension request will be granted.

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

It is ordered:

1. The request to extend the interim trail use negotiating period is granted.
2. The negotiating period under the NITU is extended for a period of 180 days from September 26, 1999, or until March 24, 2000.

STB Docket No. AB-402 (Sub-No. 6X)

3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary