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SERVICE DATE - JULY 22, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-402 (Sub-No. 5X)

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

Decided: July 16, 1999

By decision and notice of interim trail use or abandonment (NITU) served on August 3, 1998, a 180-day period was authorized for the Wisconsin Department of Natural Resources, acting through the Wisconsin Department of Transportation (collectively referred to as WisDNR/DOT), to negotiate an interim trail use/rail banking agreement with Fox Valley & Western Ltd. (FVW)¹ for FVW's 16.7-mile line of railroad, known as the Luxemburg-Kewaunee Line, extending from milepost 18.9 near Luxemburg to milepost 35.6 at the end of the line near Kewaunee, in Kewaunee County, WI. At the joint request of WisDNR/DOT and FVW, the 180-day negotiating period under the NITU was extended to July 29, 1999, by decision served on January 28, 1999.

On July 13, 1999, WisDNR/DOT and FVW jointly filed a motion for an extension of the NITU negotiating period for an additional 180 days. They state that negotiations are continuing in good faith, but that more time is needed to finalize negotiations.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.² 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). Accordingly, the NITU negotiating period will be extended for an additional 180 days from July 29, 1999.

This action 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 WisDNR/DOT and FVW is granted.
2. The negotiating period under the NITU is extended for 180 days until January 25, 2000.

¹ FVW is a wholly owned subsidiary of Wisconsin Central Transportation Corporation.

² See Rail Abandonments--Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).

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3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary