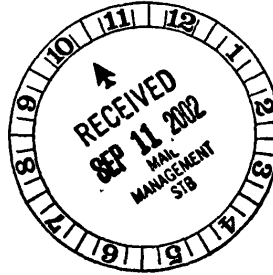




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206185

September 10, 2002

Via Overnight Delivery

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

ENTERED
Office of Proceedings *js*

SEP 11 2002

Part of
Public Record

Re: Docket No. AB-402 (Sub No. 8X), Fox Valley & Western Ltd. –
Abandonment Exemption – Brown and Outagamie Counties, Wisconsin

Dear Secretary Williams:

Enclosed for filing in the above-captioned proceeding, pursuant to 49 C.F.R. 1152.29(e) (2), are an original and ten copies of the Request for Extension of Time to File a Notice of Consummation of Fox Valley & Western Ltd.

Very truly yours,


Michael J. Barron, Jr.
Counsel for Fox Valley & Western Ltd.

Encls.

cc: James Bittorf, Oneida Law Office

206/85



BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-402 (SUB-NO. 8X)

FOX VALLEY & WESTERN LTD. — ABANDONMENT EXEMPTION —
IN BROWN AND OUTAGAMIE COUNTIES, WISCONSIN

REQUEST FOR EXTENSION OF TIME
TO FILE NOTICE OF CONSUMMATION

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Public Record

Michael J. Barron, Jr.
Counsel for Fox Valley & Western Ltd.
Canadian National/Illinois Central
455 North Cityfront Plaza Drive
Chicago, IL 60611-5317
(312) 755-7954

Dated: September 10, 2002

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BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-402 (SUB-NO. 8X)

FOX VALLEY & WESTERN LTD. — ABANDONMENT EXEMPTION —
IN BROWN AND OUTAGAMIE COUNTIES, WISCONSIN

**REQUEST FOR EXTENSION OF TIME
TO FILE NOTICE OF CONSUMMATION**

Fox Valley & Western Ltd. ("FVW") hereby petitions the Board, pursuant to 49 C.F.R. 1152.29(e)(2), for an extension of time for filing a notice of consummation in the above-referenced abandonment from milepost 4.78 to 14.9.

BACKGROUND

The Board originally issued an abandonment exemption in this proceeding on March 2, 2001. The Board's decision imposed a 106 Historical Review Condition as well as a Notice of Interim Trail Use Condition on the entire abandonment (milepost 4.78 to milepost 38.98). The Board imposed a number of environmental conditions as well. In a decision served August 15, 2001, the Board modified the 106 Historical Review Condition so that it applied only within the boundaries of the Oneida Indian Reservation (milepost 4.78 to milepost 14.9). In a decision served August 19, 2002, the Board extended the NITU for the portion of the line from milepost 14.9 to milepost 38.98, and granted FVW the authority to fully consummate the abandonment from milepost 4.78 to milepost 14.9. The August 19, 2002 order said FVW could consummate the abandonment for the subject mileposts once all conditions contained on the original order (served March 2, 2001) had been met.

DISCUSSION

Rules found at 49 C.F.R. § 1152.29 direct that FVW must fully consummate the abandonment for the subject mileposts within sixty days after all legal and regulatory barriers have been removed. The 106 Historical Review Process has not yet resulted in a Memorandum of Agreement, or "MOA." However both the Board's SEA and FVW are continuing to finalize one expeditiously. Nevertheless, the delay in finalizing the MOA has significantly pushed back FVW's plans for salvaging the line. In addition, many of the other conditions (such as consulting with various environmental and local regulatory agencies) would not be done normally until right before salvage would start. FVW had originally intended on undertaking salvage on the line from milepost 4.78 to milepost 14.9 in the late fall of 2001 or early winter of 2002. As the Historical Review Process prevented that, FVW projects, due to capital needs and requirements, that it may not undertake salvage until as late as 2005.

REQUEST FOR RELIEF

FVW respectfully requests the Board extend the consummation date in this abandonment for the portion of the line from milepost 4.78 to milepost 14.9 to July 31, 2005.

Respectfully submitted,

By: 
Michael J. Barron, Jr.
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455 North Cityfront Plaza Drive
Chicago, IL 60611-5317
(312) 755-7954

Dated: September 10, 2002