

FROM IC RAILROAD LAW DEPT

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Michael J. Barron, Jr.
Counsel
Legal Department

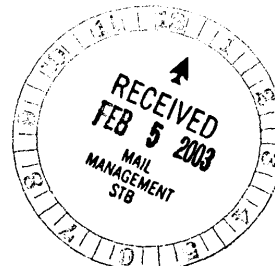
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Canadian National/Mineo's Central
455 North Cryfmont Plaza Drive
Chicago, Illinois 60611-5317
Telephone: (312) 755-7954
Fax: (312) 755-7669
Internet: Michael.Barron@cn.ca

Via First Class Mail and Fax (202) 565-9004

February 5, 2003



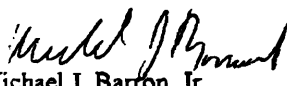
Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Re: Docket No. AB-402 (Sub No. 8X), Fox Valley & Western Ltd. - Abandonment
Exemption - Brown and Outagamie Counties, Wisconsin - Petition for Extension
of Notice of Interim Trail Use

Dear Secretary Williams:

Enclosed please find an original and ten copies of the Joint Motion of Wisconsin Central Ltd., as successor corporation of Fox Valley & Western Ltd., and Wisconsin Department of Natural Resources to extend the Notice of Interim Trail Use negotiating period deadline currently in place (February 18, 2003) for the above-referenced abandonment by an additional 180 days for the portion of the line west of milepost 14.9. ~

Very truly yours,


Michael J. Barron, Jr.
Counsel for Wisconsin Central Ltd.

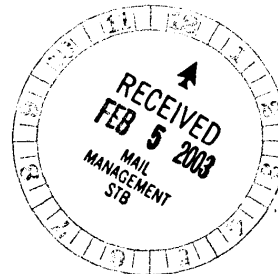
Attachments

cc: Allyn Lepeska

ENTERED
Office of Proceedings

FEB 5 2003

Part of
Public Record

**AB-402 (SUB-NO. 8X)****FOX VALLEY & WESTERN LTD. -- ABANDONMENT EXEMPTION --
IN BROWN & OUTAGAMIE COUNTIES, WISCONSIN**

**WISCONSIN DEPARTMENT OF NATURAL RESOURCES
AND WISCONSIN CENTRAL LTD. JOINT MOTION FOR
AN EXTENSION OF TIME TO REACH AGREEMENT
FOR AN INTERIM TRAIL USE/RAIL BANKING AGREEMENT****BACKGROUND**

On November 13, 2000, the Fox Valley & Western Ltd. (FVW) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. § 10502 for exemption from the provisions of 49 U.S.C. § 10903 to abandon a line of railroad known as the Green Bay-New London Line, extending between milepost 4.78 west of Green Bay and milepost 39.38 in New London, in Brown and Outagamie Counties, WI, a distance of 34.2 miles. The line traverses U.S. Postal Service Zip Codes 54311, 54155, 54165, 54170, and 54461 and includes the station at Oneida (milepost 10.5), Seymour (milepost 17.0), Black Creek (milepost 23.5) and Shiocton (milepost 30.6).

On December 14, 2000, the Wisconsin Department of Natural Resources signed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 C.F.R. § 1152.29. This statement is for the segment of FVW railroad line between Green Bay Milepost 4.78 to New London Milepost 38.98, a distance of approximately 34.2 miles in Brown and Outagamie Counties, Wisconsin.

On November 13, 2000, the Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources filed a request for a notice of interim trail use/rail banking (NITU) under 16 U.S.C. § 1247(d) and 49 CFR § 1152.29. FVW indicated its willingness to negotiate with WisDNR for interim trail use. The Board issued a NITU under 49 CFR § 1152.29, which was served on March 2, 2001, allowing the WisDNR the full 180 days from date of service to negotiate a rail banking agreement with FVW. The 180 day period under NITU was scheduled to expire on August 29, 2001.

By joint motion filed on August 28, 2001, WisDNR and FVW requested an extension of the negotiating period for an additional 180 days. The Board granted the extension of the negotiation period under 49 CFR § 1152.29, which was served on September 5, 2001, allowing the WisDNR until February 25, 2002 to negotiate a rail banking agreement with FVW.

By joint motion filed on February 19, 2002, WisDNR and FVW requested an extension of the negotiating period for an additional 180 days. The Board granted the extension of the negotiation period under 49 CFR § 1152.29, which was served on February 25, 2002, allowing the WisDNR until August 24, 2002 to negotiate a rail banking agreement with FVW.

By joint motion filed on August 12, 2002, WisDNR and FVW requested an extension of the negotiating period for an additional 180 days. FVW stated that it no longer wishes to negotiate for the portion of right-of-way between milepost 4.78 and milepost 14.9. The Board granted the extension of the negotiation period under 49 CFR § 1152.29, which was served on September 26, 2002, for the portion of the line between

milepost 14.9 and milepost 38.98 allowing the WisDNR until February 18, 2003 to negotiate a rail banking agreement with FVW. Wisconsin Central Ltd. ("WCL") is the successor corporation to FVW.

WisDNR made an initial timely offer to WCL. Negotiations are currently continuing in good faith between WisDNR and WCL. However, more time is needed to finalize negotiations the remainder. WCL is agreeable to an extension of time to continue negotiations.

MOTION

Therefore, WisDNR and WCL move that the period prescribed to negotiate an interim trail use/rail banking agreement be extended for 180 days for the segment from Milepost 14.9 to Milepost 38.98.

Respectfully submitted,


Allyn Lepeska, State Bar No. 1013474
Wisconsin Department of Transportation
4802 Sheboygan Avenue, Room 115-B
P. O. Box 7910, Madison, WI 53707-7910
(608) 266-0253
Attorney for Wisconsin Department of Transportation

January 31, 2003


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



Canadian National / Illinois Central
455 North Cityfront Plaza Drive
Chicago, IL 60611-5317

Michael J. Barron, Jr.
312-755-7954 Phone
312-755-7669 Fax
michael.barron@cn.ca

To: Vernon A. Williams
202-565-9004

Date: 2/5/03

No. of Pages 5
(Including cover page)

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Re: AB-402 (8x)

