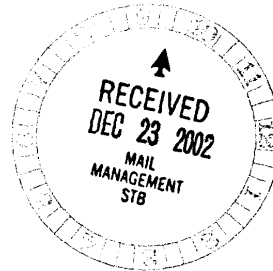


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Michael J. Barron, Jr.
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December 19, 2002

Via Overnight Delivery

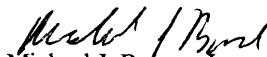
Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Room 700
Washington, DC 20423-0001

Re: Docket No. AB-402 (Sub-No. 7X), Fox Valley & Western Ltd. —
Abandonment Exemption — Fond du Lac and Washington
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 Fox Valley & Western Ltd. and Wisconsin Department of Natural Resources to extend the Notice of Interim Trail Use negotiating period deadline currently in place (January 15, 2003) for the above-referenced abandonment by an additional 180 days.

Respectfully submitted,


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

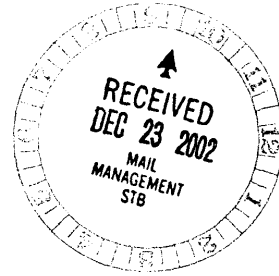
Encl.

cc: Mr. Allyn Lepeska, WisDOT

**ENTERED
Office of Proceedings**

DEC 24 2002

**Part of
Public Record**



BEFORE THE
SURFACE TRANSPORTATION BOARD

AB-402 (SUB-NO. 7X)

FOX VALLEY & WESTERN LTD. -- ABANDONMENT EXEMPTION --
IN FOND DU LAC AND WASHINGTON COUNTIES, WISCONSIN

WISCONSIN DEPARTMENT OF NATURAL RESOURCES
AND FOX VALLEY & WESTERN JOINT MOTION FOR
AN EXTENSION OF TIME TO REACH AGREEMENT
FOR AN INTERIM TRAIL USE/RAIL BANKING AGREEMENT

ENTERED
Office of Proceedings
DEC 24 2002
Part of
Public Record

BACKGROUND

On October 12, 1999, 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 and discontinue service on a line of railroad known as the West Bend-Eden line, extending from railroad milepost 114.42 south of West Bend to railroad milepost 139.06 in Eden, a distance of 24.64 miles in Washington and Fond du Lac Counties, WI.

On October 6, 1999, the State of Wisconsin Department of Natural Resources (WisDNR) 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 Milepost 139.06 in Eden and Milepost 114.42 south of West Bend, a distance of 24.64 miles in Washington and Fond du Lac Counties, WI.

On October 25, 1999, 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 January 31, 2000, 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 is scheduled to expire on July 29, 2000.

By joint petition filed on July 12, 2000, WisDNR/DOT and FVW filed a request for an extension on the NITU negotiation period for an additional 180 days. The Board issued a NITU under 49 CFR 1152.29, which was served on July 28, 2000, allowing the WisDNR until January 25, 2001 to negotiate a rail banking agreement with FVW.

By joint petition filed on January 11, 2001, WisDNR/DOT and FVW filed a request for an extension on the NITU negotiation period for an additional 180 days. The Board issued a NITU under 49 CFR 1152.29, which was served on January 22, 2001, allowing the WisDNR until July 24, 2001 to negotiate a rail banking agreement with FVW.

By joint petition filed on July 13, 2001, WisDNR and FVW filed a request for an extension on the NITU negotiation period for an additional 180 days. The Board issued a NITU under 49 CFR 1152.29, which was served on July 23, 2001, allowing the WisDNR until January 22, 2002 to negotiate a rail banking agreement with FVW.

By joint petition filed on December 26, 2001, WisDNR and FVW filed a request for an extension on the NITU negotiation period for an additional 180 days. The Board issued a NITU under 49 CFR 1152.29, which was served on January 8, 2002, allowing the WisDNR until July 19, 2002 to negotiate a rail banking agreement with FVW.

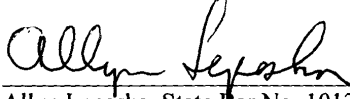
By joint petition filed on July 11, 2002, WisDNR and FVW filed a request for an extension on the NITU negotiation period for an additional 180 days. The Board issued a NITU under 49 CFR 1152.29, which was served on July 8, 2002, allowing the WisDNR until January 15, 2003 to negotiate a rail banking agreement with FVW.

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

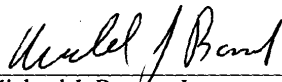
MOTION

Therefore, FVW and WisDOT on behalf WisDNR move that the period prescribed to negotiate an interim trail use/rail banking agreement be extended for 180 days.

Respectfully submitted,



Allyn Lepeska, State Bar No. 1013474
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12/13/02