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SEC

SERVICE DATE - SEPTEMBER 16, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34415

OHIO DEPARTMENT OF TRANSPORTATION — PETITION FOR DECLARATORY
ORDER — STATUS OF TRACK AT FINDLAY, HANCOCK COUNTY, OH

Decided: September 15, 2004

In a petition filed on November 7, 2003, the Ohio Department of Transportation (ODOT) requested a declaratory order to terminate a controversy between it and Norfolk Southern Railway Company (NS) concerning the status of approximately 807 feet of track in Findlay, Hancock County, OH.

At the request of the parties, decisions were served on February 17, 2004, April 7, 2004, and June 25, 2004, holding this proceeding in abeyance until September 30, 2004, to allow the parties to resolve their dispute themselves. In a letter filed on September 9, 2004, ODOT states that it has resolved its dispute with NS and requests leave to withdraw its petition for declaratory order. Because the parties have resolved their dispute, there appears to be no reason to continue this proceeding. Accordingly, the declaratory order proceeding will be dismissed and this proceeding will be discontinued.

It is ordered:

1. The petition for declaratory order is dismissed and the proceeding in STB Finance Docket No. 34415 is discontinued.
2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary