

238058
238059

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS
2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849

ENTERED
Office of Proceedings
March 27, 2015
Part of
Public Record

William A. Mullins

(202) 663-7823 (Direct Dial)
E-Mail: wmullins@bakerandmiller.com

March 27, 2015

Via E-Filing

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

Re: Docket No. AB-290 (Sub-No. 303X), Norfolk Southern Railway Company – Abandonment and Discontinuance of Service Exemption – in the City of Richmond and Henrico County, VA; Docket No. AB-55 (Sub-No. 726X), CSX Transportation, Inc.— Abandonment and Discontinuance of Service Exemption—in the City of Richmond and Henrico County, VA

Dear Ms. Brown:

Enclosed is Norfolk Southern Railway Company's ("NS") Petition to Vacate Notice of Interim Trails Use. If there are any questions about this matter, please contact me directly, either by telephone: 202-663-7823 or by e-mail: wmullins@bakerandmiller.com.

Sincerely,



William A. Mullins
Counsel for Norfolk Southern Railway Company

Enclosures

cc: Maquiling Parkerson
Marc Hoecker
LaWada Poarch

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB DOCKET NO. AB-290 (Sub-No. 303X)

**NORFOLK SOUTHERN RAILWAY COMPANY
- ABANDONMENT AND DISCONTINUANCE OF SERVICE EXEMPTION -
IN THE CITY OF RICHMOND AND HENRICO COUNTY**

STB DOCKET NO. AB-55 (Sub-No. 726X)

**CSX TRANSPORTATION, INC
- ABANDONMENT AND DISCONTINUANCE OF SERVICE EXEMPTION -
IN THE CITY OF RICHMOND AND HENRICO COUNTY**

**NORFOLK SOUTHERN RAILWAY COMPANY'S PETITION TO VACATE NOTICE OF
INTERIM TRAILS USE**

**Maquiling B. Parkerson
General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510
Telephone: (757) 533-4939
Facsimile: (757) 533-4872**

**William A. Mullins
Crystal M. Zorbaugh
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7820
Fax: (202) 663-7849**

March 27, 2015

**Attorneys for Norfolk Southern Railway
Company**

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB DOCKET NO. AB-290 (Sub-No. 303X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT AND DISCONTINUANCE OF SERVICE EXEMPTION –
IN THE CITY OF RICHMOND AND HENRICO COUNTY**

STB DOCKET NO. AB-55 (Sub-No. 726X)

**CSX TRANSPORTATION, INC
– ABANDONMENT AND DISCONTINUANCE OF SERVICE EXEMPTION –
IN THE CITY OF RICHMOND AND HENRICO COUNTY**

**NORFOLK SOUTHERN RAILWAY COMPANY’S PETITION TO VACATE NOTICE OF
INTERIM TRAILS USE**

On February 21, 2013, CSX Transportation, Inc. (“CSXT”) and Norfolk Southern Railway Company (“NS”) petitioned the Surface Transportation Board (the “Board”) to exempt from 49 U.S.C. §10903, under 49 U.S.C. §10502, the abandonment and discontinuance of service by CSXT and NS over a 1.55-mile railroad line known as the James River Industrial Track, between State Road 5 and the end of the line, which traverses through United States Postal Service ZIP Code 23231 in the City of Richmond and Henrico County, VA (the “Line”). Because portions of Line are in the City of Richmond and portions of the Line are in Henrico County, both the City of Richmond (“City”) and the Virginia Department of Transportation (“VDOT”) filed separately for the Board to establish a Notice of Interim Trails Use (“NITU”).

NITU’s were initially issued as part of the Board’s June 6, 2013 decision. Over the past two years and with the consent of both CSXT and NS, there have been several extensions of the NITU negotiating period. NS agreed to these multiple extensions in order to continue to work with the City

and VDOT to establish trails use for the entire Line. The current NITU period is good through July 11, 2015 for the NITU between the City of Richmond and the railroads,¹ and through May 27, 2015 for the negotiations between the railroads and VDOT.²

NS is writing to inform the Board that it is no longer interested in pursuing a trail under the Trails Act, 16 U.S.C. § 1247(d). Instead, NS desires to consummate its abandonment for its portion of the Line in order to facilitate the development of a private or state sponsored trail. Accordingly, NS is withdrawing its consent to the NITU. Consistent with 49 C.F.R. § 1152.29(d)(2), NS asks that the Board immediately vacate the NITU as it pertains to NS' interests in the Line. Once the Board vacates the NITU as it pertains to NS, NS plans to consummate abandonment of its interests in the Line.

Respectfully submitted,



Maquiling B. Parkerson
General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510
Telephone: (757) 533-4939
Facsimile: (757) 533-4872

William A. Mullins
Crystal M. Zorbaugh
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7820
Fax: (202) 663-7849

Attorneys for Norfolk Southern Railway
Company

March 27, 2015

¹ CSX Transportation, Inc.—Abandonment and Discontinuance of Service Exemption—in the City of Richmond and Henrico County, VA, Docket No. AB-55 (Sub-No. 726X), Norfolk Southern Railway Company—Abandonment and Discontinuance of Service Exemption—in the City of Richmond and Henrico County, VA, Docket No. AB-290 (Sub-No. 303X) (STB served Feb. 18, 2015).

² CSX Transportation, Inc.—Abandonment and Discontinuance of Service Exemption—in the City of Richmond and Henrico County, VA, Docket No. AB-55 (Sub-No. 726X), Norfolk Southern Railway Company—Abandonment and Discontinuance of Service Exemption—in the City of Richmond and Henrico County, VA, Docket No. AB-290 (Sub-No. 303X) (STB served Dec. 22, 2014).

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of NS's "Petition to Vacate Notice of Interim Trails Use" in STB Docket No. AB-290 (Sub-No. 303X), by first class mail, properly addressed with postage prepaid, or via more expeditious means of delivery, upon all parties of record.



William A. Mullins
Attorney for Norfolk Southern Railway Company

March 27, 2015