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ENTERED  
 Office of Proceedings

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Honorable Anne K. Quinlan, Acting Secretary  
 Surface Transportation Board  
 395 E Street, S W  
 Washington, D C 20423-0001

Re STB Docket No AB-290 (Sub-No 293X), Norfolk Southern Railway Company –  
 Abandonment Exemption in Norfolk and Virginia Beach, Virginia –  
 Notice of Consummation Status

Dear Ms Quinlan

This refers to the STB's decision served November 6, 2007, which exempted Norfolk Southern Railway Company's (NSR) abandonment of the line of railroad between mileposts VB 0 12 and VB 15 46 in the Cities of Norfolk and Virginia Beach, Virginia from the prior approval requirements of 49 U S C 10903

The Board's order provided "Pursuant to the provisions of 49 CFR 1152 29(c)(2), NSR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by NSR's filing of a notice of consummation by November 6, 2008, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire. If a legal or regulatory barrier to consummation exists at the end of the 1-year period, the notice of consummation must be filed no later than 60 days after satisfaction, expiration, or removal of the legal or regulatory barrier."

Since the one-year consummation date is near, in order to provide that the record in this proceeding is clear, NSR wishes to advise the Board that both legal and regulatory barriers to consummation exist. Thus, NSR will not file a notice of consummation until after the satisfaction, expiration or removal of all such legal or regulatory barriers in this case.

NSR has not satisfied all of the environmental conditions in the Board's order. This constitutes a regulatory barrier to consummation of the abandonment.

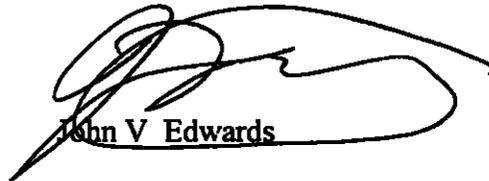
A petition for review of the Board's decision is pending before the United States Court of Appeals for the District of Columbia Circuit. While the Board has denied a stay of its decision

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and the Court of Appeals has lifted the temporary stay that the Court imposed, NSR believes that the pendency of this proceeding presents a legal barrier to consummation of the abandonment NSR is unaware of any case in which a railroad has consummated abandonment of a line of railroad while a petition for review of the Board's decision which authorizes or exempts the abandonment is pending in the Court of Appeals NSR believes the Board would not accept a notice of consummation while such a petition is pending because the Board has recognized on numerous occasions that the Court of Appeals could reverse or remand the Board's decision.

Out of an abundance of caution, in the event the Board for any reason considers November 6, 2008, to be the deadline for the filing of a notice of consummation of the abandonment in this proceeding under the facts and circumstances of this case, NSR hereby requests that the Board grant a one-year extension of the deadline date to consummate abandonment of the 15.30-mile rail line that was the subject of the captioned proceeding. If the Board agrees with NSR that the outstanding environmental conditions and the pendency of the petition for review in the Court of Appeals constitute regulatory and legal barriers to consummation of the abandonment, NSR does not ask the Board to issue an unnecessary decision, but requests that this letter be placed in the docket in this proceeding as a matter of record.

Respectfully submitted,



John V Edwards

cc James Riffin