



BRUSSELS CINCINNATI CLEVELAND COLUMBUS DAYTON NEW YORK WASHINGTON, D.C.

January 28, 2004

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JAN 28 2004

Via Messenger

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

RE: STB Docket No. AB-290 (Sub-No. 247X) *Norfolk Southern Railway Company—
Abandonment Exemption—Mecklenburg County, NC.*

Dear Secretary Williams:

Enclosed please find an original and ten (10) copies of the Motion of Cargill, Inc. to Modify Procedural Schedule to be filed in the above-referenced docket. Also, enclosed is one additional copy of the Motion for stamp and return. Kindly date-stamp the additional copy for return to this office by messenger.

If you have any questions, please do not hesitate to call. My direct dial number is (202) 263-4107.

Sincerely,

Jeffrey O. Moreno
Attorney for Cargill, Inc.

ENTERED
Office of Proceedings

JAN 28 2004

Part of
Public Record

**Before The
Surface Transportation Board**

STB Docket No. AB-290 (Sub-No. 247X)

*Norfolk Southern Railway Company
—Abandonment Exemption—
Mecklenburg County, NC*

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Motion of Cargill, Inc. to Modify Procedural Schedule

Cargill, Inc. submits this Motion to Modify the Procedural Schedule that was established by the Board in its decision served on January 12, 2004. The Petitioner, Norfolk Southern Railway Company ("NS"), has authorized Cargill to state that NS supports this Motion. Cargill submits the following facts in support of this Motion:

1. On December 23, 2003, NS initiated this proceeding by filing a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903-05 to abandon a 1.95 mile segment of railroad in Charlotte, Mecklenburg County, North Carolina. The NS Petition indicates NS's intent to relocate a portion of this rail line to continue service to existing shippers, but to reclassify the track as industrial or spur track.
2. In a decision served on January 12, 2004, the Board established a procedural schedule that set a due date for replies to the NS Petition on or before February 2, 2004.

3. Cargill owns and operates the C&T Refinery, which currently is the only shipper on the line proposed for abandonment. The C&T Refinery would continue to receive service from NS on the reclassified industrial track.

4. Cargill has expressed concerns to NS regarding the effect of NS's proposed reclassification of the track serving the C&T Refinery upon the C&T Refinery's rights to future service over the line. Cargill and NS are in negotiations to address Cargill's concerns, but will not be able to reach agreement prior to the February 2, 2004 due date for Cargill to reply to the NS Petition.

5. In order to allow Cargill and NS sufficient time to conclude their negotiations, Cargill requests that the Board extend the due date for Replies to the NS Petition until February 17, 2004. Cargill and NS believe they can conclude an agreement by that date. Because the C&T Refinery is the only shipper on the line, this extension likely would allow NS and Cargill to resolve through private agreement the only potential shipper opposition to the NS Petition.

Respectfully submitted,



Jeffrey O. Moreno
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(202) 331-8800

Attorney for Cargill, Inc.

January 28, 2004

Certificate of Service

I certify that, on this 28th day of January 2004, I have served a copy of "Cargill, Inc.'s Motion to Modify Procedural Schedule," by first class mail, postage pre-paid, upon:

James R. Paschall
Norfolk Southern Corporation
Three Commerce Place
Norfolk, VA 23510



Jeffrey O. Moreno