

**NORFOLK SOUTHERN RAILWAY COMPANY
THREE COMMERCIAL PLACE
NORFOLK, VIRGINIA 23510**

ENTERED
Office of Proceedings

MAY 18 2004

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James R. Paschall
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May 17, 2004

via fax 202-565-9002
Mr. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Re: Docket No. AB-290 (Sub-No. 247X), Norfolk Southern Railway Company –
Abandonment Exemption – in Mecklenburg County, North Carolina

Dear Mr. Williams:

Norfolk Southern Railway Company (NSR) has not consummated abandonment of any portion of the line of railroad between Milepost old R-3.00 and Milepost old R-4.95, in Charlotte, Mecklenburg County, NC that was the subject of this proceeding.

The request of the City of Charlotte for the issuance of a Notice of Interim Trail Use or Abandonment with respect to the segment of the above line between Milepost old R-3.00 and old R-3.80 is consistent with the agreement between NSR and the City for the conveyance of that property to the City and for its public use. That public use may include interim trail use and the planned eventual use of all or part of the right-of-way for a light rail transit system. As noted in our petition for exemption, there are no shippers located on the portion of the Line between these mileposts nor have there been any rail shipments over that segment of the Line, which is at the end of a dead-end branch line, for over two years.

Therefore, NSR consents to the May 13, 2004 request of the City of Charlotte to the Board to issue a NITU covering that portion of the Line between Milepost old R-3.00 and old R-3.80 and confirms that NSR and the City have negotiated and reached an agreement with respect to interim trail use of the subject segment. NSR and the City will take such further steps to complete this transaction, if any, as may be required.

Very truly yours,

James R. Paschall

cc via e-mail: Mr. Joseph Levin, STB

Mr. Ed Fishman, Kirkpatrick & Lockhart, Attorney for the City of Charlotte