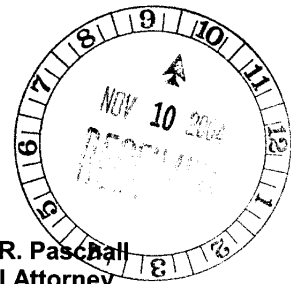


212 493

NORFOLK SOUTHERN CORPORATION
THREE COMMERCIAL PLACE
NORFOLK, VA 23510



James R. Paschall
General Attorney

Direct Dial Number
(757) 629-2759
fax (757) 533-4872

ENTERED
Office of Proceedings

NOV 10 2004

Part of
Public Record

November 8, 2004

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

Re: STB Docket No. AB-290 (Sub-No. 258X), Norfolk Southern Railway
Company - Discontinuance of Service - Between Tidewater Junction (in
the City of Norfolk) and Oldfield (in the City of Virginia Beach), Virginia -
Notice of Exemption

Dear Mr. Williams:

Enclosed for filing with the Board in the subject docket is an original and ten
copies of Norfolk Southern Railway Company's Verified Notice of Exemption. Also,
enclosed is a check in the amount of \$3,000 for the filing fee.

NSR's intention is to file this Notice of Exemption on November 10, 2004. If the
Board receives this filing before November 10, NSR requests that the filing date be
postponed to November 10, 2004.

Please acknowledge receipt of this filing on the enclosed copy of this letter and
return it to me in the self-addressed, stamped envelope.

Yours very truly,

RECEIVED

James R. Paschall

Enclosures

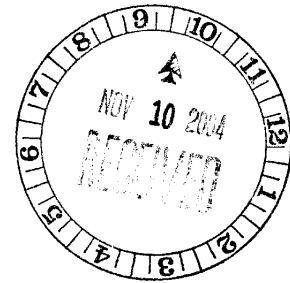
NOV 10 2004

NOV 10 2004
SURFACE TRANSPORTATION BOARD

FILED

NOV 10 2004

BEFORE THE
SURFACE TRANSPORTATION BOARD



DOCKET NO. AB-290 (SUB-NO. 258X)

NORFOLK SOUTHERN RAILWAY COMPANY

-- DISCONTINUANCE OF SERVICE EXEMPTION --

BETWEEN TIDEWATER JUNCTION (IN THE CITY OF NORFOLK)
AND OLDFIELD (IN THE CITY OF VIRGINIA BEACH), VIRGINIA

VERIFIED NOTICE OF EXEMPTION

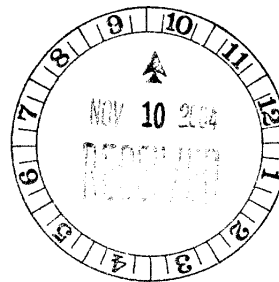
James R. Paschall
General Attorney
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510

(757) 629-2759

Attorney for
Norfolk Southern Railway Company

Dated: November 8, 2004

Before the
Surface Transportation Board



Docket No. AB-290 (Sub-No. 258X)

Norfolk Southern Railway Company

-- Discontinuance of Service Exemption --

Between Tidewater Junction (In the City of Norfolk)
and Oldfield (In the City of Virginia Beach), Virginia

Verified Notice of Exemption

COMES NOW Norfolk Southern Railway Company ("NSR") and files this notice of exemption from regulation under 49 U.S.C. §10903, pursuant to the provisions of 49 U.S.C. §10502 and 49 CFR §1152.50, for the discontinuance of service of its line of railroad lying between Milepost VB 1.75 at Tidewater Junction (in the City of Norfolk) and Milepost VB 15.46 at Oldfield (in the City of Virginia Beach), Virginia (the "Line").

Pursuant to the Board's regulations codified at 49 CFR §1152.50, NSR states as follows:

Traffic Certification - §§1152.50(b) and (d)(2)

As the attached certificate of NSR General Manager V. W. Mason confirms, no

traffic has originated, terminated or moved overhead on this line segment for at least two years, and no complaint is pending with the Board or a U. S. District Court or has been decided in favor of a complainant concerning cessation of service over this Line within the two-year period prior to the filing date of this Notice of Exemption.

Consummation Date - §1152.50(d)(2)

The effective date of the discontinuance of service over the NSR Line between Milepost VB 1.75 at Tidewater Junction (Norfolk), VA and Milepost VB 15.46 at Oldfield (Virginia Beach), VA, will be December 30, 2004.

General Corporate Information - §1152.22(a)(1-2) and (7)

The full name of the party filing this Notice of Exemption is Norfolk Southern Railway Company (NSR), a Virginia corporation. NSR is a common carrier by railroad subject to STB jurisdiction under Title 49 of the United States Code, Subtitle IV, Chapter 105. NSR's representative to whom correspondence with respect to this Notice of Exemption may be sent is:

James R. Paschall
General Attorney
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, Virginia 23510
(757) 629-2759

Description of the Line and the Relief Sought - §1152.22(a)(3-4 and 7)

The relief sought is an exemption for NSR's discontinuance of service over the

Line. The Line for which the discontinuance of service exemption is sought consists of 13.71 miles of track between Milepost VB 1.75 at Tidewater Junction (Norfolk), VA and Milepost VB 15.46 at Oldfield (Virginia Beach), VA. A map showing the line over which service is to be discontinued, other rail lines in the area, highways, and population centers is attached as Exhibit 1 to this notice. The line traverses United States Postal Service ZIP Codes 23502, 23504, 23451, 23452, 23454 and 23462.

Suitability of the Line for Other Public Purposes - §1152.22(e)(4)

Because this is a discontinuance of service proceeding and not an abandonment, there is no need to provide an opportunity for trail use/rail banking or public use condition requests.¹ Thus, this item is not relevant to the exemption sought in this docket.

Statement Concerning Federally-Granted Right-of-Way - §1152.50(d)(1)

Based on information in the possession of NSR, the Line does not contain federally-granted rights-of-way. Any documentation in NSR's possession will be made available promptly to those requesting it.

¹Recent Board notices of exemption stating this principle are STB Docket No. AB-55 (Sub-No. 654X), *CSX Transportation, Inc. – Discontinuance of Service Exemption – In Washington, DC*, served September 20, 2004; STB Docket No. AB-33 (Sub-No. 212X), *Union Pacific Railroad Company – Discontinuance of Service and Trackage Rights Exemption – In Los Angeles and Orange Counties, CA*, served March 31, 2004.

Labor Protection - §1152.50(d)(2)

Since the Line has been out of service for over two years, NSR believes no employees will be adversely affected by the discontinuance of service over this Line. However, as a condition to the grant of the exemption and exercise of the discontinuance permitted in this matter, NSR will accept the imposition of standard labor protective conditions as set forth in *Oregon Short Line R. Co. - Abandonment - Goshen*, 360 I.C.C. 91 (1979).

Environmental and Historic Reports; Certifications - §1105.6, §1105.7, §1105.8, §1105.9 and §1105.11

Because this is a discontinuance of service proceeding and not an abandonment, no environmental or historic documentation is required under 49 CFR 1105.6(c)(2) and 49 CFR 1105.8 and no transmittal letter is required under 49 CFR 1105.11². Further STB approval is required for NSR to abandon the Line.

Service and Newspaper Notice Requirements Certification - §1152.50(d)(1-2)

As the attached certification indicates, NSR certifies that the service and notice requirements of §1152.50(d)(1)(certain governmental agencies) and §1105.12 (newspaper notice) have been complied with.

²Recent Board notices of exemption stating this principle are STB Docket No. AB-55 (Sub-No. 654X), *CSX Transportation, Inc. – Discontinuance of Service Exemption – In Washington, DC*, served September 20, 2004; STB Docket No. AB-33 (Sub-No. 212X), *Union Pacific Railroad Company – Discontinuance of Service and Trackage Rights Exemption – In Los Angeles and Orange Counties, CA*, served March 31, 2004.

Offers of Financial Assistance

Because this is a discontinuance proceeding and not an abandonment, the Board need not consider offers of financial assistance (OFAs) to acquire the line for continued rail service.³

For the foregoing reasons, NSR states that the proposed discontinuance of service over the subject rail Line is exempt from the prior approval requirements of 49 U.S.C. §10903 pursuant to the class exemption set forth in 49 C.F.R. §1152.50 and requests that the Board serve the appropriate notice of exemption.

Respectfully submitted,


Kathryn B. McQuade
Executive Vice President Planning
and Chief Information Officer
Norfolk Southern Railway Company

Of Counsel:

James R. Paschall
General Attorney
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, Virginia 23510-2191
(757) 629-2759

Attorney for Norfolk Southern Railway Company

Dated: November 8, 2004

³See STB Docket No. AB-55 (Sub-No. 641X), CSX Transportation Inc. - Discontinuance Exemption in Knox County, TN, served January 2, 2004.

VERIFICATION

COMMONWEALTH OF VIRGINIA :

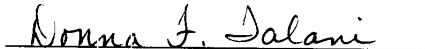
SS:

CITY OF NORFOLK :

Kathryn B. McQuade, being duly sworn, deposes and says that she is Executive Vice President Planning and Chief Information Officer of Norfolk Southern Railway Company; that she is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in STB Docket No. AB-290 (Sub-No. 258X) on behalf of Norfolk Southern Railway Company; that she has carefully examined all of the statements contained in said Notice of Exemption; that she has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of her knowledge, information, and belief.


Kathryn B. McQuade

Subscribed and sworn to before me
this 8th day of November, 2004.


Notary Public

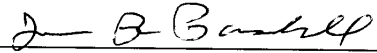
My commission expires:

My Commission Expires April 30, 2007

[SEAL]

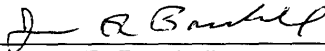
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon Mr. Theodore V. Morrison, Jr., Chairman, Virginia State Corporation Commission; the United States Department of Defense (MTMCTEA), Transportation Engineering Agency, Railroads for National Defense Program, 720 Thimble Shoals, Blvd., Suite 130, Newport News, VA 23606-2574; Tom Ross, Chief of National Recreation and Trails, U. S. Department of the Interior - National Park Service, Recreation Resources Assistance Division, P.O. Box 37127, Washington, D.C., 20013-7127; and U. S. Department of Agriculture, Chief of the Forest Service, 4th Floor N.W., Auditors' Building, 14th Street and Independence Avenue, S.W., Washington, D.C. 20250; on November 8, 2004, by first class mail, postage prepaid.


James R. Paschall

CERTIFICATION

I hereby certify that (1) pursuant to 49 C.F.R. §1105.12, a notice of intent to discontinue rail service was published in *The Virginian Pilot*, Norfolk, Virginia, on October 29, 2004, (see Exhibit 2); and (2) that the notice required by 49 C.F.R. §152.50(d)(1) was given (see Exhibit 3).


James R. Paschall

Dated: November 8, 2004

[For filing with the STB November 10, 2004]

CERTIFICATION

STATE OF GEORGIA:

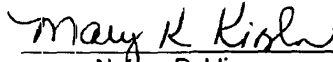
SS:

CITY OF ATLANTA:

V. W. Mason makes oath and says that he is General Manager Eastern Region for Norfolk Southern Railway Company; that the line between Milepost VB 1.75 at Tidewater Junction (Norfolk), Virginia and Milepost VB 15.46 at Oldfield (Virginia Beach), Virginia, over which service is to be discontinued, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.


V. W. Mason

Subscribed and sworn to before me
this 1st day of November, 2004.


Notary Public

My commission expires:

NOTARY PUBLIC, FULTON COUNTY, GEORGIA
My Commission Expires June 9th 2008

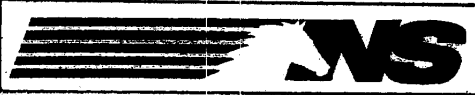
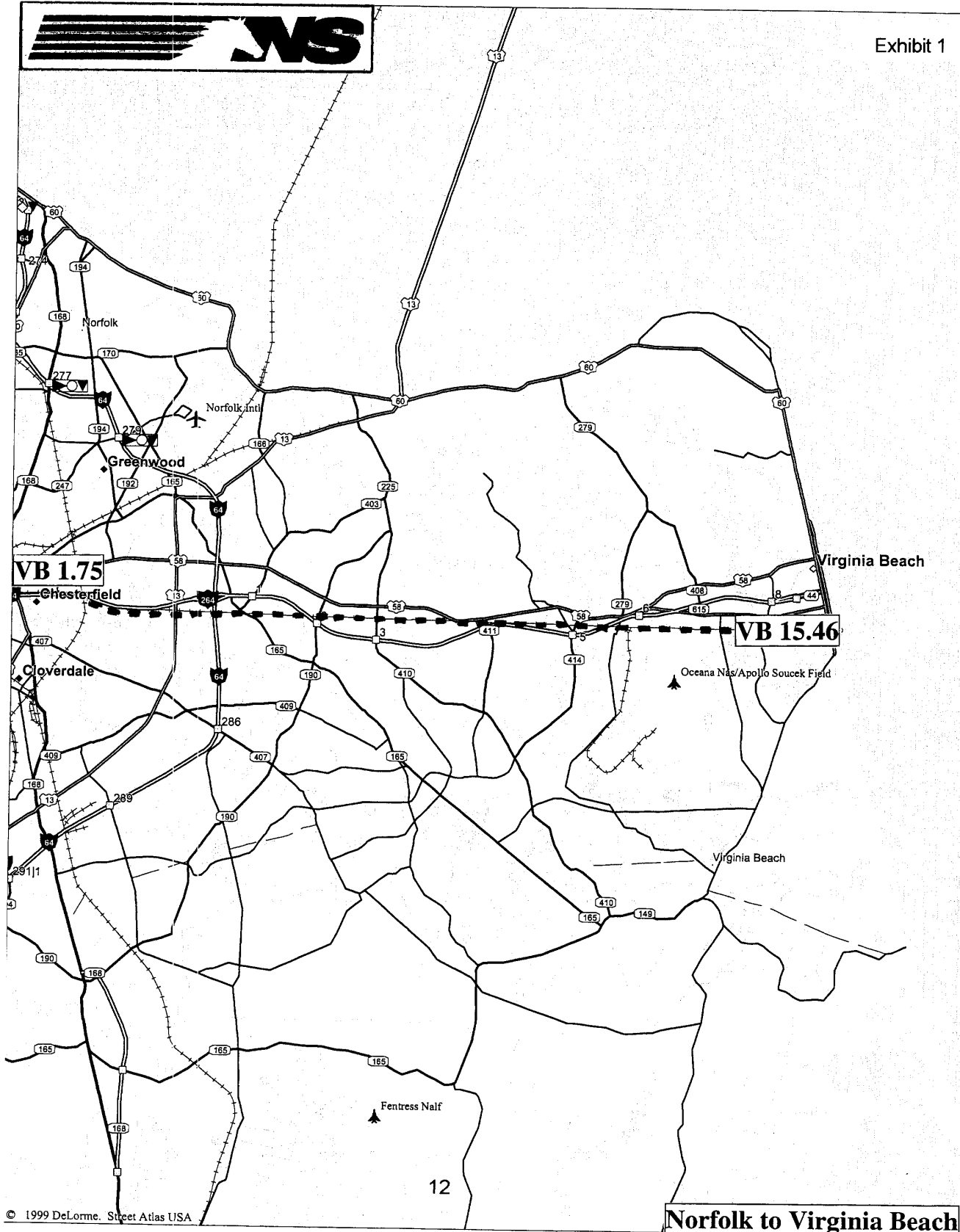


Exhibit 1



THE VIRGINIAN-PILOT
NORFOLK, VIRGINIA
AFFIDAVIT OF PUBLICATION

The Virginian-Pilot

NORFOLK SOUTHERN CORP
THREE COMMERCIAL PLACE
LAW DEPT. JAMES R. P
NORFOLK VA 23510

REFERENCE: 39052353
12220541 NOTICE OF INTENT TO

State of Virginia
City of Norfolk

This day, D. Johnson personally appeared before me
and after being duly sworn, made oath that:

1) She is affidavit clerk of The Virginian-Pilot,
a newspaper published by Landmark Communications
Inc., in the cities of Norfolk, Portsmouth,
Chesapeake, Suffolk, and Virginia Beach, Common-
wealth of Virginia and in the state of North
Carolina 2) That the advertisement hereto annexed
has been published in said newspaper on the date
stated.

PUBLISHED ON: 10/29

TOTAL COST: 220.69 AD SPACE: 58 LINE
FILED ON: 10/29/04

Legal Affiant: D. Johnson

Subscribed and sworn to before me in my city and state on the day and year
aforesaid this 10 day of November

Notary: James R. Paschall My commission expires January 31, 2008

NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE
Norfolk Southern Railway Company gives notice that on or about November 10, 2004, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments, permitting the discontinuance of service over a 13.71 mile line of railroad between milepost VB 1.75 at Tidewater Junction (Norfolk), and milepost VB 15.46 at Oldfield (Virginia Beach), which traverses through United States Postal Service ZIP Codes 23502 and 23504 in Norfolk, Virginia; and 23451, 23452 and 23454 in Virginia Beach, Virginia. The proceeding will be docketed as No. AB-290 (Sub-No. 258X).
Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/ trails use also can be filed with the STB. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the STB's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001. (See 49 CFR 1104.1(a) and 1104.3(a)), and one copy must be served on applicant's representative. (See 49 CFR 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Public Assistance at 202-927-7597. Copies of any comments or requests for conditions should be served on the applicant's representative. James R. Paschall, General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-9241, (757) 629-2759.
VP Oct. 29, 2004 12220541



Exhibit 3

Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

James R. Paschall
General Attorney

Writer's Direct Dial Number

(757) 529-2759

October 29, 2004

Mr. Theodore V. Morrison, Jr., Chairman
Virginia State Corporation Commission
P. O. Box 1197
Richmond, VA 23218

Regional Director
National Park Service
100 Alabama St., SW
1924 Building
Atlanta, GA 30303

MTMCTEA
Attn: Railroads for National Defense
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

National Park Service
Recreation Resources Assistance Division
1849 C Street, N. W. (2310)
Washington, DC 20240-0001

U. S. Department of Agriculture
Chief of the Forest Service
Sidney R. Yates Federal Building
201 14th Street, SW at Independence Ave., SW
Washington, DC 20250

Mr. William Shaddox
National Park Service
Land Resources Division
1849 C Street, N. W. (2540)
Washington, DC 20242-0004

Re: STB Docket No. AB-290 (Sub. No. 258X), Norfolk Southern Railway Company –
Discontinuance of Service – Tidewater Junction (Norfolk) to Oldfield (Virginia Beach),
Virginia

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) hereby gives notice that on or about November 10, 2004, it will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit NSR's discontinuance of service over a 13.71-mile line of railroad lying between milepost VB 1.75 at Tidewater Junction (Norfolk) and milepost VB 15.46 at Oldfield (Virginia Beach), Virginia (see attached map). No revenue traffic has originated or terminated or moved overhead on the line to be abandoned for more than two years before the filing date. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroads' possession will be made available promptly to those requesting it.

Very truly yours,

James R. Paschall

JRP:kch
Attachment