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October 9, 2002

VIA AIRBORNE EXPRESS

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



Re: Finance Docket No. 34233 – Petition for Exemption – Norfolk
Southern Railway Company – Reinstitution of Service –
Between Toledo and Maumee in Lucas County, Ohio

Dear Mr. Williams.

In accordance with 49 CFR § 1180.4, please find enclosed for filing with the Surface Transportation Board one original and ten (10) copies of a Petition for Exemption submitted on behalf of Norfolk Southern Railway Company. In addition, twenty (20) unbound copies of Exhibit 1 to the Petition for Exemption are enclosed as required by 49 CFR § 1180.6(a)(6).

Also enclosed is a check for the filing fee of \$9,300 as provided in 49 CFR § 1002.2(f)(11)(iii).

Sincerely,

ENTERED
Office of Proceedings

Enclosures

OCT 11 2002

FEE RECEIVED

Part of
Public Record

FILED

OCT 11 2002

OCT 11 2002

SURFACE
TRANSPORTATION BOARD

SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34233



NORFOLK SOUTHERN RAILWAY COMPANY

-- REINSTITUTION OF SERVICE --

BETWEEN TOLEDO AND MAUMEE
IN LUCAS COUNTY, OHIO

PETITION FOR EXEMPTION

John V. Edwards
David A. Shelton
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-9241

Counsel for Norfolk Southern
Railway Company

Dated: October 9, 2002

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34233

NORFOLK SOUTHERN RAILWAY COMPANY

– REINSTITUTION OF SERVICE –

BETWEEN TOLEDO AND MAUMEE
IN LUCAS COUNTY, OHIO

PETITION FOR EXEMPTION

I. Introduction

Norfolk Southern Railway Company (“NSR”), a wholly-owned subsidiary of Norfolk Southern Corporation and corporate successor of Norfolk and Western Railway Company, submits this Petition for Exemption pursuant to 49 U.S.C. § 10502 to reinstitute service on the Toledo to Maumee branch line from Milepost TM-5.0 in Toledo to Milepost TM-12.5 near Maumee, a distance of approximately 7.5 miles in Lucas County, Ohio (the “Line”). The Board previously exempted the abandonment of the Line in Docket No. AB-290 (Sub-No. 196X), Norfolk and Western Railway Company – Abandonment – Between Toledo and Maumee in Lucas County, Ohio. The abandonment was consummated by NSR as of August 10, 1999, although some local service has continued over the line following that date.

The reinstitution of service on rail lines requires authorization and approval of the Board pursuant to 49 U.S.C. § 10901. However, 49 U.S.C. § 10502 requires the Board to exempt a transaction when it finds: (1) continued regulation is not necessary to carry out the transportation policy of 49 U.S.C. § 10101; and (2) either (a) the transaction is of limited scope or (b) Board regulation is not necessary to protect shippers from abuse of market power. The actions proposed herein by NSR satisfy these standards for exemption.

II. Name and Description of Petitioner

Petitioner Norfolk Southern Railway Company ("NSR"), a Virginia corporation with a business address at Three Commercial Place, Norfolk, Virginia 23510-2191, is a common carrier by railroad that operates a railroad system throughout the Eastern United States. NSR is wholly owned subsidiary of Norfolk Southern Corporation.

Counsel for Petitioner to whom correspondence may be sent are:

John V. Edwards
David A. Shelton
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-9241
(757) 629-2838

III. Description of the Proposal

NSR requests exemption authority for the reinstitution of service on the Toledo to Maumee branch line (the "Line"). The Line begins in northern Toledo at Laskey Road

and trends south to a point near the Maumee city limits, ending at an intersection of two NSR-owned lines at Gould Junction.

Although NSR consummated abandonment of the Line as of August 10, 1999, it left intact track structure, signals and other structures on the Line and continued to provide local rail service to what at the time of the abandonment was the one active rail shipper located on the Line: A&K Railroad Materials, Inc.

Subsequently, NSR has determined that, in addition to continued service to A&K Railroad Materials, Inc., reactivation of the Line by NSR will afford it the opportunity to re-route service to the Toledo sites of both Archer Daniels Midland and Art Iron, Inc. In turn, re-routing this traffic may permit the eventual abandonment of other track that could eliminate up to 17 grade crossings in the Toledo area. (NSR does not seek any abandonment authority in this proceeding. If it decides in the future to proceed with a request for abandonment authority, that request would be the subject of a separate proceeding that would stand on its own merit.)

IV. Exhibit 1 – Map

The Line proposed for reinstitution of rail service is shown on the map identified as Exhibit 1 and attached to this Petition. Other rail lines and major highways in the area also are shown on Exhibit 1.

V. The Standards for Exemption Have Been Satisfied

Detailed scrutiny by the Board of the proposed reinstitution of service under 49 U.S.C. § 10901 is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101. No interest will be affected adversely by a grant of the exemption. Rather, reinstitution of rail service over the Line will promote public health and safety and ensure the development of a sound rail transportation system in accordance with 49 U.S.C. §§ 10101(4) and (8) by routing traffic in a more efficient manner and away from downtown Toledo. Furthermore, exempting the proposal will minimize the need for federal regulation in a manner consistent with 49 U.S.C. § 10101(2).

Additionally, the proposed reinstitution of service, involving a line of only approximately 7.5 miles in length, is clearly of "limited scope."

VI. Environmental and Historic Reports

In accordance with 49 C.F.R. § 1105.6(c)(2), no environmental documentation is required to be included with this Petition because there will be no significant change in carrier operations. The proposed reinstitution of rail service will result in a maximum of 2.5 trains per day over the applicable segment based on a five-day week. However, as the majority of traffic over the segment will simply have been re-routed within the Toledo metropolitan area, the true increase in rail traffic will be ¼ train per day.

As the proposed reinstitution of service is an action under 49 C.F.R. § 1105.6(c) that will not result in the lease, transfer or sale of Petitioner's lines, sites or structures, a

Historic Report is not required to be included with this Petition pursuant to 49 C.F.R. § 1105.8(a).

VII. Labor Protection

Exemption of the proposed transaction will result only in the re-routing of existing service; no employees will be affected adversely. Accordingly, no labor protective conditions are required.

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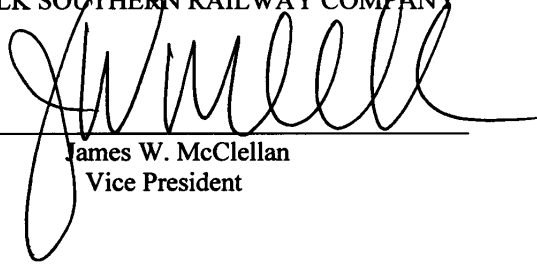
CONCLUSION

WHEREFORE, Norfolk Southern Railway Company respectfully requests that the Surface Transportation Board promptly exempt from further regulation the reinstitution of service over the Toledo to Maumee branch line from Milepost TM-5.0 in Toledo to Milepost TM-12.5 near Maumee, a distance of approximately 7.5 miles in Lucas County, Ohio.

Respectfully submitted,

NORFOLK SOUTHERN RAILWAY COMPANY

By:



James W. McClellan
Vice President

Dated: **OCTOBER 9, 2002**

Of Counsel:

John V. Edwards
David A. Shelton
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-9241
(757) 629-2838

VERIFICATION

COMMONWEALTH OF VIRGINIA)
) ss
CITY OF NORFOLK)

James W. McClellan, being duly sworn, deposes and says that he is Vice President of Norfolk Southern Railway Company; that he is authorized to sign, verify and file with the Surface Transportation Board the foregoing Petition for Exemption; that he has carefully examined all of the statements contained in said Petition for Exemption; that he has knowledge of the matters set forth therein insofar as those matters relate to Norfolk Southern Railway Company; and that all such statements made and matters set forth with respect to Norfolk Southern Railway Company are true to the best of his knowledge, information and belief.


James W. McClellan

Subscribed and sworn to before me
this 9th day of October, 2002.

Lorinda J. Gorby
Notary Public

My commission expires: 3-31-06

