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Via fax 202-245-0458 and
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ENTERED
Office of Proceedings

Ms. Anne K. Quinlan, Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

AUG 25 2008

Part of
Public Record

**Re: STB Docket No. AB-290 (Sub-No. 289X), Norfolk Southern Railway
Company - Abandonment Exemption - In Hamilton County, Ohio -
Request to Withdraw Notice of Exemption and Discontinue Proceeding**

Dear Ms. Quinlan:

Norfolk Southern Railway Company ("NSR") withdraws the notice of exemption filed July 16, 2008 in this proceeding, or alternatively, requests leave to withdraw the notice of exemption. NSR further requests that the Board dismiss this proceeding without prejudice. Also to the extent required, NSR requests that the Board treat this letter as a motion for the requested leave to withdraw the notice of exemption and dismissal of the proceeding.

In a decision served August 5, 2008, the Board served notice of NSR's filing of a verified notice of exemption for the abandonment of a 1.10-mile line of railroad between milepost CT 2.50 (Cincinnati) and milepost CT 3.60 (Norwood), in Hamilton County, OH. The length of the line and mileposts are correct and the line qualifies for the class exemption under 49 CFR 1152 Subpart F - Exempt Abandonments. It appears, however, that competing proposals for disposition and use of the right-of-way could delay the conclusion of this proceeding. NSR believes it would be better in this case to withdraw the notice and to try to deal with these post-abandonment issues in advance and without the constraint of a pending proceeding, at least for a reasonable period of time.

Because railroads are not compelled to abandon lines by the grant of the Board's authority or exemption, the Board normally grants a railroad's motion to

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withdraw its application, petition or notice for abandonment authority or exemption.¹ Thus, withdrawal of the notice of exemption and dismissal of this proceeding is justified by the facts and is consistent with Board precedent.

Therefore, NSR requests that the Board permit NSR's withdrawal of the notice of exemption in this proceeding and dismiss the proceeding without prejudice.

Very truly yours



James R. Paschall

cc via e-mail
Mr. Charles Montagne
Attorney for the City of Cincinnati

¹*Norfolk Southern Railway Company - Abandonment Exemption - In Bergen County, NJ, STB Docket No. AB-290 (Sub-No. 288X) (STB served May 14, 2008); Reading Blue Mountain and Northern Railroad Company - Abandonment Exemption - In Schuylkill County, PA, STB Docket No. AB-996X (STB served February 5, 2008); Norfolk Southern Railway Company - Discontinuance of Service Exemption - In Somerset County, PA, STB Docket No. AB-290 (Sub-No. 298X) (STB served September 20, 2007); The Cincinnati, New Orleans and Texas Pacific Railway Company - Abandonment Exemption - in Scott County, TN, STB Docket No. AB-290 (Sub-No. 279X) (STB served April 24, 2007); Norfolk Southern Railway Company - Abandonment Exemption - in Lorain County, OH, STB Docket No. AB-290 (Sub-No. 268X) (STB served October 25, 2006); The Burlington Northern and Santa Fe Railway Company - Abandonment Exemption - In Hamilton and Merrick Counties, NE, STB Docket No. AB-6 (Sub-No. 408X) (STB served May 26, 2004)(partial withdrawal of exemption notice); Almona LP - Abandonment Exemption - In Allegheny County, PA, STB Docket No. AB-842X (STB served Jan. 28, 2004); Massachusetts Port Authority - Acquisition Exemption - Certain Assets of Boston and Maine Corporation, STB Finance Docket No. 34276 (STB served March 25, 2003) embracing Boston and Maine Corporation - Abandonment - in Suffolk County, MA, STB Docket No. AB-32 (Sub-No. 92); Kansas Southwestern Railway, L.L.C. - Abandonment - in Sumner, Harper, Barber, Reno and Kingman Counties, KS, STB Docket No. AB-437 (Sub-No. 1) (STB served May 23, 2001); Maine Central Railroad Company - Abandonment Exemption - In Androscoggin County, ME, STB Docket No. AB-83 (Sub-No. 16X) (STB served September 15, 2000); Soo Line Railroad Company - Abandonment Exemption - in Marshall and Roberts Counties, SD, STB Docket No. AB-57 (Sub-No. 50X) (STB served August 15, 2000); Soo Line Railroad Company - Abandonment - in Roberts County, SD, STB Docket No. AB-57 (Sub-No 51) (STB served August 14, 2000) and other similar earlier decisions.*