

205054

ENTERED
Office of the Secretary

MAR 27 2002

Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.

Finance Docket No 33928

Norfolk Southern Corporation and
Norfolk Southern Railway Company



KUNIG's
AMENDED PETITION TO SUMMARILY DISMISS NORFOLK SOUTHERN CORPORATION'S
APPLICATION FOR CONSTRUCTION PERMIT

This Amended Petition is made after discovery of new evidence provided by Norfolk Southern Corporation in its reply on February 25, 2002 to Kunig's initial Petition of February 12, 2002. This Amended Petition is also made by the undersigned, according to Notice to Participate, dated March 21, 2001.

Based on newly discovered evidence, as further detailed in the Brief in Support of the Amended Petition, the undersigned herewith petitions the Surface Transportation Board to summarily deny construction permit and to discontinue all further actions on this application pending Norfolk Southern Corporation's compliance with 49 U.S.C. Section 10901 (a) and eminent domain procedures 15 Pa. C.S.A. § 1511 (a) and (c).

Dated: March 23, 2001

Respectfully submitted,

H. Kunig

Horst E. Kunig, Ph. D. President
KUNIG, INC.
P. O. Box 192
Saltsburg, PA 15681-0192

Cc Constance A. Sadler
Counsel for Norfolk Southern Corporation
And Norfolk Southern Railway Company
Sidley and Austin
1501 K Street, N. W.
Washington, DC 20005

Horst E. Kunig, Ph. D., 325 Kunig Road, P. O. Box 192, Saltsburg, PA 15681, USA
Tel 724-639-3657, Fax 724-639-9681, e-mail kunig@kiski.net

March 23, 2002

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

Re: STB Finance Document, NO. 33928, Norfolk Southern Corporation, Application for
Construction and Operation of new Rail Line in Indiana County, Pennsylvania

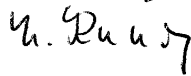
Dear Secretary Williams:

Enclosed is an Amended Petition to Summarily Dismiss the above-cited application and a Brief in
Support, based on newly discovered evidence.

One original and ten copies of the Amended Petition and the Brief in Support, a certificate of
mailing and a service list are enclosed

Please contact me if you have further questions.

Sincerely,



President
Kunig, Inc.

enclosures

Cc Constance A. Sadler
Counsel for Norfolk Southern Corporation
And Norfolk Southern Railway Company
Sidley and Austin
1501 K Street, N. W.
Washington, DC 20005