

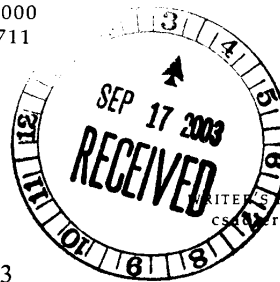
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September 17, 2003

By Hand Delivery – Original and 25 Copies

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
Room 700
1925 K Street, N.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings

SEP 22 2003

Part of
Public Record

Re: Finance Docket No. 33388: CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements - Conrail Inc. and Consolidated Rail Corporation: Decision No. 89, Appendix Q

Petition of Extension of Time for Completion of Compliance with Environmental Condition 11

Dear Secretary Williams:

Norfolk Southern Corporation and Norfolk Southern Railway Company ("Norfolk Southern" or "NS") hereby request an extension of the time for completion of compliance with Environmental Condition 11 of Appendix Q of Decision No. 89 in the above-referenced proceeding with respect to rail line segments N-100 (Riverton Junction, VA to Roanoke, VA) and N-111 (Fola Mine, WV to Deepwater, WV).

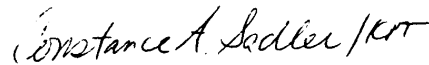
Pursuant to Environmental Condition 11, Applicants are required, with the written concurrence of the responsible local governments, to mitigate train wayside noise at the locations identified by the Surface Transportation Board in the Environmental Condition 11 table entitled "Receptors that Meet Wayside Noise Mitigation Criteria." Environmental Condition 11 further provides that the specific requirements of the condition "shall not apply to those communities that have executed Negotiated Agreements with Applicants that satisfy the communities' environmental concerns." In Decision No. 210 (served May 15, 2003), the Board granted NS an extension to September 22, 2003 for completion of its obligations under Environmental Condition 11 with respect to rail line segments N-100 in Virginia and N-111 in West Virginia.

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In addition to obtaining Negotiated Agreements with eight local governments in Virginia and two local government in West Virginia, all of which have been accepted by the Board, Norfolk Southern has entered into settlement agreements with the owners of the eligible receptor structures earlier identified along N-100 and has undertaken field verification surveys along those portions of N-100 and N-111 that are not subject to community Negotiated Agreements and have not already been resolved through settlement agreements with eligible receptor structure owners. As a result of the field verification surveys, Norfolk Southern is now, with the assistance of local government representatives from each relevant jurisdiction, verifying ownership and eligibility criteria under Environmental Condition 11 for over 40 structures. Norfolk Southern has entered into settlement agreements with the owners of a number of those structures and is working diligently to contact the owners of the remaining eligible structures to provide settlement offers.

The process of completing the field surveys to verify the receptor locations along N-100 and N-111 that were not resolved through community Negotiated Agreements and to verify ownership and other eligibility criteria under Environmental Condition 11 has required more time than anticipated. In order to complete the settlement process and, if necessary, implement the noise mitigation protocol developed by NS and CSX and approved by SEA for any owners of eligible structures along N-10 or N-111 who may elect instead to have Norfolk Southern install sound insulation inside the structures, Norfolk Southern believes that an additional six months is necessary and warranted. Accordingly, Norfolk Southern requests that the current September 22, 2003 implementation date established by the Board be extended until March 22, 2004 in order to complete the Environmental Condition 11 noise mitigation requirements for rail line segments N-10 and N-111.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Constance A. Sadler / KOT".

Constance A. Sadler

cc: Victoria J. Rutson, SEA
Bruno Maestri, Norfolk Southern Corporation