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September 9, 2004

VIA HAND DELIVERY - RETURN COPY

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW (7th fl.)
Washington, DC 20423-0001

ENTERED
Office of Proceedings

SEP - 9 2004

Part of
Public Record

Dear Secretary Williams:

This refers to STB Finance Docket No. 34415, Ohio Department of Transportation-Petition for Declaratory Order-Status of Track at Findlay, Hancock County, OH, and to the Petition for Declaratory Order of the Ohio Department of Transportation, filed October 17, 2003.

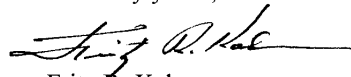
Petitioner, Ohio Department of Transportation, having resolved its controversy with Norfolk Southern Railway Company, respectfully requests leave to withdraw its Petition for Declaratory Order, thereby terminating the proceeding.

Ten copies of this letter are enclosed to permit your circulation of it. An additional copy is enclosed for you to stamp to acknowledge your receipt of it and to return to me via the messenger

Service of this letter has been effected upon each of the parties by facsimile transmitting copies thereof to their counsel.

If you have any question concerning the foregoing which you believe I may be able to answer or if I otherwise can be of assistance, please let me know.

Sincerely yours,


Fritz R. Kahn

Hon. Vernon A. Williams

September 9, 2004

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enc.

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