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FEB 3 2005
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February 3, 2005

BY HAND DELIVERY

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

ENTERED
Office of Proceedings
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Public Record

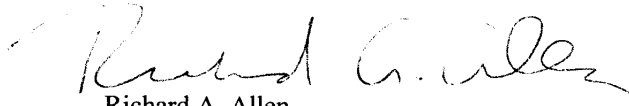
Re: Finance Docket No. 34649, New York & Greenwood Lake
Railway—Feeder Line Application—A Line of Norfolk Southern
Railway Application

Dear Secretary Williams:

I enclose for filing in the above-captioned proceeding an original and 10 copies each of the following pleadings:

1. Motion of Norfolk Southern Railway Company For Leave To File Rebuttal To Reply of New York Greenwood Lake Railway;
2. Rebuttal of Norfolk Southern Railway Company to Reply of Greenwood Lake Railway.

Sincerely,



Richard A. Allen

cc: (w/encl.)

Fritz R. Kahn, Esq.

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 34649

NEW YORK & GREENWOOD LAKE RAILWAY
—FEEDER LINE APPLICATION—
A LINE OF NORFOLK SOUTHERN RAILWAY COMPANY

**MOTION OF NORFOLK SOUTHERN RAILWAY
COMPANY TO FILE REBUTTAL TO REPLY
OF NEW YORK GREENWOOD LAKE RAILWAY**

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Norfolk Southern Railway Company ("NSR") hereby moves the Board to waive its rule at 49 C.F.R. § 1104.13(c) to permit NSR to file the accompanying brief rebuttal to the February 2, 2005 Reply of New York & Greenwood Lake Railway ("NYGL") to NSR's motion to reject NYGL's feeder line application.

NSR understands that the Board's rules ordinarily do not permit a reply to a reply. The Board, however, will construe its rules liberally to allow the filing of a reply to a reply that will contribute to a complete record without prejudicing any party and delaying the proceedings. *See, e.g., SMS Rail Service, Inc. – Petition For Declaratory Order*, Finance Docket No. 34483 (served January 24, 2005); *Union Pacific Railroad Company – Abandonment Exemption – In Rio Grande and Mineral Counties, CO*, STB Docket No. AB-33 (Sub-No. 132X), slip op. at 3 (served June 22, 2004); *The New York City Economic Development Corporation – Petition for Declaratory Order*, STB Finance Docket No. 34429, slip op. at 5, n.4 (served July 15, 2004); *Tongue River Railroad Co.— Construction and Operation—Western Alignment*, Finance Docket No. 30186 (Sub-No.

3), slip op. at 3 (served March 11, 2003); *Salt Lake City Railroad Company, Inc. – Adverse Abandonment – Line of Utah Transit Authority in Salt Lake City, UT*, STB Docket No. AB-520, slip op. at 2, n.2 (served August 26, 1999).

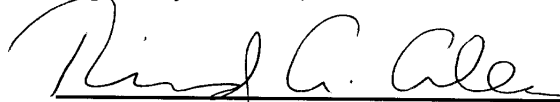
In this case, NYGL has filed a feeder line application seeking to acquire by forced sale NSR lines that NSR does not wish to sell and is not abandoning. NYGL is also seeking extensive and burdensome discovery from NSR concerning the lines. Because NSR believes the application is without legal basis, it has moved the Board to reject the application and deny the discovery request.

NYGL's Reply distorts the evidence of record and misrepresents the holdings of the statutes, regulations and Board decisions on which it relies.

Allowing NSR to file the attached brief rebuttal will permit the Board to have a complete and accurate record upon which to render its decision, will not prejudice NYGL and will not delay the proceeding.

John V. Edwards
**NORFOLK SOUTHERN
CORPORATION**
Three Commercial Place
Norfolk, Virginia 23510-2191
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Respectfully submitted,



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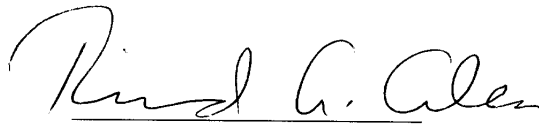
*Attorneys for
Norfolk Southern Railway Company*

February 3, 2005

CERTIFICATE OF SERVICE

I certify that on February 3, 2005, a true copy of the foregoing "Motion of Norfolk Southern Railway Company For Leave To File Rebuttal To Reply of New York Greenwood Lake Railway" was served by facsimile and first class U.S. Mail, postage prepaid, upon:

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