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November 27, 2007

Via Electronic Filing

Vernon A. Williams, Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

Re: STB Docket No. AB-290 (Sub-No. 293X), *Norfolk Southern Railway
Company – Abandonment Exemption – in Norfolk and Virginia Beach, VA*

Dear Secretary Williams:

Please accept this Response of Norfolk Southern Railway Company to Riffin
Petition for Stay and to Reopen and/or to Reconsider Decision Served on November 6, 2007.

Sincerely,



John V. Edwards

For Norfolk Southern Railway Company

Cc: All Parties of Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB-290 (Sub-No. 293X)

**NORFOLK SOUTHERN RAILWAY COMPANY – ABANDONMENT EXEMPTION –
IN NORFOLK AND VIRGINIA BEACH, VA**

**RESPONSE OF
NORFOLK SOUTHERN RAILWAY COMPANY
TO RIFFIN PETITION FOR STAY AND TO REOPEN
AND / OR TO RECONSIDER
DECISION SERVED ON NOVEMBER 6, 2007**

**JOHN V. EDWARDS
JAMES R. PASCHALL
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510**

Counsel to Norfolk Southern Railway Co.

Dated: November 27, 2007

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB-290 (Sub-No. 293X)

**NORFOLK SOUTHERN RAILWAY COMPANY – ABANDONMENT
EXEMPTION – IN NORFOLK AND VIRGINIA BEACH, VA**

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TO RIFFIN PETITION FOR STAY AND TO REOPEN
AND / OR TO RECONSIDER
DECISION SERVED ON NOVEMBER 6, 2007**

On November 6, 2007, the Surface Transportation Board (the “Board”) served a decision granting Norfolk Southern Railway Company (“Norfolk Southern”) authority to abandon 15.34 miles of railroad line in Norfolk and Virginia Beach, VA and further granting Norfolk Southern an exemption from the offer of financial assistance provisions. STB Docket No. AB-290 (Sub-No. 293X), Norfolk Southern Railway Co. – Abandonment Exemption – in Norfolk and Virginia Beach, VA, served November 6, 2007 (the “Abandonment Decision”). As has been previously noted, the Abandonment Decision has set the stage for development of a long-anticipated, and funded, light rail project in the city of Norfolk. Construction on that project was to begin this month.

On November 17, 2007, James Riffin (“Riffin”) filed a combined Petition for Stay and Petition for Reconsideration (“Riffin Petition”) that makes several arguments not fully grounded in either law or fact seeking, first, a stay of the Abandonment Decision, and second, a reconsideration of the portion of the Abandonment

Decision in which the Board granted Norfolk Southern an exemption from the offer of financial assistance provisions.

On November 21, 2007, Norfolk Southern filed a response to the Riffin Petition, noting that Riffin had incorrectly filed a request for reconsideration, not a request to reopen. Norfolk Southern treated the Riffin Petition as if it had been filed correctly as a request to reopen, though, and demonstrated that there was no basis for granting the requested stay. Also on November 21, 2007, the City of Norfolk filed a letter with the Board noting the extreme irreparable harm a stay would inflict upon the City, and upon the funded light rail project that was to be constructed, beginning this month.

On November 26, 2007, Riffin filed yet another pleading, this one entitled “Petition to Stay and to Reopen and/or to Reconsider Decision Served on November 6, 2007” (“Riffin Renewed Petition”). Riffin spends a few pages ruminating about the proper procedure – whether he should have filed a petition to reopen or a petition to reconsider. Riffin erroneously states that Norfolk Southern argued that the Riffin Petition “should be denied because it was improperly titled.” Riffin Renewed Petition at 4. Riffin then asks leave of the Board to amend his petition to include a new paragraph 29B which would state that “the Board will grant a petition to reopen only upon a showing that the action would be affected materially because of new evidence, changed circumstances, or material error.”

Norfolk Southern does not argue that the petition for a stay should be denied because Riffin asks for reconsideration rather than reopening. Instead, Norfolk

Southern argued that Riffin's petition for stay should be denied – expeditiously – because Riffin failed to sustain his burden under the Holiday Tours test.

Norfolk Southern does not object to Riffin's request to add the new paragraph 29B.

Respectfully Submitted,



JOHN V. EDWARDS
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Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510

Counsel to Norfolk Southern Railway Co.

Dated: November 27, 2007

CERTIFICATE OF SERVICE

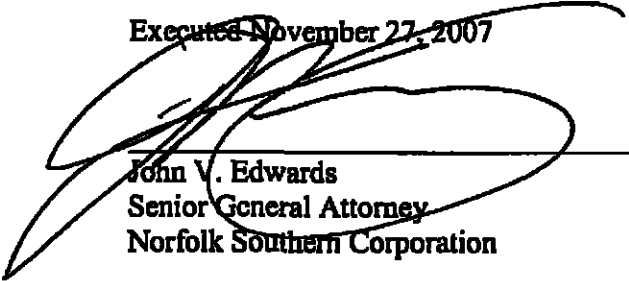
I certify that on this 27th day of November, 2007, I have caused to be served by first class mail, postage prepaid, the foregoing "Response of Norfolk Southern Railway Company to Riffin Petition for Stay and to Reopen and/or to Reconsider Decision Served on November 6, 2007" on the following persons:

Stanley Stein
Assistant City Manager
City of Norfolk
508 City Hall Building
Norfolk, VA 23510

James Riffin
1941 Greenspring Drive
Timonium, MD 21093

Matthew O. Tucker
Commonwealth of Virginia
P.O. Box 590
Richmond, VA 23218-0590

Executed November 27, 2007



John V. Edwards
Senior General Attorney
Norfolk Southern Corporation