



Office of the General Counsel

Surface Transportation Board
Washington, D.C. 20423-0001

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Meeting under Section 5, STB Reauthorization Act

December 7, 2021

Present: Members Begeman, Fuchs, Oberman, Primus, and Schultz
Staff Jonathon Binet, Stephanie Borges, Rachel Campbell, Christopher
Diamond, Ellen Erichsen, Christopher Falcone, Fred Horne, Theodore Hunt,
Craig Keats, Adam Kress, Elizabeth McGrath, Rebecca Morrow, Lisa Novins,
Valerie Quinn, Janie Sheng, Scott Zimmerman

Topic: Docket No. FD 36522, Norfolk Southern Railway Company – Petition
for Declaratory Order

Summary of the Matters Discussed, Prepared by General Counsel Craig Keats:

In this matter, Norfolk Southern Railway Company (NS) filed a petition for a declaratory order following a referral from the U.S. District Court for the Eastern District of Virginia. The court has requested Board determinations on whether the ICC approved acquisition of control of the Norfolk & Portsmouth Belt Line Railroad Company by NS's holding company in 1982 and, if so, whether and how such approval would affect antitrust and/or state conspiracy laws. Staff briefed the Board concerning the background of the proceeding, the pleadings filed by the parties, and options for addressing the question referred by the court.