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CSXT/PAR-60

VIA E-FILING

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, SW
Washington, DC 20423

Re: **STB Docket No. FD 36472 (Sub-No. 5), Pittsburg & Shawmut Railroad—Operation Exemption—Pan Am Southern LLC**

Dear Ms. Brown:

In *Decision No. 9* in the above-referenced proceeding, served on April 14, 2022, the Board¹ approved the application by CSX to acquire control of seven rail carriers owned by Pan Am Systems, Inc. (“Systems”), and Pan Am Railways, Inc., and to merge six of those PAR Railroads into CSXT (the “Merger Transaction”). The Board also approved a number of related transactions, one of which allowed Pittsburg & Shawmut Railroad, LLC d/b/a Berkshire & Eastern Railroad (“B&E”) to replace Springfield Terminal as the operator of Pan Am Southern LLC (“PAS”), a 50/50 joint venture between Boston & Maine (a PAR Railroad now wholly-owned and controlled by CSX) and NSR (the “B&E transaction”).

In *Decision No. 9*, the Board ordered that, “[w]ithin 90 days after the effective date of this decision, CSX shall provide a progress report on whether the B&E transaction has been completed. If the B&E transaction has not been completed, CSX should explain why and subsequently notify the Board when the transaction has been completed.” *Decision No. 9*, slip op. at 53.

In a filing submitted on August 12, 2022, CSX provided a progress report explaining that the B&E transaction had not yet been completed due to the time required for the mandatory negotiating process with Springfield Terminal’s labor unions set forth in the *New York Dock* conditions. CSX explained that the parties were confident that the B&E transaction will be

¹ The defined terms used in this letter are the same as those used in *Decision No. 9*.

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completed very soon after the *New York Dock* process had ended. In the intervening months, Springfield Terminal and B&E worked diligently and ultimately obtained the necessary labor implementing agreements.

CSX is now pleased to notify the Board that, earlier today, September 1, 2023, B&E replaced Springfield Terminal as the operator of PAS, thereby completing the B&E transaction authorized by the Board. CSX, Springfield Terminal, NSR, and B&E have engaged in extensive planning to prepare for a successful transition.

CSX will continue to provide the regular oversight reports required by *Decision No. 9*, and will fully comply with the remaining reporting requirements set out in *Decision No. 9*.

Please contact me with any questions.

Respectfully submitted,

/s/ Anthony J. LaRocca

Anthony J. LaRocca
Peter W. Denton
Sally Mordi
*Attorneys for CSX Corporation and
CSX Transportation, Inc.*

cc: Louis E. Gitomer
All parties of record

CERTIFICATE OF SERVICE

I hereby certify that I have caused this Letter to be served electronically or by first class mail, postage pre-paid, on all parties of record in this proceeding.

/s/ Sally Mordi

Sally Mordi
*Attorney for CSX Corporation and
CSX Transportation, Inc.*

September 1, 2023