

SERVICE DATE – JUNE 5, 2025

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. NOR 42183¹

CSX TRANSPORTATION, INC.

v.

NORFOLK SOUTHERN CORPORATION AND
NORFOLK SOUTHERN RAILWAY COMPANY

Docket No. FD 36859

CSX TRANSPORTATION, INC.—TERMINAL TRACKAGE RIGHTS—
NORFOLK SOUTHERN RAILWAY COMPANY AND
NORFOLK & PORTSMOUTH BELT LINE RAILROAD COMPANY

Decided: June 5, 2025

On May 20, 2025, in Docket No. NOR 42183, CSX Transportation, Inc. (CSXT), filed a complaint pursuant to 49 U.S.C. §§ 11701 and 11704 and 49 C.F.R. § 1111.2 against Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively, NS), alleging that NS has exercised and continues to exercise unlawful control of Norfolk & Portsmouth Belt Line Railroad Company (NPBL), and that NS unlawfully removed certain track assets without first obtaining abandonment authority from the Board (the Complaint Proceeding). Also on May 20, 2025, in Docket No. FD 36859, CSXT filed an application under 49 U.S.C. § 11102 for terminal trackage rights over certain lines owned by NS and NPBL in Norfolk, Va., and Chesapeake, Va. (the CSXT Trackage Rights Proceeding).²

On May 30, 2025, NS filed, in each docket, a motion requesting a 30-day extension of deadlines in the Related Proceedings. NS states that, absent the extension, it would be required to respond to CSXT's complaint, application, and discovery requests in each docket at approximately the same time, which also overlaps with preparation of NS's filing in the related control proceeding.³ (NS Mot. for Extension 1-2, CSX Transp., Inc.—Terminal Trackage Rts.—

¹ These proceedings are not consolidated. A single decision is being issued for administrative convenience.

² The Complaint Proceeding and the CSXT Trackage Rights Proceeding will be referred to collectively as the Related Proceedings.

³ In Docket No. FD 36836, NS seeks the Board's authorization under 49 U.S.C. §§ 11323-25 and 49 C.F.R. part 1180 of their acquisition of control of NPBL (the Control

Norfolk S. Ry., FD 36859; NS Mot. for Extension 1-2, CSX Transp., Inc. v. Norfolk S. Corp., NOR 42183.) NS also stated that it intended to file a motion to hold the Related Proceedings in abeyance and a request to stay the deadlines in those proceedings until the Board rules on that motion. (See, e.g., NS Mot. for Extension 2 n.4, CSX Transp., Inc.—Terminal Trackage Rts.—Norfolk S. Ry., FD 36859.)

CSXT replied to NS’s motions by letter filed in both dockets on June 2, 2025. CSXT states that it would not oppose a 10-day extension but that it strongly opposes a “potentially indefinite extension of the schedule through a housekeeping stay.” (CSXT Letter 2, June 2, 2025.) NS responded by letter filed that same day, noting that it opposes the 10-day extension suggested by CSXT.

Also on June 2, 2025, NS filed in both dockets a motion to hold the Related Proceedings in abeyance and a petition for housekeeping stay. According to NS, the Board should hold the Related Proceedings in abeyance pending resolution of the Control Proceeding because the cases include the same issues and facts and because certain relief CSXT seeks in the Related Proceeding may be sought as potential conditions in the Control Proceeding. (NS Mot. for Abeyance 4.) In its petition for housekeeping stay, NS argues that good cause exists to stay the deadlines for NS’s responses in the Related Proceedings because the Board is unlikely to be able to rule on NS’s abeyance motion before NS would be required to respond on June 9, 2025. (Pet. for Housekeeping Stay 1, 4, June 2, 2025.)

CSXT replied to NS’s petition for housekeeping stay on June 3, 2025. CSXT reiterates its opposition to an indefinite housekeeping stay, arguing that the Related Proceedings are timely and should proceed without delay. (CSXT Letter 1-2, June 3, 2025.) CSXT argues that CSXT “continues to suffer direct economic damages and other harm” due to NS’s control of NPBL and that granting the relief requested in the Related Proceedings is the “‘appropriate step’ to address NS’s unauthorized control” of NPBL. (*Id.* at 2 (referencing Norfolk S. Ry.—Pet. for Declaratory Ord., FD 36522, slip op. at 17 n.25 (STB served June 17, 2022)).) CSXT also argues that, should the Board stay the Related Proceedings, it also should stay the Control Proceeding. (*Id.* at 2.)

On June 4, 2025, NS filed a letter opposing CSXT’s argument that the Board should also stay the Control Proceeding. Also on June 4, 2025, NPBL filed a letter requesting a 15-day extension of time to reply to CSXT’s terminal trackage rights application.⁴ NPBL further states

Proceeding). By decision served March 14, 2025, and published in the Federal Register on March 17, 2025 (90 FR 12440), the Board found that the proposed transaction should be classified as a “significant” transaction under 49 C.F.R. § 1180.2, considered the applicants’ initial submission as a prefiling notification for a significant transaction, and permitted the applicants to perfect their application by supplementing their submission by June 14, 2025. See Norfolk S. Corp.—Acquis. of Control—Norfolk & Portsmouth Belt Line R.R., FD 36836, slip op. at 1, 7-8 (STB served Mar. 14, 2025).

⁴ NPBL also requests a 15-day extension of time to reply to a motion to dismiss or to continue to hold in abeyance that CSXT filed in a related trackage rights compensation

that it supports the relief that NS seeks in the Related Proceedings. (NPBL Letter 2, June 4, 2025.)

Good cause exists to stay the procedural deadlines in the Related Proceedings until the Board rules on NS's motion to hold those proceedings in abeyance. The Control Proceeding and the Related Proceedings stem from the same facts, present many of the same arguments, and potentially implicate the same requests for relief. (See, e.g., CSXT Compl. CSXT-1-3; NS Mot. for Abeyance 10.) The Board must carefully consider how to proceed in these related dockets given the significant overlap of issues and the demand on the Board's resources. The deadline for NS's responses in the Related Proceedings is currently June 9, 2025, and CSXT has stated that it intends to reply to NS's motion for abeyance on June 12, 2025. To allow the Board to fully consider NS's motion for abeyance and CSXT's reply thereto, the Board will toll the procedural deadlines in the Related Proceedings pending further order of the Board.⁵ Because the Board is granting NS's petition for housekeeping stay, it will deny as moot NS's motions for extension of time to respond to the complaint and to the terminal trackage rights application as well as NPBL's request for an extension of time to reply to CSXT's terminal trackage rights application.⁶

It is ordered:

1. NS's petition for housekeeping stay is granted, and the deadlines in the Related Proceedings are tolled pending further order of the Board.
2. NS's motions for extension of time to respond are denied as moot.
3. NPBL's request for an extension of time to reply, insofar as it relates to the CSXT Trackage Rights Proceeding, is denied as moot.
4. This decision is effective on the date of service.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

proceeding (the NS/NPBL Trackage Rights Compensation Proceeding). See Norfolk S. Ry.—Pet. to Set Trackage Rts. Comp.—Norfolk & Portsmouth Belt Line R.R., Docket No. FD 36223. The deadline for replies to that motion is also June 9, 2025. NPBL notes that it is not a party to the Complaint Proceeding. (NPBL Letter 1-2, June 4, 2025.)

⁵ As noted above, CSXT argues that, should the Board stay the Related Proceedings, it also should stay the Control Proceeding. (CSXT Letter 2, June 3, 2025.) The Board, however, has not yet set a procedural schedule in the Control Proceeding. The deadline for replies to CSXT's two motions to compel in that proceeding have already been stayed pending resolution of NS's petition for reconsideration. See Norfolk S. Corp.—Acquis. of Control—Norfolk & Portsmouth Belt Line R.R., FD 36836 (STB served Apr. 24, 2025).

⁶ NPBL's extension request, insofar as it relates to the NS/NPBL Trackage Rights Compensation Proceeding, will be addressed in that docket.