

SERVICE DATE – SEPTEMBER 4, 2025

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36836

NORFOLK SOUTHERN CORPORATION AND
NORFOLK SOUTHERN RAILWAY COMPANY—ACQUISITION OF CONTROL—
NORFOLK & PORTSMOUTH BELT LINE RAILROAD COMPANY

Decision No. 11

Decided: September 4, 2025

On August 29, 2025, CSX Transportation, Inc. (CSXT), filed a motion to modify the procedural schedule in this proceeding. CSXT’s motion seeks a 10-day extension of its deadline to submit comments, protests, requests for conditions, and any other evidence and argument in opposition to the control application of Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively, NS), as well as the deadline to submit responsive, including inconsistent, applications, from September 8, 2025, to September 18, 2025.¹ (CSXT Mot. 1, 4, Aug. 29, 2025.). According to CSXT, it received a “significant and unexpected” quantity of discovery documents from NS on August 28, 2025. (*Id.* at 3.) CSXT argues that it needs additional time to review, analyze, and incorporate the relevant discovery produced by NS into its comments. (*Id.* at 1-2.) CSXT argues that an extension is warranted because it is entitled to full discovery before submitting comments and that NS would not be prejudiced by this limited extension. (*Id.* at 3, 6.) CSXT also states that it would not oppose similar limited extensions to later deadlines in the proceeding. (*Id.* at 2.)

NS filed a reply opposing CSXT’s motion on September 2, 2025. NS represents that it produced documents responsive to CSXT’s “extensive” discovery requests on the date that CSXT requested they be produced, i.e., August 28, 2025. (NS Reply 2, Sept. 2, 2025.) NS argues that discovery is ongoing throughout the proceeding, and CSXT can continue reviewing discovery documents and address them in its rebuttal filing. (*Id.*) NS maintains that it would be materially adversely impacted by the extension due to the shortening of time it will have to respond to CSXT’s comments. (*Id.* at 3.) NS requests that, if another 10 days is added to CSXT’s deadline for comments, then NS should be granted an additional 22 days to respond to CSXT’s filings, to account for the prior and current extensions sought by CSXT. (*Id.*)

¹ CSXT had previously sought and received a 12-day extension of the deadline for it to submit comments, protests, requests for conditions, and any other evidence and argument in opposition to NS’s control application, from August 27, 2025, to September 8, 2025. Norfolk S. Corp.—Acquis. of Control—Norfolk & Portsmouth Belt Line R.R., FD 36836 (STB served August 21, 2025).

CSXT's request for a 10-day extension is reasonable and will be granted. Sufficient flexibility remains in the procedural schedule for the Board to accommodate this limited extension. The deadline for CSXT to file comments, protests, requests for conditions, and any other evidence and argument in opposition to NS's control application, as well as the deadline for parties to submit responsive, including inconsistent, applications, will be extended to September 18, 2025. In light of this extension, NS's due date to file its response to comments, protests, requests for conditions, and other opposition (including to DOJ and USDOT filings), its response to responsive (including inconsistent) applications, and its rebuttal in support of the application will be extended by a corresponding 10 days (to November 6). The deadline for rebuttal in support of responsive (including inconsistent) applications also will be extended by 10 days (to December 5). The revised procedural schedule is shown in the Appendix to this decision.

It is ordered:

1. The procedural schedule is revised as reflected in the Appendix to this decision.
2. This decision is effective on the date of service.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

**APPENDIX
PROCEDURAL SCHEDULE**

September 18, 2025	CSXT's comments, protests, requests for conditions, and any other evidence and argument in opposition to the application due.
September 18, 2025	Responsive, including inconsistent, applications due.
November 6, 2025	Responses to comments, protests, requests for conditions, and other opposition due, including to DOJ and USDOT filings. Responses to responsive, including inconsistent, applications due. Rebuttal in support of the application due.
December 5, 2025	Rebuttal in support of responsive, including inconsistent, applications due.
TBD ²	Public hearing (if necessary).
January 6, 2026	Final briefs due. (Close of the record.)
April 6, 2026	Date by which a final decision will be served.
May 6, 2026 ³	Effective date of final decision.

² The Board will decide whether to conduct a public hearing, which would be held between the filing of rebuttals and final briefs, in a later decision after the record has been more fully developed. See 49 U.S.C. 11324(a).

³ The final decision will become effective 30 days after it is served.