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SERVICE DATE – NOVEMBER 17, 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. 12

Decided: November 17, 2025

During the shutdown of the federal government due to a lapse in appropriations from October 1, 2025, through November 12, 2025, all deadlines requiring the submission of materials to the Board, including the deadlines in this proceeding, were tolled. See Materials Due to be Submitted During the Fed. Gov’t Shutdown, EP 751, slip op. at 1 (STB served Oct. 1, 2025). In this proceeding, the affected deadlines included November 6, 2025 deadlines for (1) responses to comments, protests, requests for conditions, and other opposition to the application; (2) responses to responsive, including inconsistent, applications; and (3) rebuttal in support of the application. See Norfolk S. Corp.—Acquis. of Control—Norfolk & Portsmouth Belt Line R.R., Docket No. FD 36836 (STB served Sept. 4, 2025) (Decision No. 11).

On September 30, 2025, Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively, NS) moved for an extension of the November 6 deadline. NS claimed that CSX Transportation, Inc. (CSXT), had unreasonably delayed responding to NS’s discovery requests and that, if NS were bound by the November 6 deadline, NS would be “extremely disadvantaged” and its due process rights violated. (NS Mot. 1-2, Sept. 30, 2025.)

By letter filed November 13, 2025 (the first day of the resumption of Board operations), NS indicates that discovery disputes between NS and CSXT have been resolved with minor exceptions but that NS had not yet received full discovery responses from Virginia Port Authority and Virginia International Terminals (collectively, VPA/VIT). (NS Letter 1-2 (Filing No. 310145), Nov. 13, 2025.) NS requests an extension of the November 6, 2025 deadline until 15 days after VPA/VIT submits full responses. (Id. at 2.)

By reply filed November 13, 2025, CSXT argues in relevant part that discovery responses by VPA/VIT have “limited relevance” in this proceeding and that NS has had sufficient time to consider the discovery materials that VPA/VIT have provided in previous productions. (CSXT Reply 4, Nov. 13, 2025.) CSXT proposes dates for a revised procedural schedule, adding that CSXT would agree to give NS seven days to submit a supplemental response based on any newly produced VPA/VIT materials. (Id. at 4-6.)

By a second letter also filed November 13, 2025, NS responds to CSXT's reply and proposed procedural schedule. According to NS, the outstanding discovery materials from VPA/VIT are central to issues that CSXT has raised in this proceeding. (NS Letter 1-2 (Filing No. 310148), Nov. 13, 2015.) NS also objects to the dates in CSXT's proposed procedural schedule as well as to CSXT's suggestion that NS should be given seven days to submit a supplemental response based on any newly produced VPA/VIT materials. NS renews its request that it be given until 15 days after VPA/VIT submits full discovery responses to file its responses to opposition and rebuttal in support of its application. (*Id.* at 2.)

The procedural schedule will be revised as shown in the Appendix to this decision. The revised schedule extends by two weeks the November 6, 2025 deadlines as well as the December 5, 2025 deadline for rebuttal in support of responsive, including inconsistent, applications. This approach is consistent with the Board's approach in other proceedings in which deadlines were tolled due to the lapse in appropriations. See Materials Due to be Submitted During the Fed. Gov't Shutdown, EP 751 (STB served Nov. 13, 2025). However, under 49 U.S.C. § 11325(c), the evidentiary proceedings for a significant transaction are to conclude no later than 180 days after publication of notice in the Federal Register that the Board has accepted the application. Accordingly, the January 6, 2026 deadline for submission of final briefs, as well as the subsequent deadlines on April 6, 2026, and May 6, 2026, will remain unchanged.¹

It is ordered:

1. The procedural schedule is revised as reflected in the Appendix to this decision.
2. The motions by NS and CSXT that are discussed above are denied.
3. This decision is effective on the date of service.

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

¹ Should NS believe it necessary to supplement its filings upon completion of discovery by VPA/VIT, it may move for leave to submit a supplemental response.

**APPENDIX
PROCEDURAL SCHEDULE**

November 20, 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 19, 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.