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November 20, 2025

310336

VIA ELECTRONIC FILING

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

ENTERED
Office of Chief Counsel
November 20, 2025
Part of
Public Record

Re: **Docket No. FD 36836 (Sub-No. 1)**
Norfolk Southern Corporation and Norfolk Southern
Railway Company – Acquisition of Control –
Norfolk and Portsmouth Belt Line Railroad Company

Dear Case Administration Chief:

Attached for filing in the above-captioned proceeding is the **Reply of Norfolk and Portsmouth Belt Line Railroad Company to Application for Terminal Trackage Rights** (NPBL-6), dated November 20, 2025.

If you have any questions regarding this filing, please feel free to contact me.
Thank you for your assistance on this matter. Kind regards.

Respectfully submitted,

/s/ *Thomas J. Litwiler*

Thomas J. Litwiler
Attorney for Norfolk and Portsmouth
Belt Line Railroad Company

TJL:tl

Attachment

cc: Parties on Certificate of Service
Hon. Jenifer Soulikias, ALJ

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36836 (Sub-No. 1)

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

**REPLY OF
NORFOLK AND PORTSMOUTH BELT LINE RAILROAD COMPANY
TO APPLICATION FOR TERMINAL TRACKAGE RIGHTS**

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**ATTORNEYS FOR
NORFOLK AND PORTSMOUTH BELT
LINE RAILROAD COMPANY**

Dated: November 20, 2025

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36836 (Sub-No. 1)

NORFOLK SOUTHERN CORPORATION AND
NORFOLK SOUTHERN RAILWAY COMPANY
-- ACQUISITION OF CONTROL --
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**REPLY OF
NORFOLK AND PORTSMOUTH BELT LINE RAILROAD COMPANY
TO APPLICATION FOR TERMINAL TRACKAGE RIGHTS**

Norfolk and Portsmouth Belt Line Railroad Company (“NPBL”) hereby replies to the Application for Terminal Trackage Rights (CSXT-23) filed by CSX Transportation, Inc. (“CSXT”) as a responsive application in this significant control proceeding. NPBL does not take a position on the merits of the underlying application filed by Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively, “NS”) seeking STB control authorization with respect to NPBL. For a number of significant reasons, however, NPBL opposes CSXT’s responsive application seeking terminal trackage rights over NPBL trackage.

Initially, CSXT’s rationale for the need for imposition of such trackage rights is significantly flawed. CSXT makes the repeated allegation that NPBL’s reciprocal switching rate – determined in 2010 on a cost basis and not increased since – is too high to provide CSXT with effective rail access to the Port of Virginia’s Norfolk International Terminals (“NIT”), and compels CSXT to dray containers from another CSXT location to NIT. But in reality the drayage rate for such traffic – never actually disclosed by CSXT in its responsive application – is more expensive than NPBL’s reciprocal switching rate. Indeed, CSXT provides no comparative evidence or analysis of the cost of its proposed terminal trackage rights, its current drayage model, and NPBL’s

tariff reciprocal switching rates that would tend to show that CSXT's trackage rights proposal would be comparatively more cost-effective than available transport options it seeks to avoid.

Just as consequently, CSXT provides nothing more than cursory statements regarding the feasibility of the trackage rights it seeks. CSXT would introduce two-mile-long trains to NPBL's speed-restricted terminal trackage for six- to twelve-hour preference windows, blocking roadway crossings and drawbridges for significant periods of time under even the most optimistic scenarios and disrupting service to local NPBL industrial customers. CSXT has provided no evidence from any type of operating witness that supports its anticipated plan for moving trains over NPBL's trackage. CSXT's application fails to even acknowledge the massive operational interference issues that would need to be confronted and addressed before the Board could possibly begin to consider whether CSXT has satisfied the statutory criteria for imposing terminal trackage rights.

For each of these reasons, CSXT's responsive application seeking terminal trackage rights over NPBL should be denied.

BACKGROUND

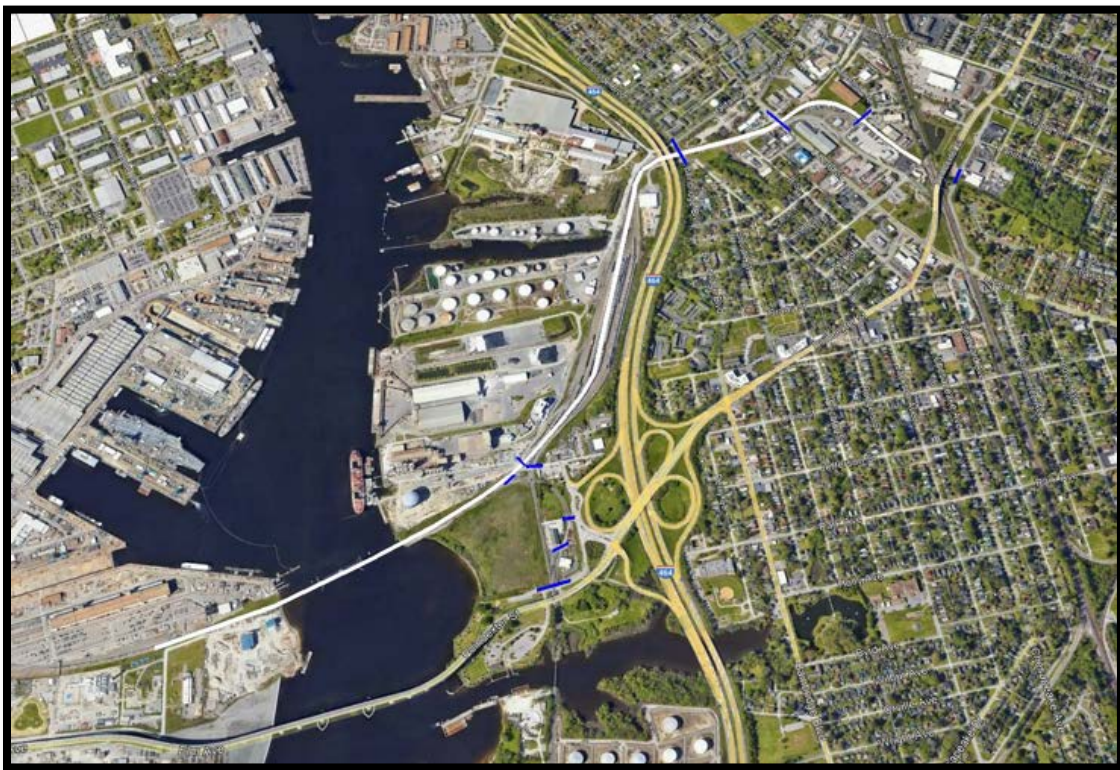
NPBL is a Class III switching and terminal railroad originally formed in 1896 and historically owned by eight line-haul railroads. As a result of various mergers, NPBL is today jointly owned by NS (57.143%) and CSXT (42.857%). NPBL provides neutral terminal switching services to 21 industrial customers and rail interchange partners in Norfolk, Portsmouth and Chesapeake, Virginia. See the attached verified statement of R. Cannon Moss, NPBL's President and General Manager ("Moss V.S.") at 13. With minor exceptions, all of NPBL's traffic is interchanged with NS or CSXT, and NPBL essentially provides first-mile/last-mile service to shippers and receivers in the Hampton Roads area on behalf of its owners.

A key segment of NPBL's trackage extends from a connection with CSXT at Seaboard Junction in Portsmouth across the Southern Branch of the Elizabeth River and through NPBL's Berkley Yard to a connection with NS at NS Junction in Norfolk. It is part of a longer line that also extends between Seaboard Junction to Pinners Point in Portsmouth. As Mr. Moss explains, like all of NPBL's trackage this approximately 4-mile segment is operated as "other than main line" track under restricted speed that allows a train to stop at half the range of vision of the track ahead, not to exceed ten miles per hour. Moss V.S. at 5-6. The Southern Branch of the Elizabeth River is crossed on a tender-controlled vertical lift bridge with priority given to water traffic. That bridge remains in the "up" position until needed for rail movements, meaning that NPBL trains must stop to allow the bridge to be lowered. Moss V.S. at 6. The segment crosses numerous arterial roadways in Portsmouth, and Mr. Moss calculates that a 10,000-foot train (as CSXT proposes to operate) moving at restricted speed and undergoing the braking required to stop at the Elizabeth River lift bridge would block those road crossings for up to 24 minutes under the most ideal of circumstances, and for potentially much longer in the event a train must stop in favor of maritime traffic. Moss V.S. at 5-6. If water traffic is present at NPBL's Elizabeth River lift bridge and the CSXT mega-train must be held, it would essentially split Portsmouth in half for the duration of the delay.

Similar problems exist on the Norfolk side of the Elizabeth River, where westbound trains stopped at the lift bridge or eastbound trains held at NS Jct. awaiting signal clearance from NS would block numerous public and private crossings in Norfolk, including access to NPBL's Berkley Yard. In the former circumstance, the stopped CSXT train would block numerous public crossings, including the NS double mainline to Lambert's Point dock and the Amtrak station. *See* image below (10,000 ft. train represented by white line); Moss V.S. at 11 and Exhibit D.



In the latter circumstance, the stopped CSXT train held at NS Jct. would extend back over the NPBL lift bridge, preventing the bridge from being raised for waterborne commerce. See image below (10,000 ft. train represented by white line); Moss V.S. at 6, 11-12 and Exhibit E.



Even CSXT trains approaching Seaboard Junction on CSXT's tracks from the west could be required to stop at Seaboard Junction to hand-throw the switch there to reach NPBL's line, creating even further vehicular delays on CSXT's line to the west. Moss V.S. at 10-11, 14 and Exhibit C.

All of these daily blockages to public access and emergency services would disproportionately affect populations that are less resilient to economic and safety disruptions. The CSXT trackage rights proposal imposes a significant, unmitigated burden upon the City of Portsmouth, which the U.S. Census Bureau's latest American Community Survey estimates show has a median household income of approximately \$58,972 – roughly one-third lower than the Virginia state median of \$90,974 – and a poverty rate of approximately 17.6%, which is nearly double the state average of 9.9%.¹ This economic vulnerability makes the community least equipped to absorb the impact of guaranteed, severe disruptions. CSXT touts in several places that its proposal would supposedly remove trucks from local roads, but nowhere does it acknowledge, let alone address, the massive impacts that its two-mile long trains operating on NPBL's trackage would create.

As the Board is aware, NPBL also operates pursuant to trackage rights on NS's rail line from NS Junction to West Junction near NIT – rights which are subject to a separate and long-pending compensation proceeding before the Board.² CSXT's responsive application also seeks terminal trackage rights on that segment, and operation of CSXT's proposed trains could adversely affect NPBL's operations on that segment as well. The unavoidable and drastic impacts on

¹ 2019-2023 American Community Survey (ACS) 5-Year Estimates, Data Profile for Portsmouth City, Virginia (referencing Median Household Income and Poverty Rate), available at https://data.census.gov/profile/Portsmouth_city,_VA?g=1600000US5174000 (last accessed November 20, 2025).

² Docket No. FD 36223, *Norfolk Southern Railway Company – Petition to Set Trackage Rights Compensation – Norfolk and Portsmouth Belt Line Railroad Company*.

NPBL's own tracks from Seaboard Junction to NS Junction, however, are the major concern of NPBL will respect to CSXT's responsive application seeking terminal trackage rights.

With rare exceptions, NPBL has not operated trains on its lines of a length approaching anything near 10,000 feet. Reflecting the capacity and operational constraints and features of NPBL's lines, when NPBL operated CSXT intermodal trains to NIT for a period in 2015, those trains ranged in length from roughly 2,400 feet to about 6,000 feet – in each case presenting serious operating challenges for NPBL. Moss V.S. at 2. CSXT appears to explicitly acknowledge that such train disassembly would be required for NPBL's movement of 10,000-foot CSXT intermodal trains over NPBL. CSXT-23 at 19.³ Those operational realities would not disappear upon the granting of terminal trackage rights to CSXT, yet CSXT does not account for the time or operational difficulties associated with these realities anywhere in its responsive application.

NPBL's Cannon Moss has sought to address these operational issues and disruptions associated with the potential movement of CSXT intermodal trains with CSXT for years, to no avail. Moss V.S. at 8-9. As he indicates, having reviewed the CSXT responsive application for terminal trackage rights, "I am still awaiting those discussions." Moss V.S. at 9.

DISCUSSION

The statutory standards that govern CSXT's request for terminal trackage rights require the following elements:

1. The request is for use of "terminal facilities, including main-line tracks for a reasonable distance outside of a terminal."

³ Page citations to the CSXT-23 pleading refer to the sequential page numbering in the bottom right corner of each page.

2. The use is “in the public interest.”
3. The use is “practicable . . . without substantially impairing the ability of the rail carrier owning the facilities or entitled to use the facilities to handle its own business.”
4. Compensation for the use, either as agreed to by the parties or established by the Board, “shall be paid or adequately secured before a rail carrier may begin to use the facilities “

49 U.S.C. § 11102(a).

NPBL does not contest that its rail lines over which CSXT seeks terminal trackage rights are located within a “terminal,” although as explained by NS in a recent filing, CSXT does not define the “terminal” to which it requires access with any particularity.⁴ CSXT’s evidence in support of the remaining elements of terminal trackage rights is woefully inadequate, and precludes granting the relief that CSXT seeks.

A. Public Interest and Compensation

CSXT’s public interest justification for its requested terminal trackage rights is predicated on the singular and repeated notion that CSXT does not have effective rail access to NIT today because NPBL’s \$210/car switching rate is too high and compels CSXT to dray its intermodal containers to NIT. CSXT-23 at 11-12; *see also, e.g.*, CSXT’s Evidence and Argument in Opposition to the NS Control Application (CSXT-22), September 18, 2025 (“CSXT Opposition”) at 68-76. But CSXT tellingly provides no evidence of the cost of drayage, and available

⁴ See NS Motion to Summarily Reject CSXT’s Responsive Application for Terminal Trackage Rights, November 13, 2025 (NS-29), at 5-6.

information indicates that drayage costs are actually higher for every set of two containers than the equivalent NPBL switching rate.

At the time of the prior and now dismissed antitrust litigation between the parties,⁵ drayage costs to NIT were established to be \$130 per container, or \$260 for two containers.⁶ NPBL's switching rate is \$210 per car, with each intermodal well counting as a car and capable of double-stacking two containers. By that measure, using NPBL instead of drayage – at the \$210/car switching rate about which CSXT blithely complains – results in a savings of \$50 for every set of two containers:

Cost to Move Two Containers to NIT		
Double-Stacked on NPBL		\$210
Drayage by Truck	\$130 x 2 =	\$260
Savings by Rail per Set		(\$50)

CSXT's public evidence in the District Court Proceeding also indicated, however, that this drayage fee is "split between VIT [Virginia International Terminals, Inc., the operating arm of the Virginia Port Authority] and the railroad [CSXT]."⁷ Assuming that the split is 50-50, VIT is paying drayage costs of \$65 per container. CSXT's real complaint, then, is that NPBL's \$210/car switching rate is not competitive with the subsidized rate CSXT is paying for drayage. That is hardly a basis to argue that NPBL's switching rate is too high. Indeed, if such a subsidy

⁵ *CSX Transportation, Inc. v. Norfolk Southern Railway Company and Norfolk & Portsmouth Belt Line Railroad Company*, Civil No. 2:18cv530 (E.D. Va.) (the "District Court Proceeding").

⁶ See Plaintiff CSXT's Motion for Injunctive Relief and Proposed Findings of Fact and Conclusions of Law, January 12, 2023, ECF 592 in the District Court Proceeding, at 21, ¶ 94 (excerpts attached hereto as Exhibit 1).

⁷ *Id.*

was available for rail movements over NPBL, CSXT's cost for using NPBL's switching services would be \$80/car – which happens to be the same switching rate that CSXT sought from NPBL as part of CSXT's 2018 service proposal:

What if the subsidy applied to NPBL?	
Cost to Move Two Containers to NIT	
Double-stacked on NPBL	\$210 per car
Less subsidy at \$65 per container	(\$130) per car
Cost to CSXT	\$80 per car
Rate in CSXT 2018 Service Proposal	\$80 per car

There is no reasonable basis for CSXT to expect NPBL to offer an unsubsidized switching rate to compete with a subsidized drayage rate. In fact, no information of this type is disclosed or discussed in CSXT's terminal trackage rights submission: CSXT offers no data regarding its actual out-of-pocket drayage costs per container, and makes no effort to compare the relative expense of moving containers to NIT via 1) drayage; 2) NPBL switching; and 3) CSXT trackage rights. This is a critical gap in CSXT's filing.

What's more, no comparative analysis of the expense of CSXT trackage rights would even be possible here, because CSXT's responsive application expressly requests that a determination of the compensation it would pay for its use of NPBL and NS tracks be deferred to a later time, after it has commenced its trackage rights operations. CSXT-23 at 20. There are indeed prior instances in which the agency permitted such an approach in the terminal trackage rights context and found that it satisfied the statutory requirement that compensation be "paid or adequately secured" before operations could begin. 49 U.S.C. § 11102(a); *see cases cited in*

CSXT-23 at 20. But those were very different cases from the case that CSXT seeks to make here. Its explicit argument is that NPBL's current switching rate is too expensive, and the necessary corollary is that CSXT's proposed trackage rights operations to NIT over NPBL and NS would be less expensive. How could that be shown when the expense CSXT would incur to utilize those trackage rights would not be known or even considered until after the Board granted CSXT's responsive application and CSXT's trains were running? CSXT provides no answer to this fundamental question underlying the very premise of its terminal trackage rights filing.

NPBL's current uniform \$210/car switching rate was established in 2010, and has not increased since that time. CSXT apparently believes that rate was unreasonable in 2010, and remains unreasonable today in spite of the intervening fifteen years of cost inflation. CSXT's circular support for that presumption is largely predicated on the fact that CSXT has elected to dray its containers to NIT rather than utilize NPBL's switching services for such traffic. But as is discussed further below, at least as to NPBL there have been and remain significant operational impediments to the handling of the CSXT's two-mile long intermodal trains over NPBL's lines. Indeed, CSXT itself stresses the problematic operational issues that would accompany its use of NPBL's switching services for its intermodal traffic to NIT. CSXT-23 at 19. That is much more likely the reason for CSXT's decision to utilize drayage than the supposed unreasonable level of NPBL's uniform switching charge.

CSXT, of course, has never sought to directly challenge the reasonableness of NPBL's switching charge at the STB, and it would be inappropriate to allow it to utilize this terminal trackage rights proceeding as a back-door way to do so. *Compare Entergy Arkansas, Inc. and Entergy Services, Inc. v. Union Pacific Railroad Company and Missouri & Northern Arkansas Railroad Company, Inc.*, Docket No. NOR 42104 (STB served June 16, 2009), slip op. at 10 &

n.13 (party cannot complain that charging a certain rate is an unreasonable practice under 49 U.S.C. § 10702; “the complainant must instead challenge the rates under the more specific rate provisions at 49 U.S.C. 10701.”). In any event, the public interest justification that CSXT posits for the imposition of terminal trackage rights against NPBL – that such rights will permit CSXT to serve NIT at a more favorable cost than utilizing NPBL’s switching services at \$210/car – is simply not supported by the evidence that CSXT offers.

B. Practicability and Substantial Impairment

Mr. Moss reviews in detail and at length in his verified statement the significant operations impediments and disruptions that NPBL’s hosting of CSXT’s two-mile-long intermodal trains would entail. Given the length of CSXT’s proposed trains and the speed restrictions on NPBL’s track, grade crossings would be blocked in the communities of Portsmouth and Norfolk for between 14 and 24 minutes in the most ideal of circumstances. Moss V.S. at 9-12. Stoppage caused by a raised lift bridge and priority for watercraft could extend those blockages substantially and essentially cleave Portsmouth in half. Moss V.S. at 9. Such disruptions would also extend to NPBL’s access to serve multiple customers along the east bank of the Elizabeth River. Moss V.S. at 11 and Exhibit D. CSXT’s unprecedented request for six to twelve-hour operating windows over NPBL’s line would wreak havoc with the scheduling and efficiency of the five to six separate switching jobs that NPBL can operate during a 24-hour period. Moss V.S. at 13, 15-17.

CSXT’s terminal trackage rights filing acknowledges and addresses none of this. It does not even attempt to consider the capacity and speed limits of NPBL’s line between Seaboard Junction and NS Junction, or NPBL’s current use of that line, or the impact of drawbridge-related delays on the line, or the effect of stopping and hand-throwing the switch at Seaboard Junction to enter the line, or waiting for NS signal clearance at NS Junction to exit the line. These and a

myriad of other operational considerations and issues are left undiscussed. Indeed, there is no CSXT operating witness who provides evidence or opinions regarding the feasibility of the two-mile-long train operations that CSXT proposes to conduct on NPBL's track.⁸ It is indicative of the cursory nature of CSXT's operational presentation that it outlines an "Alternative Route No. 1" over NS's tracks that would supposedly entail movement over the wye track connection between the NS N-Line and V-Line. CSXT-23 at 17. As Mr. Moss explains, the curvature of that connection restricts the movement of railcars above a certain length, including CSXT's intermodal well cars. Moss V.S. at 12-13.

All of this is consistent with CSXT's approach to its prior discussions with NPBL in connection with its proposals to have NPBL handle CSXT's intermodal trains to NIT. In those discussions, NPBL "repeatedly raised necessary question with CSXT about train length, operating cadence, route complexity, and dispatching protocols" and sought to meet with CSXT local operations team members to "examine, and possibly address, the operational challenges associated with CSXT's proposed NIT route." Moss V.S. at 8. Those entreaties were ignored or dismissed, with a CSXT attorney advising NPBL that such critical operational feasibility matters were "best discussed [at a later time] among the subject matters experts." Moss V.S. at 8-9. CSXT's responsive application is no more forthcoming with respect to such matters.

In lieu of providing any evidence on actual rail capacity, operational patterns and potential interference, CSXT makes two arguments. First, it suggests that because CSXT intermodal traffic to NIT could be moving in interchange over NPBL today, its proposed trackage rights will simply substitute one kind of traffic on NPBL's line for another. CSXT-23 at 14

⁸ The only witness testimony of any kind in CSXT's responsive application is a cross-reference to a verified statement of a CSXT sales and marketing officer that is included in CSXT's separate Opposition filing. CSXT-23 at 19.

(“CSXT’s use of the Lines would largely just take the place of NPBL switching operations that NS and NPBL maintain could take place today.”). That is facially unpersuasive for a number of reasons. NPBL would not (and could not) handle CSXT intermodal traffic to NIT in the manner CSXT proposes to do under its sought-after trackage rights – namely, through the operation of two-mile-long intermodal trains. Moss V.S. at 14. CSXT has itself acknowledged that NPBL would not handle traffic in that manner. CSXT-23 at 19.

In a similar vein, CSXT also asserts that, with its terminal trackage rights, it would be competing with NS for intermodal traffic that NS is currently handling to NIT, “with the effect of largely replacing some of NS’s existing operations.” CSXT-23 at 15. Whatever the merits of that argument, it has zero applicability to NPBL. There is currently no NIT intermodal traffic moving over NPBL’s line between Seaboard Junction and NS Junction.

The cases cited by CSXT in support of its position involved situations where there was, in fact, existing traffic moving over the subject rail lines that would instead be handled by the new trackage rights tenant on the same lines. CSXT-23 at 13 (quoting the Board’s language in *Union Pacific/Southern Pacific Merger*, 1 S.T.B. 233, 447 (1996) that “[w]e believe that the traffic by BNSF will replace traffic now handled by SP.”). That is distinctly not the case with NPBL; this is not an instance where traffic is already moving on a line and there would simply be a shift in which rail carrier was handling it on that line. The introduction of CSXT intermodal trains to NPBL’s line in the manner contemplated and proposed by CSXT would dramatically affect NPBL and the communities and customers it serves.

To the extent that CSXT’s traffic “substitution” or “replacement” theory is based on the hypothetical that its NIT intermodal traffic could be interchanged to NPBL for handling over NPBL’s lines, its argument is essentially a tautology. It is always the case that one railroad

could interchange traffic to another railroad for handling by the latter carrier.⁹ If that alone was a sufficient basis for granting terminal trackage rights to the first carrier, the practicability and substantial impairment standards of 49 U.S.C. § 11102(a) would be meaningless.

CSXT's second argument relies on agency precedent finding that terminal trackage rights are not impracticable simply because they may make operations "slightly more complicated" and would "require coordination of operations between the parties." CSXT-23 at 13-14 (citations omitted). Once again, such precedent has little relevance to the situation that NPBL confronts in CSXT's terminal trackage rights application. CSXT's remarkable proposal that it be granted daily six-hour, and eventually twelve-hour, operating windows during which "CSXT trains would have priority to operate over the Lines," CSXT-23 at 15, would essentially commandeer NPBL's rail system for large portions of each day. Such a proposal is largely unprecedented among freight railroads, and is something CSXT most likely would never agree to with respect to its own lines. *Moss V.S.* at 16. There simply is no way for NPBL to "coordinate" around that kind of intrusion onto NPBL's rail line between Seaboard Junction and NS Junction and still fulfill its obligation to serve its own industrial customers. *Moss V.S.* at 16.¹⁰

CSXT's responsive application also contains no information on or even reference to the Board's environmental and historic preservation obligations in 49 C.F.R. § 1105. While

⁹ As a technical matter, because CSXT's NIT intermodal traffic is exempt pursuant to 49 C.F.R. § 1090, NPBL might not legally have a common carrier obligation to handle that traffic. CSXT does not predicate any portion of its argument, however, on the exempt status of its intermodal traffic.

¹⁰ As NS has pointed out, the cases cited by CSXT in support of its position featured extensive and detailed data and analysis with respect to the questions of practicality and substantial impairment. See NS-29 at 11, n.28 (citing *BNSF Railway Company – Terminal Trackage Rights – The Kansas City Southern Railway Company and Union Pacific Railroad Company*, Docket No. FD 32760 (Sub-No. 46), Decision No. 3 (STB served July 5, 2016)). In NS's words, "[t]hat stands in stark contrast to the failure of CSXT to do the same here." *Id.*

there is “normally” a categorical exclusion for transactions involving common use of rail terminals or trackage rights, 49 C.F.R. § 1105.6(c)(3), CSXT does not invoke that exclusion or otherwise demonstrate that the traffic increase thresholds of 49 C.F.R. § 1105.7(e)(5) are satisfied. Given the potentially massive community impacts of moving CSXT’s two-mile-long trains through congested Portsmouth and Norfolk, CSXT’s omission of any reference to environmental and historic preservation compliance matters is baffling. This is especially so, given CSXT’s shaky track record with communities heavily impacted by transactions resulting in new railroad traffic patterns triggering extensive local highway disruption. *See CSX Transportation, Inc. – Acquisition of Operating Easement – Grand Trunk Western Railroad Company*, Docket No. FD 35522 (STB served Dec. 10, 2018), slip op. at 5 (Board Member Miller commenting) (“I would note, however, that carriers should be aware that in future transactions in which the Board considers the impacts a proposed transaction would have on local communities – particularly those involving CSXT – I will certainly look upon their representations with more caution.”) In that same proceeding, CSXT acknowledged that “the only operational step that CSXT could take to reliably and substantially reduce the number of crossings occupied by trains for over 10 minutes . . . would be to reroute CSXT’s trains . . . onto other lines.” *Id.* at 4.

Here, unfortunately, it appears that CSXT has neglected assessing other, available trackage rights routes to and from NIT that would minimize community impact that otherwise would result from CSXT’s access aspirations. For example, CSXT’s route west of Seaboard Junction reveals at least possibilities. NPBL does not know for certain whether alternatives would be feasible, but CSXT’s failure to even consider and address them reflects yet another way in which its responsive application is deficient and insufficient to warrant the granting of terminal trackage rights.

CONCLUSION

CSXT's responsive application fails to demonstrate that the public interest warrants a grant of terminal trackage rights over NPBL. CSXT has access to NIT today through drayage and NPBL's switching services, and CSXT has not presented evidence showing that trackage rights would be more cost-effective and favorable for CSXT. At the same time, CSXT seeks to compel trackage rights operations over NPBL's line that are unsupported by operational testimony and certain to create severe public harm and operational impairment given the constraints of the proposed route and CSXT's intention to operate 10,000-foot trains in six and twelve-hour preference windows. The Board cannot find that CSXT has satisfied the requirements of 49 U.S.C. § 11102(a).

WHEREFORE, NPBL respectfully requests that the CSXT-23 application for terminal trackage rights be denied.

Respectfully submitted,

/s/ Thomas J. Litwiler

By: _____

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**ATTORNEYS FOR
NORFOLK AND PORTSMOUTH BELT
LINE RAILROAD COMPANY**

Dated: November 20, 2025

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36836

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

REPLY OF
NORFOLK AND PORTSMOUTH BELT LINE RAILROAD COMPANY
TO APPLICATION FOR TERMINAL TRACKAGE RIGHTS

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,
individually and on behalf of NORFOLK
& PORTSMOUTH BELT LINE
RAILROAD COMPANY,

Plaintiff,

v.

Civil Action No. 2:18-cv-530-MSD-RJK

NORFOLK SOUTHERN RAILWAY
COMPANY, *et al.*,

Defendants.

**PLAINTIFF CSX TRANSPORTATION, INC.'S MOTION FOR INJUNCTIVE
RELIEF AND PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Plaintiff CSX Transportation, Inc. (“CSX”), by counsel and pursuant to the Court’s January 5, 2023 Order (ECF No. 560), moves the Court to enter injunctive relief on Counts I-V, VIII, and IX of its Complaint against Defendants Norfolk Southern Railway Company (“NS”) and Norfolk and Portsmouth Belt Line Railway (“NPBL”), following the bench trial currently scheduled to begin on January 18, 2023.

Specifically, CSX respectfully requests that the Court issue an injunction that:

(1) Prohibits Defendants from continuing to engage in anticompetitive conduct, both unilaterally and collectively, that excludes CSX from on-dock rail access at Norfolk International Terminal (“NIT”), the relevant market. Such prohibition would include, but not be limited to, enjoining the continuation of actions or threatened actions found to constitute a violation of the antitrust laws and/or violations of state conspiracy or breach of contract law, such as by:

89. Vessel routing also depends in large part on ocean carrier alliances, in which multiple carriers enter into multi-year agreements under which they share a single vessel to reduce costs and increase efficiency.

90. Rail rates and route structure are among the least important factors considered by carriers when determining at which ports to call.

91. NS's and CSX's data confirm that ocean carriers move international intermodal containers to and from the same inland destinations through multiple ports, even when rail rates at those ports vary significantly.

92. To be competitive for contracts with ocean carriers, CSX must offer competitive service at all major ports in a geographic region. A significant component of competitive rail service is whether a railroad can provide on-dock access at major marine terminals.

b. Drayage is Not an Adequate Substitute

93. Because Defendants have blocked CSX's access to on-dock rail by cost and operations, CSX truck each container arriving at NIT individually to a separate location where the container is then loaded onto a rail car—a process called “drayage.”

94. VIT coordinates drayage at NIT and other POV terminals. The \$130 drayage fee is split between VIT and the railroad.

95. Drayage is an expensive and inefficient alternative to on-dock rail, especially at high-volume terminals. It adds at least another day to container transit times.

96. Drayage is a particularly problematic at NIT. The drayage route to and from NIT follows Hampton Boulevard, a four-lane local road passing directly in front of the Old Dominion University campus. Local regulations prohibit trucks on Hampton Blvd. “between the hours of 4:00 p.m. and 6:00 a.m.” Street congestion, gate delays, and the limited availability of truckers and chassis also limit the efficiency and reliability of drayage.

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36836

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

REPLY OF
NORFOLK AND PORTSMOUTH BELT LINE RAILROAD COMPANY
TO APPLICATION FOR TERMINAL TRACKAGE RIGHTS

VERIFIED STATEMENT OF R. CANNON MOSS

VERIFIED STATEMENT OF R. CANNON MOSS

I. Introduction and Professional Qualifications

My name is R. Cannon Moss. I am the President and General Manager of the Norfolk & Portsmouth Belt Line Railroad Company (NPBL), a position I have held since 2011. My professional experience spans over 24 years, concentrating primarily on railroad operations, marketing, safety, and terminal coordination within the heavily-utilized and complex Tidewater terminal area of Virginia.

I began my professional career in railroading in 2001 as a management trainee in the Operating Department of Norfolk Southern Railway Company (NSR). I am responsible for overseeing all aspects of NPBL's operations, including NPBL's daily train movements, its safety protocols, and its service to customers and connecting carriers alike. I also serve as the President of the Virginia Railroad Association.

I received my undergraduate degree from the Virginia Military Institute (VMI) and hold a Master's in Business Administration from Liberty University.

II. Basis of Opposition to CSXT's Application

I offer this verified statement to explain why NPBL is opposed to the application for terminal trackage rights (the Application) filed in this docket by CSX Transportation, Inc. (CSXT).

NPBL understands that the underlying impetus for this Application relates to CSXT's current operating model in the Tidewater area. Currently, CSXT

moves intermodal containers by rail to the Virginia Port Authority's Virginia International Gateway (VIG) terminal, requiring those boxes destined for their Norfolk International Terminal (NIT) to be transported from VIG to NIT approximately 8 miles via motor carriage (drayage). CSXT implicitly suggests that this drayage cost is a financially prohibitive alternative to the direct rail access sought here, and that the fee NPBL would charge for switching services to NIT would be cost prohibitive. However, a critical gap exists in CSXT's submission: it offers no data regarding its actual out-of-pocket drayage costs per box, nor does it provide a comparative financial analysis against either the current drayage model or NPBL's tariffed switching services. This lack of essential financial information prevents any meaningful assessment of whether CSXT's terminal trackage rights proposal is financially feasible, or indeed, a more viable alternative than the existing carriage methods it seeks to avoid.

I acknowledge NPBL successfully accommodated CSXT's intermodal traffic in 2015—specifically, approximately five limited train sets moving to or from NIT, which ranged from about 2,400 feet to roughly 6,000 feet—but these trains were significantly shorter than the 10,000-foot maximum CSXT proposes now. As I recall, however, even the successful handling of those shorter trains in 2015 required difficult reverse movements to avoid locomotive re-positioning at NSR's Portlock Yard and still resulted in tangible disruption of NPBL local service at the time. To be clear, I am not opposed to intermodal service cooperation with CSXT, and I never have been. Rather, past personal experience indicates to me that

CSXT's proposal, absent significant infrastructure expansion, would cause serious operational disruption to NPBL's current services. My 2015 experience also indicates that, absent significant infrastructure improvements, CSXT operations through the terminal would almost of necessity be highly inefficient, consuming disproportionate amounts of time and NPBL track capacity.

I note that the Application seeks to impose a unilateral "solution" where NPBL and CSXT had previously explored a cooperative and potentially mutually beneficial inter-carrier arrangement. Over the years, NPBL and CSXT have engaged in on-and-off discussions regarding NPBL providing terminal switching service for CSXT's intermodal traffic to and from NIT. Critically, these discussions revolved around NPBL, the experienced local operator, having the prerogative in handling CSXT's intermodal traffic, including controlling maximum train length and timing, thereby minimizing local disruption. The fact that CSXT abandoned the pursuit of an operationally sound switching alternative (under current NPBL switching rates) in favor of an aggressive and highly prescriptive trackage rights application suggests to me CSXT's willingness to sacrifice operational efficiency and public interest for strict control.

Focus on Collateral Effects, Not Competitive Intent

It is my professional opinion that the terminal trackage rights CSXT requests are entirely inadvisable. My objection has little to do with CSXT's alleged pro-competitive aspirations or its desire to access the Norfolk International Terminals (NIT). I am, frankly, indifferent to whether CSXT, as a general matter,

secures a direct route to and from the NIT, and I take no position on the competitive interests that may be driving CSXT to this objective. My focus, instead, is upon what CSXT's proposed introduction of new and potentially lengthy trains via NPBL's line from Seaboard Junction to NS Junction – over a congested and complex terminal area with numerous industries and several local switching operations – would do to NPBL and to the communities through which NPBL operates.

With that perspective in mind, I must oppose the Application because the collateral effects of CSXT's "plan" to introduce new, 10,000-foot intermodal trains along a complicated route through urban areas would visit otherwise avoidable (and currently immeasurable) harm to highway traffic in Portsmouth, Virginia, and result in serious local railroad service disruption along the proposed trackage rights route. These are impacts that it appears to me that CSXT has failed to consider and account for in any way.

Although I am not an attorney, I have been given to understand that the standard under which CSXT hopes to acquire the subject trackage rights requires CSXT to demonstrate, among other things, that the proposed operation would be consistent with the public interest, and that it would not substantially impair NPBL's ability to efficiently use and operate its facilities. The operational facts presented herein demonstrate that CSXT's proposal could not possibly satisfy these standards.

Further, it is my professional opinion that with slightly greater due diligence, CSXT most likely would have been able to establish a far less problematic

and much less circuitous alternative access route to and from NIT that would avoid much of the congested railroad terminal areas at issue here, bypass NPBL's network, and minimize impact to local roadway traffic. The simple fact that better NIT access solutions likely exist underscores CSXT's failure to fully vet its options before advancing this deficient Application.

III. The Operational Constraints of the Proposed CSXT Plan

I have carefully examined CSXT's operating proposals set forth in its Application, noting the operational difficulties and hazards of what CSXT proposes to do in order to reach NIT directly via its chosen routing. The operation, as I understand CSXT's plans, would involve the following critical components:

- **Train Size:** The plan calls for a daily pair of double-stacked container (intermodal) trains of about 10,000 feet in length (nearly two miles) operating over a combination of NPBL and NSR lines within the Norfolk, Virginia railroad terminal area (NRTA). CSXT's request for the right to operate 10,000-foot trains means that NPBL must plan for the maximum length and the greatest associated risk. My concerns about train length are rooted in my personal experience as General Manager. On one or two occasions, I have overseen the movement of unit grain trains in excess of 11,000 feet, which traversed the majority of the proposed trackage rights route on our system. However, I found the handling of these trains to be operationally problematic and I took the proactive step of reaching out to the line-haul carrier to discourage the interchange of such extended-length trains in the future. That experience confirms for me that the 10,000-foot train length is infeasible for efficient operations through these restricted segments, irrespective of the train crew's identity.
- **Restricted Speed:** The entire scope of NPBL's network is operated as "other than main line" trackage under restricted speeds that would allow a train to stop at half the range of vision of the track ahead, not to exceed 10 miles/hour. Practically speaking, this would mean that a 10,000-foot intermodal train operating over NPBL tracks would have to operate at speeds well below 10 miles/hour because the engineer will be looking for obstructions and mindful that their train is traversing onto a track that is nearly

perpendicular to the one there on. NPBL knows from experience that operating trains approaching such lengths would be infeasible for efficient operations through these restricted segments.

- **Complex Route and Handling:** The proposed route through the NRTA is convoluted and circuitous. It would require lengthy trains to operate over various track segments subject to multiple operational constraints, including:
 - **Shared Lines:** Operation over lines currently used by NPBL for its general freight and interchange traffic, as well as by other carriers.
 - **Drawbridge Crossings:** The CSXT-proposed trackage rights route utilizes rail lines that cross two navigable waterways, each with a separate, single-track, tender-controlled drawbridge. The first, on NPBL's line, is a vertical lift drawbridge across the Southern Branch of the Elizabeth River, which forms part of the heavily-trafficked Intracoastal Waterway. The second, on NSR, crosses the Eastern Branch of the Elizabeth River.

At both structures, waterborne traffic holds absolute priority over rail traffic, bringing with them unpredictable and potentially prolonged train stoppages. My direct experience with the NPBL lift drawbridge confirms the severe operational risk. Under Coast Guard protocol, the NPBL bridge tender must initiate a three-stage communication process to close the bridge to maritime traffic (the bridge is left in the “up” position, open to watercraft passage until such time as a train is approaching the bridge and clearance is obtained to lower the bridge to permit the train's passage): a 30-minute radio broadcast notice, a 15-minute follow-up notice, and a final alert. If the bridge tender receives notification from any approaching watercraft at any stage before the bridge is closed, the bridge must remain open to watercraft. Consequently, a train approaching the bridge may be forced to stop and wait for an approaching vessel, causing that 10,000-foot intermodal train to halt and block public grade crossings along the proposed route at the last minute.

Finally, I estimate that, from South Branch Elizabeth River drawbridge lowering (to permit a train crossing), to the actual train crossing, to bridge reopening, a 10,000-foot CSXT intermodal train would block watercraft traffic for roughly 26 minutes under best-case scenarios. Such waterborne traffic blockages could be much worse, of course, if, for an NIT-bound train, on NPBL, NSR is unable to accept the train as it approaches NS Junction, and is forced to hold in place while occupying the bridge.

- o **Terminal Maneuvers:** The operation is complicated by the inability, given current track infrastructure, to perform a full loop at the NIT terminal, requiring complex, time-consuming maneuvers (e.g., shoving or backing) in traversing the proposed trackage rights route.

The difficulty here is not the identity of the intermodal train crew, but the physical constraints of the route, the communities through which it passes, and the sheer length of the train imposed upon it. Whether NPBL were to handle this train for CSXT, or CSXT were to operate it itself, the operational impact and community disruption would be equally disastrous.

IV. CSXT's Failure to Demonstrate Operational Feasibility

CSXT is asking this Board to compel a service without providing a definitive, workable operating plan that addresses, much less acknowledges, severe constraints. Even more troubling is the utter absence of supporting testimony from any CSXT operating personnel with Tidewater terminal expertise as to the feasibility of CSXT's trackage rights plan, and CSXT's ignorance of potentially significant community impact, and the lack of any attempt to address the environmental impact of CSXT's proposal.

This failure is compounded by the absence of joint operational modeling between CSXT and NPBL to assess the feasibility and impact of CSXT's proposed operating window (of up to 12 hours) and train lengths. This modeling is essential to accurately assess the scope of impact on NPBL's current and forecasted traffic and switching operations. Crucially, CSXT has failed to even acknowledge whether its proposal would necessitate potentially sizeable capital expenditures

associated with infrastructure enhancements—such as new staging tracks or grade crossing separations—that would be necessary to mitigate the guaranteed operational impact on NPBL and the crippling public impact on the communities of Portsmouth and Norfolk, Virginia.

CSXT appears to have no understanding or appreciation of NPBL train operations, including their frequency or where our trains operate. In discussions prior to CSXT's unsupported and ill-considered terminal trackage rights request, I repeatedly raised necessary questions with CSXT about train length, operating cadence, route complexity, and dispatching protocols. In short, in those communications, I questioned CSXT's grasp of NPBL train operations, the frequency of those operations, and the overall time required to move a train through the restricted-speed, "other than main line" territory of the NPBL network.

I also urged CSXT to send local operations team members to meet with me, so that we could examine, and possibly address, the operational challenges associated with CSXT's proposed NIT route. My appeals to adequately vet CSXT's NIT service plan with CSXT operating personnel have been ignored or dismissed as mere "details" to be worked out later, if only NPBL would capitulate to CSXT's proffered train handling fees. For example, in a March 21, 2025 letter characteristic of CSXT's handling of operational concerns surrounding its NIT access proposal, CSXT's Steven C. Armbrust (an in-house attorney with CSXT, and not himself an operating expert) characterized my concern with critical operational feasibility as

matters “best discussed [at a later time] among the subject matter experts.” I am still awaiting those discussions.

V. Public Interest Concern: Guaranteed Community Paralysis in Portsmouth

The primary threat to the public interest is the proposed running of a 10,000-foot intermodal train over this circuitous and congested inter-terminal route, threatening prolonged, repeated blockages of multiple public grade crossings in the heart of the City of Portsmouth. The problem is compounded by two factors: the unpredictability of waterborne traffic requiring drawbridge openings, and the required coordination lag at major interchange points.

A slow-moving or stopped train of roughly 10,000 feet (nearly two miles) would cut the city of Portsmouth, Virginia in half for extended periods of time, isolating industries with private crossings and splitting the community by blocking a number of at-grade crossings. Even at maximum permitted operating speeds on NPBL’s lines and no restrictions on train movement (aside from the roughly seven minutes delay that would be associated with NPBL’s Southern Branch Elizabeth River drawbridge lowering to permit a train crossing), a 10,000-foot CSXT intermodal train destined to NIT would block any given at-grade crossing for between roughly 14 to 24 minutes depending upon actual train operating speed at any point along the route, from the activation of grade crossing gates to their reopening upon train passage, depending upon if the train were to stop at the Seaboard Junction interlocking before entering onto NPBL’s lines or were to stop

due to drawbridge openings. The threat is not hypothetical; it is a guaranteed operational consequence under three distinct, predictable scenarios discussed below.

A. Blockage of Eastern Portsmouth Arteries and National Security (NIT-Bound Train / Drawbridge Delay)

If an NPBL-accepted, NIT-bound train encounters a drawbridge closure after moving through Seaboard Junction, any of the following public highways would be exposed to extensive, unpredictable blockages at their at-grade crossings: Elm Avenue, George Washington Highway, Portsmouth Boulevard, Deep Creek Boulevard, and Phillips Avenue. See Exhibit A. Very similar extended grade crossing blockages would arise in the event that outbound, 10,000-foot CSXT intermodal trains were to be stopped awaiting clearance to enter onto CSXT trackage at Seaboard Junction. See Exhibit B.

This creates an intolerable risk to public safety and is a matter of national security concern. George Washington Highway (U.S. Route 17) is a critical conduit for traffic moving to and from the Norfolk Naval Shipyard (NNSY) and other vital U.S. Navy assets in the area. The closure of this, or any of the listed major arteries, would impede emergency services and dramatically slow the movement of personnel to and from a key defense installation, compounding regional traffic gridlock.

B. Blockage of Western Portsmouth Arteries (Inbound Kilby to Seaboard Junction Train / Interchange Delay)

An equally dangerous public impact scenario arises from CSXT's lack of coordination for trains inbound to Seaboard Junction. If a roughly 10,000-foot

CSXT intermodal train proceeds from CSXT's Kilby Yard toward Seaboard Junction and NPBL is unable to immediately accept it due to network congestion, previous delays, or watercraft interference at the NPBL South Branch Elizabeth River bridge crossing, the train will be forced to stop proximate to the interlocking. This stoppage would block critical roads in western Portsmouth, including: Frederick Boulevard, Rodman Avenue, Portsmouth Boulevard, Missy Elliott Boulevard, and Victory Boulevard. See Exhibit C.

The blockage of major, high-volume arteries like Frederick Boulevard, Portsmouth Boulevard, and Victory Boulevard by a stationary train for an unpredictable duration would cause widespread civic and economic disruption.

C. Blockage of Norfolk and Portsmouth Arteries, Industrial Access, and East Bank Rail (NS Junction to Seaboard Junction Train / Drawbridge Delay)

A third major disruption could occur when a NIT-outbound CSXT intermodal train received from NSR at NS Junction is stopped en route to Seaboard Junction due to an Elizabeth River drawbridge closure. Three Norfolk roads would be blocked: Bainbridge Boulevard, Liberty Street, and Industrial Avenue. In addition, a train stopped in this position proximate to the Elizabeth River drawbridge would block both rail and private vehicular access to multiple industries served by NPBL along the east bank of the Elizabeth River, causing direct, quantifiable harm to NPBL's customers and regional commerce. See Exhibit D. Arguably worse (certainly for waterborne traffic) would be a situation where an NIT-inbound train would be stopped on its approach to NSR lines at NS Junction,

resulting in blockages to crossings and to watercraft movements on the Southern Branch of the Elizabeth River. See Exhibit E.

D. CSXT-Generated Security Risk

Prolonged or unexpected stoppages inherent in CSXT's unvetted plan introduce a severe security risk for the CSXT itself. Extended dwell time for intermodal trains in accessible urban areas directly correlates with increased cargo theft and container break-ins. A 10,000-foot train stopped due to drawbridge or dispatching issues creates an exposed, stationary target for theft and vandalism.

VI. Substantial Impairment to NPBL's Operations

The intrusion of this long CSXT train onto the convoluted route will create unavoidable scheduling conflicts and substantial impairment to NPBL's ability to serve its current customers and forecasted future traffic in the Pinner's Point Terminal area.

A. Failure of Operational Due Diligence

The proposed routing for CSXT's intermodal traffic represents a fundamental violation of efficient terminal railroad operations. The core objective of any railroad, especially when providing intermodal service, is to maximize velocity and minimize crew hours per movement. CSXT's proposed routing achieves the opposite result. Above above all else, CSXT's plan also defies operational realities by, among other things, positing a trackage rights routing that would utilize

turnout between NSR's N-Line and V-Line that, to my understanding, is restricted to movement of freight cars that are shorter than intermodal well cars.

The proposed path is complicated and operationally risky, unnecessarily increasing miles traveled and total trip time. Critically, the route traverses territory that is heavily constrained by yard limits and numerous public grade crossings. This combination ensures that the movement must proceed at a significantly reduced speed for its entire duration on the NPBL line, effectively creating a slow-moving bottleneck. Furthermore, the reliance on traversing the single-track drawbridge environment introduces an uncontrollable variable; drawbridge lifts for maritime traffic are unpredictable and halt all rail movements, which directly contradicts the imperative for dependable, on-time intermodal freight service. From an operational expert standpoint, choosing this path for high-priority intermodal traffic demonstrates a profound lack of operational planning and due diligence.

B. Capacity Consumption and Scheduling Conflicts

NPBL currently manages a coordinated, efficient flow of freight, running as many as five or six separate switching jobs within a 24-hour period (depending on seasonal traffic volumes). These jobs serve 21 active industry customers, including the several proximate to NIT and NPBL's facility at the Port of Norfolk (including an under-construction transload terminal proximate to Pinner's Point that is designed to benefit both CSXT and NSR).

The operation of an unpredictable CSXT train, especially one designed to operate at the maximum requested length of 10,000 feet, would heavily complicate dispatching and inter-carrier coordination and would force the holding of other trains, leading to cascading delays for all users of the NPBL network. Choke points would include the hand-throw switch at the southwest quadrant turnout at Seaboard Junction (which requires the train to stop) and the connection with NSR at NS Junction.

If NPBL were to handle these intermodal trains with its own crews (given current infrastructure and NPBL operating discretion), it would consider it an operational impossibility to handle a 10,000-foot train with any efficiency. NPBL would find it essential to divide the train into smaller sections to minimize the impact to local highway traffic and network fluidity, a move which CSXT's Application fails to contemplate.

The exact number and amount of delays that would be associated with impact to NPBL switching operations cannot yet be calculated without clearer information about CSXT's operating plan, including critically when its two-stage operating windows would be implemented. The difficulty in assessing the scope of impact stems from the lack of system modeling to account for variables in train length, NPBL local switching train starts, intervals of Elizabeth River drawbridge closures due to waterborne traffic, and variables regarding NS operations in and around NS Junction. Even without operations modeling to assess the potential scope of impact to NPBL and NSR operations along the proposed trackage rights

route, it is abundantly clear to me already that CSXT's concept of securing for itself two six-hour windows prioritizing CSXT's NIT trackage rights aspirations over NPBL's current operations is an absolute non-starter, as I am confident such an arrangement would, in the absence of substantial additional railroad operating infrastructure along the NPBL portion of the route, render impossible NPBL's provision of service to existing and future customers going forward.

Furthermore, NPBL anticipates significant increased traffic growth through Seaboard Junction occasioned by a multi-phase development at the Port of Norfolk facilities located to the north. This conflict is compounded by NPBL's single largest customer, Perdue Farms, which is actively expanding its facility to increase throughput, thereby consuming adjacent yard tracks that might otherwise be used by NPBL for staging delayed CSXT intermodal traffic. Without a workable schedule, NPBL would be forced to make difficult choices about how to minimize local switching impact and grade crossing closures, a burden that should not be imposed upon it.

C. The Unprecedented and Entitled Demand for a 6-Hour or Even a 12-Hour Operating Window

In its Application, CSXT has demanded a 6-hour operating window for its intermodal trains to traverse the CSXT-proposed trackage rights routes, with an option to extend the operating windows to *two* 6-hour windows. It appears CSXT is contemplating each 6-hour window to facilitate a round trip—the movement of a

train from Seaboard Junction to NIT and a return trip from NIT back to Seaboard Junction—occurring within that 6-hour block.

From an operator's perspective, a guaranteed 6-hour slot for a single round trip, consuming this much terminal capacity (both NSR's and NPBL's), is an extraordinary, unprecedented, and fundamentally unreasonable demand. It is the sort of demand that might emit from commuter or intercity passenger service operators, but it is not the sort of demand that freight carriers make of one another, and I cannot recall a single instance in my professional experience of such operating windows being discussed as between a trackage rights "host" and its licensee. CSXT has offered no examples of this sort of inter-carrier window arrangement in its Application, either.

The fact that CSXT now demands this kind of committed, high-capacity slot for its own freight operation reflects a stunning operational double standard. It demonstrates a sense of entitlement and a failure to appreciate the destructive impact this inflexible consumption of capacity would have on NPBL's ability to serve its customers and maintain the fluidity of the terminal. Moreover, neither CSXT nor NPBL can fully assess the scope of impacts without operational modeling factoring in NPBL switching, Elizabeth River drawbridge closures, and operations on adjacent lines operated separately by NSR and local short line operator Buckingham Branch Railroad Company. Without this analysis, CSXT is moving blind, ignoring the likely need for massive additional capacity or capital expenses that would be necessary to minimize the impacts they simply overlook. If

CSXT were to retain its insistence upon up to two 6-hour operating windows, it would need to compensate NPBL for the massive amount of capacity CSXT would consume, and it would need to be prepared to cover the capital expenses necessary to augment NPBL's current operating infrastructure, including, quite possibly, the funding of rail-highway grade separations in Portsmouth.

The function of the NPBL is not solely to serve local industries, but to act as a terminal coordinator and neutral broker for the entire NRTA. This includes facilitating seamless and timely interchanges with connecting carriers, primarily CSXT and NSR. Accordingly, NPBL must maintain interchange fluidity across multiple daily windows to ensure that regional freight does not stagnate. The proposed dedicated 6-hour committed windows for CSXT intermodal traffic immediately compromises NPBL's ability to execute necessary and timely interchanges with other carriers and first-mile/last-mile service to NPBL's many on-line customers. Any delay to the long, slow-moving CSXT train—whether due to mechanical issues, crew changes, or drawbridge lifts—will effectively lock up the main line. This directly forces NPBL to miss its scheduled interchange windows with NSR and its pick-ups and deliveries to shippers. Therefore, the operational impairment caused by CSXT's plan transcends local inconvenience; it immediately translates into a systemic breakdown that directly impairs the regional freight transportation network.

VII. Conclusion

CSXT's Application seeks to compel a service proposal that is incomplete, unsupported by operational testimony, and guaranteed to create severe public harm and operational impairment due to the specific constraints of the proposed route and the requested right to run 10,000-foot trains through a busy and complex terminal area. Based on my professional operating experience in this terminal, the Surface Transportation Board should deny the CSXT's Application for Terminal Trackage Rights for failure to meet the standards for access.

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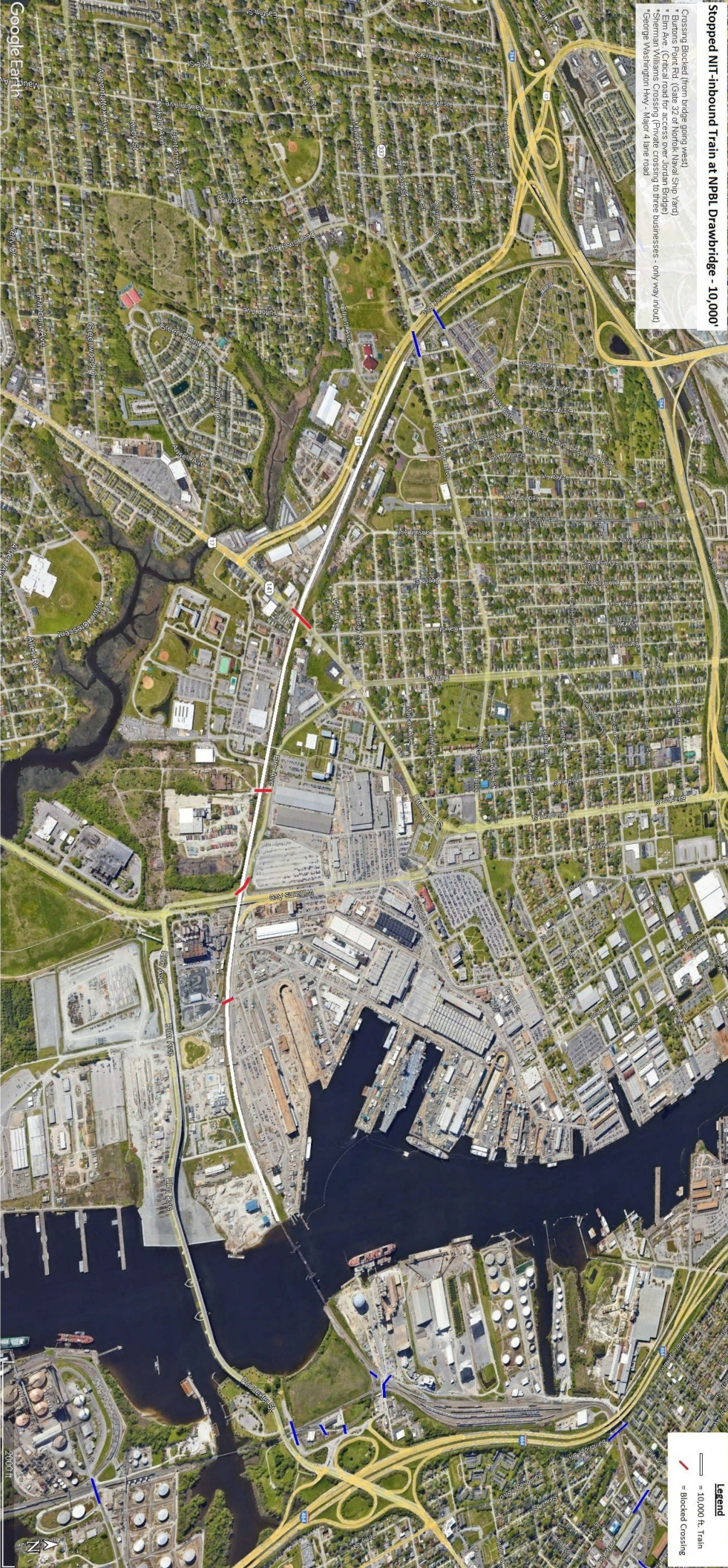
REPLY OF
NORFOLK AND PORTSMOUTH BELT LINE RAILROAD COMPANY
TO APPLICATION FOR TERMINAL TRACKAGE RIGHTS

VERIFIED STATEMENT OF R. CANNON MOSS

EXHIBIT A

Stopped NIT Inbound Train at NPBL Drawbridge - 10,000'

- * Crossing Blocked (from bridge going west)
- * Burns Point Rd (Gate 32 at Norfolk Naval Ship Yard)
- * Elm Ave (Critical road for access over Jordan Bridge)
- * Sherman Williams Crossing (Private crossing to three businesses - only way in/out)
- * George Washington Hwy - Major 4 lane road



Legend

- = 10,000 ft. Train
- = Blocked Crossing

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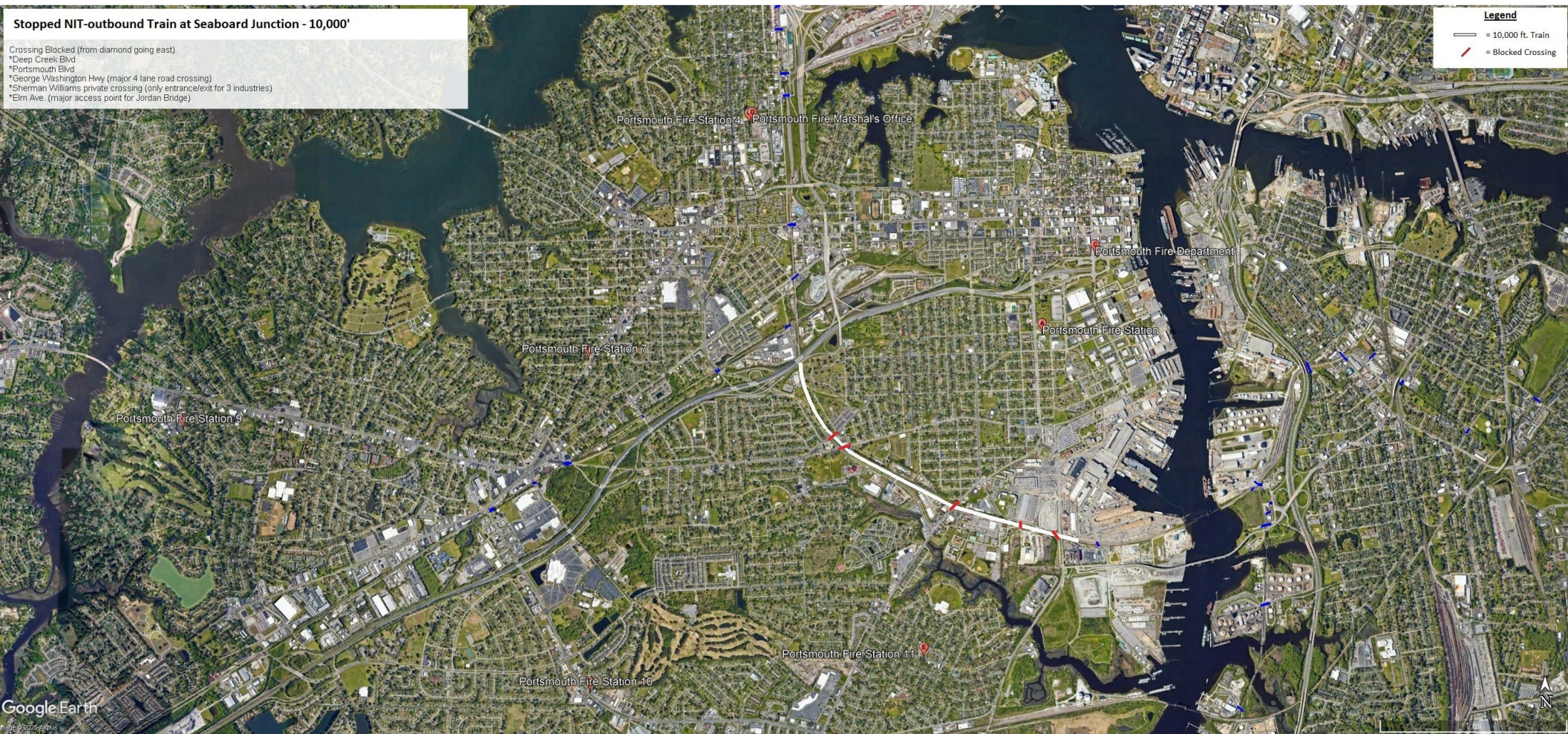
EXHIBIT B

Stopped NIT-outbound Train at Seaboard Junction - 10,000'

Crossing Blocked (from diamond going east)
*Deep Creek Blvd
*Portsmouth Blvd
*George Washington Hwy (major 4 lane road crossing)
*Sherman Williams private crossing (only entrance/exit for 3 industries)
*Elm Ave. (major access point for Jordan Bridge)

Legend

 = 10,000 ft. Train
 = Blocked Crossing



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EXHIBIT C

Stopped NIT-inbound train at Seaboard Junction - 10,000'

- Crossing Blocked (from diamond going west
- * Fredrick Blvd (major 4 lane crossing - entrance/exit for Interstate 264
- * Rodman Ave
- * Portsmouth Blvd (Major 4 lane crossing - entrance/exit for Interstate 264
- * Missy Elliot Blvd
- * Victory Blvd - Major 4 lane crossing - entrance/exit for Interstate 264 and Casino

Legend

= 10,000 ft. Train

= Blocked Crossing



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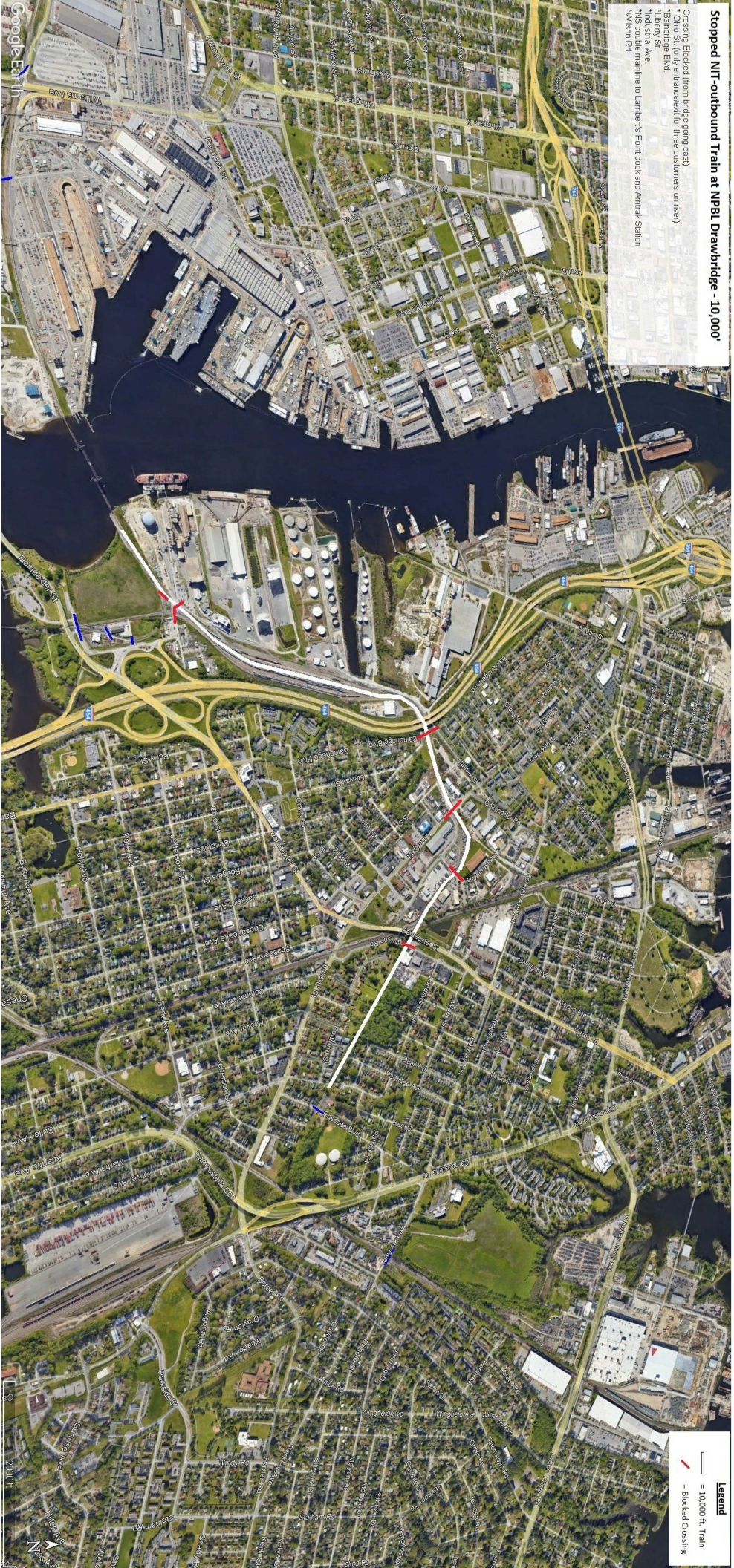
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EXHIBIT D

Stopped NIT-outbound Train at NPBL Drawbridge - 10,000'

- * Crossing Blocked (from bridge going east)
- * Ohio St. (only articulated to three customers on river)
- * Brandywine Blvd
- * Liberty St.
- * Industrial Ave.
- * No double mainline to Lambert's Point dock and Aerial Station
- * Wilson Rd.



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EXHIBIT E

Stopped NIT-Inbound Train at NS Junction - 10,000'

This is what an CSX 10,000ft train looks like stopped at the NS signal. Crossing blocked from signal west.

- *Barringer Blvd
- *Ohio St. (only entrance to three customers on river)
- *Liberty St
- *Industrial Ave

Southern Branch of Etowah River, since the bridge is down

Legend

== 10,000 ft. Train
- Blocked Crossing



VERIFICATION

I, R. Cannon Moss, President and General Manager of the Norfolk & Portsmouth Belt Line Railroad Company (NPBL) verify under penalty of perjury that I have read this verified statement on behalf of NPBL, that I know the contents thereof, and that the same are true and correct. Further, I certify that I am qualified and authorized to file this verified statement on behalf of NPBL.

/s/ *R. C. Moss*

R. Cannon Moss

Executed on November 20, 2022

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of November, 2025, a copy of the foregoing

Reply of Norfolk and Portsmouth Belt Line Railroad Company to Application for Terminal

Trackage Rights (NPBL-6) was served by electronic or first-class mail, postage prepaid, upon:

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