

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Lou@lgraillaw.com

MELANIE B. YASBIN
Melanie@lgraillaw.com

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-4022
(410)296-2250
FAX (410) 332-0885

January 13, 2026

310724

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Chief Counsel
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

ENTERED
Office of Chief Counsel
January 13, 2026
Part of
Public Record

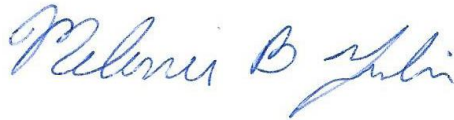
Re:

Dear Ms. Brown:

Enclosed for electronic filing is a Petition to Stay the Effective dates in each of the above proceedings.

Thank you for your assistance. If you have any questions, please contact me.

Sincerely yours,



Melanie B. Yasbin
Attorney for CSX Transportation, Inc.

Enclosure

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 36894

AJAK RAIL, LLC—ACQUISITION EXEMPTION—CHAMBERSBURG, PA

FINANCE DOCKET NO. 36897

WCN RAIL, LLC—ACQUISITION EXEMPTION—CHAMBERSBURG, PA

PETITION TO REJECT

PETITION FOR STAY

Steven C. Armbrust, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1229

Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
Law Offices of Louis E. Gitomer, LLC
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgrailaw.com

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: January 13, 2025

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 36894

AJAK RAIL, LLC—ACQUISITION EXEMPTION—CHAMBERSBURG, PA

FINANCE DOCKET NO. 36897

WCN RAIL, LLC—ACQUISITION EXEMPTION—CHAMBERSBURG, PA

PETITION TO REJECT

PETITION FOR STAY

CSXT Transportation, Inc. (“CSXT”) requests expedited handling of this Petition to prevent Mr. Colby Nitterhouse (“Mr. Nitterhouse”) from obtaining unauthorized control of four new railroads, which is scheduled to occur on January 14, 2026.

CSXT respectfully petitions the Surface Transportation Board (the “Board”) to reject the Verified Notices of Exemption (the “Notices”) filed in *AJAK Rail, LLC—Acquisition Exemption—Chambersburg, PA*, on December 15, 2025 (“AJAK Acquisition”) and *WCN Rail, LLC—Acquisition Exemption—Chambersburg, PA*, on December 18, 2025 (“WCN Acquisition”).¹ Granting the exemptions would result in Mr. Nitterhouse, a non-carrier who is the sole owner of AJAK and WCN,² unauthorized control of two or more rail carriers. In the

¹ CSXT is only seeking rejection of the Verified Notices in the proceeding where it is involved in interchange with the lines being acquired.

² Mr. Nitterhouse is also the sole owner of the proposed railroads, the NPJ, LLC (“NPJ”), the subject of a Verified Notice filed on December 15, 2025, in STB Finance Docket No. 36895 and PNGT Rail, LLC (“PNGT”), the subject of a Verified Notice filed on December 15, 2025, in STB Finance Docket No. 36896.

alternative, CSXT requests a stay of the effective dates of the AJAK Acquisition and the WCN Acquisition until Mr. Nitterhouse is authorized to control the four new railroads - AJAK, WCN, NPJ, and PNGT upon all of the entities becoming rail carriers.

On December 15, 2025, AJAK filed a Verified Notice of Exemption to acquire and operate approximately 7,665 feet (1.45 miles) of existing railroad right-of-way and trackage and a transloading facility owned by AJAK Properties, LP and leased by Franklin Storage, LP. The property is located at 4950 Advantage Ave. in Chambersburg, PA. AJAK specifically seeks Board exemption for the acquisition and operation, stating that the track to be acquired and operated will be a line of railroad under 49 U.S.C. 10901 and that track is used in conjunction with interchange to and from Pennsylvania & Southern Railroad (“P&SR”) and CSXT. The Operating Agreement accompanying the Verified Notice of Exemption states that AJAK entered into an operating agreement with Mr. Nitterhouse, and that Mr. Nitterhouse is the sole member of AJAK, a limited liability corporation. Mr. Nitterhouse has not sought authority to control AJAK when it becomes a rail carrier.

On December 18, 2025, WCN filed a Verified Notice of Exemption to acquire and operate approximately 2,220 feet (0.42 miles) of existing railroad right-of-way and trackage and transloading facility owned by WCN Properties, L.P. and leased by Franklin Storage, LP, located at 900 Kriner Road, also in Chambersburg, PA. WCN specifically seeks Board exemption for the acquisition and operation, stating that the track to be acquired is used in conjunction with interchange to and from CSXT. The Operating Agreement accompanying the Verified Notice of Exemption states that WCN entered into an operating agreement with Mr. Nitterhouse, and that Mr. Nitterhouse is the sole member of WCN. Mr. Nitterhouse has not sought authority to control WCN when it becomes a rail carrier.

Mr. Nitterhouse has not sought authority to control either NPJ or PNGT.

Under 49 CFR 1150.32(c), if a notice contains false or misleading information, the exemption is void *ab initio*. The exemptions are misleading as to the ownership relationship of each individual future rail carrier. The notices of exemption, imply that each new rail carrier is an entity standing on its own rather than as a rail carrier owned by an individual who will own multiple rail carriers and has not sought authorization for such control.

The acquisition of control of a rail carrier by a person that is not a rail carrier but that controls any number of rail carriers requires prior approval by the Board under 49 U.S.C. 11323(a)(5). Mr. Nitterhouse is the owner of both AJAK and WCN, as well as two other companies seeking authority from the Board to become rail carriers, NPJ or PNGT. While Mr. Nitterhouse may not need authorization to remain in control of the first of the four companies to acquire Board authorization to become a rail carrier, he will need authority to acquire control of the other three companies when they become carriers. Because three of the four notices were filed on the same day and propose to become effective on the same day, January 14, 2026, Mr. Nitterhouse must file for authority to obtain control of all of the companies seeking Board authority to become rail carriers, including AJAK and WCN prior to allowing the acquisition and operation by AJAK and WCN. Mr. Nitterhouse has not sought authority under 49 U.S.C. 11323(a)(5) to control these companies when they become rail carriers. Granting acquisition authority to AJAK and WCN, as well as the other carriers, would provide Mr. Nitterhouse with unauthorized control of the newly established rail carriers in violation of the Board's statute.

If the Board does not reject the Notices of Exemption, in the alternative CSXT requests that the Board stay the effective date of the exemptions until such a time that Mr. Nitterhouse has obtained authority to control the four new carriers as required by 49 U.S.C. 11323(a)(5). The

criteria for a petition for a stay are: (1) there is a strong likelihood that the movant will prevail on the merits; (2) that the movant will suffer irreparable harm in the absence of a stay; (3) that the other interested parties will not be substantially harmed; and (4) the public interest supports the granting of the stay. *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987); *Washington Metro. Area Transit Comm'n v. Holiday Tours, Inc.*, 559 F.2d 841, 843 (D.C. Cir. 1977); *Virginia Petroleum Jobbers Ass'n v. Fed. Power Comm'n*, 259 F.2d 921, 925 (D.C. Cir. 1958).

This Petition meets those standards. There would be irreparable harm to the integrity of the exemption process if these transactions are allowed to proceed knowing that the party controlling AJAK and WCN has not sought or been granted authority to own multiple rail carriers. It is likely that CSXT would succeed on the merits. As discussed above the notices are misleading in that they do not provide an accurate picture of ownership of the newly created rail carriers. A stay to give Mr. Nitterhouse an opportunity to seek control authority would not harm any of the parties, given that none of them currently have authorization to operate as rail carriers and do not currently operate.

No interested party will be substantially harmed by granting the stay. AJAK and WCN are not providing any service now. CSXT and PSR will continue to provide service. Staying the AJAK Acquisition exemption and the WCN Acquisition exemption will not substantially harm anyone. Finally, the public interest also supports granting a stay. The public interest is served by orderly regulation of the rail system and to ensure that the exemption process is properly used as envisioned by the Board and the statute.

CSXT respectfully requests that the Board reject the AJAK Acquisition and the WCN Acquisition as misleading or in the alternative, issue a stay in these proceedings and require Mr. Nitterhouse to file a notice of exemption to continue in control of both AJAK and WCN.

Steven C. Armbrust, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1229

Respectfully Submitted,

/s/ *Louis E. Gitomer*

Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
Law Offices of Louis E. Gitomer, LLC
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: January 13, 2025

CERTIFICATE OF SERVICE

I certify that I have this day served copies of this Petition for Stay upon all parties of record in this proceeding, by electronic delivery.

/s/ *Louis E. Gitomer*

Louis E. Gitomer

January 13, 2026