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OCC

SERVICE DATE – JANUARY 28, 2026

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36874

PROVISO RAILROAD, INC.—ACQUISITION EXEMPTION—L. NEILL
CARTAGE CO., INC.

Docket No. FD 36875

MASON RAILROAD, INC.—ACQUISITION EXEMPTION—L. NEILL
CARTAGE CO., INC.

Docket No. FD 36894

AJAK RAIL, LLC—ACQUISITION EXEMPTION—RAIL LINE OF FRANKLIN STORAGE,
LP AT ADVANTAGE AVENUE TRANSLOAD FACILITY, CHAMBERSBURG, PA.

Docket No. FD 36895

NPJ RAIL, LLC—ACQUISITION EXEMPTION—RAIL LINE OF FRANKLIN STORAGE,
LP AT GUILFORD SPRINGS ROAD TRANSLOAD FACILITY, CHAMBERSBURG, PA.

Docket No. FD 36896

PNGT RAIL, LLC—ACQUISITION EXEMPTION—RAIL LINE OF FRANKLIN
STORAGE, LP AT WCN DRIVE TRANSLOAD FACILITY, CHAMBERSBURG, PA.

Docket No. FD 36897¹

WCN RAIL, LLC—ACQUISITION EXEMPTION—RAIL LINE OF FRANKLIN
STORAGE, LP AT KRINER ROAD TRANSLOAD FACILITY, CHAMBERSBURG, PA.

Decided: January 28, 2026

On December 3, 2025, in Docket No. FD 36874, Proviso Railroad, Inc. (PRR), a noncarrier, filed a notice of exemption under 49 C.F.R. § 1150.31 to acquire from L. Neill Cartage Co., Inc. (Cartage), and operate approximately 712.5 feet of rail line located at a transload facility owned by Cartage in Berkeley, Ill. On December 4, 2026, in Docket No.

¹ These proceedings are not consolidated but are being addressed in the same decision for administrative convenience.

FD 36875, Mason Railroad, Inc. (MRR), a noncarrier, filed a notice of exemption under 49 C.F.R. § 1150.31 to acquire from Cartage and operate approximately 665 feet of rail line located at a transload facility owned by Cartage in Bedford Park, Ill. PRR and MRR filed supplements in their respective dockets on both December 29 and December 30, 2025. By decision served December 31, 2025, the effective dates of PRR's and MRR's notices of exemptions were postponed, pending review of the supplements. Notice of the exemption in each docket was subsequently served and published in the Federal Register on January 15, 2026 (91 Fed. Reg. 1854), and both exemptions are scheduled to become effective on January 29, 2026.

On December 15, 2025, in Docket No. FD 36894, AJAK Rail, LLC (AJAK), a noncarrier, filed a notice of exemption under 49 C.F.R. § 1150.31 to acquire from Colby Nitterhouse (Nitterhouse), on behalf of Franklin Storage, LP (Franklin Storage), and operate approximately 2,665 feet of rail line² located at a transloading facility owned by AJAK Properties, LP, and leased by Franklin Storage, in Chambersburg, Pa.

On the same date, in Docket No. FD 36895, NPJ Rail, LLC (NPJ), a noncarrier, filed a notice of exemption under 49 C.F.R. § 1150.31 to acquire from Nitterhouse, on behalf of Franklin Storage, and operate approximately 1,800 feet of rail line located at a transloading facility owned by NPJ Properties, LP, and leased by Franklin Storage, in Chambersburg.

Also on December 15, 2025, in Docket No. FD 36896, PNGT Rail, LLC (PNGT), a noncarrier, filed a notice of exemption under 49 C.F.R. § 1150.31 to acquire from Nitterhouse, on behalf of Franklin Storage, and operate approximately 2,200 feet of rail line at a transloading facility owned by PNGT Properties, LP, and leased by Franklin Storage, in Chambersburg.

On December 18, 2025, in Docket No. FD 36897, WCN Rail, LLC (WCN), a noncarrier, filed a notice of exemption under 49 C.F.R. § 1150.31 to acquire from Nitterhouse, on behalf of Franklin Storage, and operate approximately 2,220 feet of rail line at a transloading facility owned by WCN Properties, LP, and leased by Franklin Storage, in Chambersburg.

On January 12, 2026, Norfolk Southern Railway Company (NS) filed a letter with the Board in Docket Nos. FD 36895 and FD 36896, asking the Board to postpone the effective dates of NPJ's and PNGT's notices of exemption. In support of its request, NS argues, among other things, that NPJ and PNGT had failed to certify whether the proposed acquisitions and operations involve an interchange commitment, as required by 49 C.F.R. § 1150.33(h).

² AJAK's December 15, 2025 filing stated that the rail line was 7,665 feet in length; however, in a supplement filed on January 27, 2026, AJAK clarifies that the rail line consists of three tracks totaling 2,665 feet.

On January 13, 2026, NPJ, PNGT, and WCN submitted supplements to their respective notices of exemption.³ Later the same day, a decision was issued directing those three companies, as well as AJAK, to supplement their notices of exemption to correct certain errors and omissions by January 27, 2026, to the extent they had not already done so.⁴ The decision also postponed the effective dates of the four exemptions addressed in that decision until further order of the Board.

Also on January 13, 2026, CSX Transportation, Inc. (CSXT), filed a petition in Docket Nos. FD 36894 and FD 36897, asking the Board to reject AJAK's and WCN's notices of exemption, or, in the alternative, issue a stay and require Nitterhouse to file a notice of exemption to continue in control of AJAK and WCN. In support of its petition, CSXT argues that the exemptions would result in Nitterhouse, a noncarrier and the sole member of the AJAK and WCN limited liability corporations, obtaining unauthorized control of two or more carriers.⁵ (CSXT Pet. 6 (citing 49 U.S.C. § 11323(a)(5)).)

Because the January 13 decision postponed the effective dates of the AJAK and WCN exemptions, CSXT's request for the Board to stay those transactions is moot. However, consistent with CSXT's petition, Nitterhouse will be required to file for continuance-in-control authority. Under 49 U.S.C. § 11323(a)(5), Board authority is required for 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. Here, it appears that, should AJAK's, NPJ's, PNGT's, and WCN's exemptions become effective, Nitterhouse would control four rail carriers. Nitterhouse, therefore, will be directed to, by February 27, 2026, either seek Board authorization to continue in control of each of the carriers that Nitterhouse would control—AJAK, NPJ, PNGT, and WCN⁶—upon their becoming

³ While the supplements were submitted to the Board on January 13, 2026, the filing date for each of the supplements is January 14, 2026, the date when the filers provided certificates of service as required by 49 C.F.R. § 1104.12.

⁴ As noted above, by decision served January 13, 2026, AJAK, NPJ, PNGT, and WCN were directed to supplement their verified notices by January 27, 2026, to correct certain errors and omissions. Supplements were filed by NPJ, PNGT, and WCN on January 14, 2026. AJAK filed a supplement on January 27, 2026.

⁵ CSXT observes that Nitterhouse would also control NPJ and PNGT but limits its petition to the AJAK and WCN dockets where CSXT is involved in interchange with the lines being acquired.

⁶ Generally, a noncarrier does not require Board authority to control its first carrier. See Williams—Control Exemption—S&S Shortline Leasing, LLC, FD 36460 et al., slip op. at 3-4 (STB served Jan. 26, 2021). Here, however, it is not clear which of the transactions would be Nitterhouse's (or, as discussed below, Cartage's) first carrier acquisition because some of the verified notices, or supplements thereto, were filed on the same date and therefore would have the same effective date.

carriers or, alternatively, explain to the Board why such control authority would not be required.⁷ See also 49 C.F.R. § 1180.2(d)(2). If Nitterhouse does not submit a filing or filings to the Board by this date, the relevant notices of exemption will be rejected without further order of the Board, effective February 28, 2026.

The verified notices of exemption filed by PRR and MRR in Docket Nos. FD 36874 and FD 36875 raise similar questions regarding the need for continuance in control authority, as it appears that Cartage would control both carriers.⁸ The effective dates of PRR's and MRR's notices of exemption will therefore be postponed until further order of the Board, and Cartage will be directed to, by February 27, 2026, either seek Board authorization to continue in control of PRR and MRR upon their becoming carriers, or alternatively, explain why such control authority is not required. If Cartage does not submit a filing or filings to the Board by this date, the notices of exemption will be rejected without further order of the Board, effective February 28, 2026.⁹

It is ordered:

1. The effective dates of the exemptions in Docket Nos. FD 36874 and FD 36875 are postponed until further order of the Board.
2. Nitterhouse and Cartage shall each file, in appropriate dockets, as described above, by February 27, 2026.
3. If Cartage does not file, as described above, by February 27, 2026, the notices of exemption in Docket Nos. FD 36874 and FD 36875 will be rejected without further order of the Board, effective February 28, 2026. If Nitterhouse does not file, as described above, by

⁷ Any filings seeking authority to continue in control of each carrier should be made in new, separate dockets. Any filings arguing that control authority is not required may be filed in the existing, relevant dockets.

⁸ See PRR Notice, Operating Agreement at 2, Proviso R.R.—Acquis. Exemption—L. Neill Cartage Co., FD 36874 (agreement between WCN and Cartage states that “L. Neill Cartage Co. may terminate this Agreement upon ten (10) calendar days written notice if by any reason most of the circulating shares in Proviso Railroad, Inc. with right to a vote are no longer property of L. Neill Cartage Co., or its parent or affiliated companies”); See MRR Notice, Operating Agreement at 2, Mason R.R.—Acquis. Exemption—L. Neill Cartage Co., FD 36875 (agreement between MRR and Cartage states that “L. Neill Cartage Co. may terminate this Agreement upon ten (10) calendar days written notice if by any reason most of the circulating shares in Mason Railroad, Inc. with right to a vote are no longer property of L. Neill Cartage Co., or its parent or affiliated companies”).

⁹ Questions may be directed to the Board's Rail Customer and Public Assistance (RCPA) program, which provides informal assistance to the public on a wide range of matters within the Board's expertise. RCPA can be reached by telephone at (202) 245-0238 or email at rcpa@stb.gov.

February 27, 2026, the notices of exemption in Docket Nos. FD 36894, FD 36895, FD 36896, and FD 36897 will be rejected without further order of the Board, effective February 28, 2026.

4. This decision is effective on its date of service.

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