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January 30, 2026

ENTERED
Office of Chief Counsel
January 30, 2026
Part of
Public Record

VIA E-FILING

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: *CSX Transportation, Inc.—Petition for Declaratory Order*, STB Docket No. FD 36886

Dear Ms. Brown:

Enclosed for e-filing, please find the Petition of the South Baltimore Community Land Trust, Inc. for Leave to Intervene in the above-captioned proceeding. Please do not hesitate to contact me with any questions.

Respectfully submitted,

Leah Kelly

Counsel for South Baltimore Community Land Trust, Inc.

Enclosures

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Finance Docket No. 36886

**CSX TRANSPORTATION, INC.
PETITION FOR DECLARATORY ORDER**

**PETITION OF THE SOUTH BALTIMORE COMMUNITY LAND TRUST, INC.
FOR LEAVE TO INTERVENE**

Submitted by:

Leah Kelly
Senior Attorney
Maryland Bar Client Protection Fund ID.
No. 1112140114
Environmental Integrity Project
888 17th St. NW, Suite 810
Washington, DC 20006
Office: (202) 263-4448
lkelly@environmentalintegrity.org

Date: January 30, 2026

Attorney for South Baltimore Community Land Trust, Inc.

**PETITION OF THE SOUTH BALTIMORE COMMUNITY LAND TRUST, INC.
FOR LEAVE TO INTERVENE**

On November 19, 2025, CSX Transportation, Inc. (“CSX”) filed a petition with the Surface Transportation Board (“Board”) seeking a declaratory order that the Maryland Department of the Environment (“MDE”) is preempted by the Interstate Commerce Commission Termination Act (“ICCTA”), 49 U.S.C. §10501(b), from requiring certain air pollution control measures at CSX’s coal shipping terminal in Baltimore, Maryland (“CSX Terminal” or “Terminal”). South Baltimore Community Land Trust, Inc. (“SBCLT”) hereby respectfully petitions the Board for leave to intervene in this declaratory order proceeding.

I. SBCLT’s Position and Grounds for Proposed Intervention.

SBCLT opposes CSX’s petition for declaratory order. SBCLT owns multiple real properties near the CSX Terminal and has an interest in reducing coal dust emitted from the Terminal. On August 28, 2025, SBCLT filed a petition for writ of administrative mandamus (similar to a petition for judicial review) of CSX’s final permit in Maryland state court. Ex. 1. In response to CSX’s motion to dismiss, this case has been stayed pending the outcome of an administrative proceeding in Maryland, called a contested case hearing. Office of Administrative Hearings (“OAH”) Case No. MDE-ARMA-012-25-25750. Ex 2; *see* CSX Petition for Declaratory Order, Nov. 19, 2025 (“CSX Petition”) at 11, FN 6 (referencing contested case). It is SBCLT’s understanding that this contested case proceeding has been postponed pending the outcome of this matter before the Board.

SBCLT’s position is fully set forth in its reply filed January 30, 2026, which is incorporated herein by reference. In summary, SBCLT’s position is that MDE was fully authorized under the federal Clean Air Act to issue the permit conditions challenged by CSX. Further, because MDE was so authorized by federal law, most of CSX’s arguments are inapposite

and irrelevant. SBCLT, in its reply, provides significant additional information about the federal nature of MDE's action and the test applied by federal courts when considering whether one federal law displaces another.

II. SBCLT Does Not Seek to Broaden the Issues.

SBCLT does not seek to broaden the issues under consideration in this proceeding. CSX already addresses, in its petition, the question of whether MDE's action should be viewed as federal or state law. CSX Petition at 29-34. CSX claims that the permit conditions that it challenges should be viewed as state law. SBCLT disagrees with CSX on this fundamental question of law governing the legal standard applicable to CSX's preemption claim, and SBCLT addresses only issues raised in CSX's petition.

III. SBCLT's Petition for Leave to Intervene is Timely.

On December 5, 2025, the Board granted MDE's request for additional time to file its reply, setting a new deadline of January 30, 2026 to reply. SBCLT is filing its reply and this petition for leave to intervene on January 30, 2026 at an early stage in the proceeding.

IV. Conclusion.

For the foregoing reasons, SBCLT requests that the Board grant SBCLT's intervention and treat SBCLT as a party in this proceeding.

Dated: January 30, 2026

Respectfully submitted,

/s/ Leah Kelly
Leah Kelly
Senior Attorney
Environmental Integrity Project
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Office: (202) 263-4448
lkelly@environmentalintegrity.org

Attorney for South Baltimore Community Land Trust, Inc

Certificate of Service

I certify that on January 30, 2026, I caused to be served a copy of the foregoing Petition for Leave to Intervene upon all parties of record in this proceeding by email.

/s/ Leah Kelly

TABLE OF EXHIBITS
TO THE PETITION OF SOUTH BALTIMORE COMMUNITY LAND TRUST, INC.
FOR LEAVE TO INTEVENE

CSX Transportation, Inc. – Petition for Declaratory Order
Finance Docket No. 36886

Exhibit Number	Document
Exhibit 1	South Baltimore Community Land Trust, Inc. Petition for Writ of Administrative Mandamus dated August 28, 2025, Maryland Circuit Court for Baltimore City, Civil Action No. C-24-CV-25-007574
Exhibit 2	November 7, 2025 Order Staying Proceeding, <i>South Baltimore Community Land Trust, Inc v. Maryland Department of the Environment</i> , Maryland Circuit Court for Baltimore City, Civil Action No. C-24-CV-25-007574

EXHIBIT 1

South Baltimore Community Land Trust, Inc.
Petition for Writ of Administrative Mandamus dated August 28, 2025,
Maryland Circuit Court for Baltimore City
Civil Action No. C-24-CV-25-007574

IN THE CIRCUIT COURT FOR BALTIMORE CITY

PETITION OF SOUTH BALTIMORE COMMUNITY LAND)
TRUST, INC.,)
10 16th Ave. #19762)
Brooklyn, MD 21225)
) CIVIL ACTION
FOR JUDICIAL REVIEW OF THE DECISION OF THE) No. _____
Maryland Department of the Environment)
1800 Washington Boulevard)
Baltimore, MD 21230)
)
In the CASE OF)
State Permit-to-Operate)
CSX Transportation, Inc.)
Permit Number 510-2263)

PETITION FOR WRIT OF ADMINISTRATIVE MANDAMUS

Pursuant to Maryland Rules 7-402(a) and 7-202, South Baltimore Community Land Trust, Inc. (“Petitioner”), by and through its undersigned counsel, hereby requests judicial review of and a writ of administrative mandamus in regard to the decision of the Maryland Department of the Environment (“MDE”) to issue State Permit-to-Operate Number 510-2263 (“Permit”) to CSX Transportation, Inc. for the operation of coal storage and transfer facility (“Terminal”).

In support of this Petition, Petitioner states the following:

1. Petitioner was a party to the agency proceeding.
2. MDE’s decision adversely affects the properties of Petitioner and Petitioner’s members near the Terminal.
3. MDE’s decision adversely affects Petitioner’s organizational interest in the quality of life, health, and housing near the Terminal.

WHEREFORE, Petitioner respectfully asks this Court to grant judicial review and a writ of administrative mandamus in this case and for all other just and proper relief.

Dated: August 28, 2025

Respectfully submitted,

/s/ Leah Kelly

Leah Kelly (Client Protection Fund No. 1112140114)
Senior Attorney
Environmental Integrity Project
888 17th St. NW, Suite 810
Washington, DC 20006
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Fax: (202) 296-8822
Email: lkelly@environmentalintegrity.org
Counsel for Petitioner

CERTIFICATION OF ADMISSION TO PRACTICE LAW IN MARYLAND

Pursuant to Maryland Rule 1-313, I, Leah Kelly, hereby certify that I am admitted to practice law in the State of Maryland.

/s/ Leah Kelly

Leah Kelly (Client Protection Fund No. 1112140114)
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Counsel for Petitioner

REQUEST FOR WRIT OF SUMMONS

Please issue the summons in this case for:

Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, MD 21230

/s/ Leah Kelly

Leah Kelly (Client Protection Fund No. 1112140114)
Senior Attorney
Environmental Integrity Project
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Fax: (202) 296-8822
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Counsel for Petitioner

EXHIBIT 2

November 7, 2025 Order Staying Proceeding
South Baltimore Community Land Trust, Inc v. Maryland Department
of the Environment, Maryland Circuit Court for Baltimore City
Civil Action No. C-24-CV-25-007574

