

SURFACE TRANSPORTATION BOARD

311080

Docket No. FD 36909

**TRANSLOADX RAILROAD COMPANY, INC. —
ACQUISITION AND OPERATION EXEMPTION —
CSX TRANSPORTATION, INC.**

ENTERED
Office of Chief Counsel
April 6, 2026
Part of
Public Record

**LETTER OF UPDATE REGARDING MATERIAL FACTS
DISCOVERED AFTER FILING OF PETITION FOR STAY AND REVOCATION**

April 6, 2026

To: Surface Transportation Board
395 E Street SW
Washington, DC 20423

Re: Docket No. FD 36909 — TransloadX Railroad Company, Inc. — Acquisition
and Operation Exemption — CSX Transportation, Inc.

Dear Members of the Board:

On March 17, TransloadX Railroad Company, Inc [TransloadX-RR] filed a Verified Notice of Exemption, Finance Docket 36909.. On March 27, Petitioner Chalmers Hardenbergh filed a Combined Petition for Stay and Petition to Revoke Exemption in this matter. On March 30, the STB issued a decision permitting TransloadX-RR to file a reply by April 1. TransloadX-RR filed a Reply on April 1.

Petitioner Chalmers Hardenbergh respectfully submits this Letter of Update to bring to the Board's attention two material facts discovered after the filing of his Combined Petition for Stay and Petition to Revoke Exemption (filed March 27, 2026). These facts bear directly on the pending petition and on the Board's evaluation of TransloadX Railroad Company, Inc.'s fitness and the *bona fides* of its Notice of Exemption.

**I. TRANSLOADX IS LISTED IN THE ASLRRRA RAILROAD DIRECTORY AS
A NEW HAMPSHIRE SWITCHING RAILROAD — WITH NO ACTUAL
OPERATIONS IN THAT STATE.**

After filing the Petition, Petitioner discovered that an affiliate of TransloadX Railroad Company, Inc (TransloadX-RR), operating under the name TransloadX, has registered itself as a member railroad of the American Short Line and Regional

Railroad Association (ASLRRA) and appears in the ASLRRA's Railroad Information Directory as a New Hampshire switching railroad. Its listed website is www.transloadx.com.

This listing is significant for two reasons. First, TransloadX-RR's registered address in the Notice of Exemption filed in this docket is 360 Amherst Street, Nashua, NH 03063 — a New Hampshire address.

Second, and more important, Petitioner has no knowledge, nor has any public record indicated, that TransloadX, TransloadX-RR, or the principals operate or have ever legally operated any railroad switching service in the State of New Hampshire.

Neither TransloadX nor TransloadX-RR has operated anywhere else with the imprimatur of the Surface Transportation Board, prior to the filing of this Notice of Exemption. The ASLRRA directory listing identifies TransloadX as an operating “switching railroad” in New Hampshire — a representation that appears to be false.

A screenshot of the ASLRRA Railroad Information Directory search results for New Hampshire railroads, showing TransloadX listed as a Switching Railroad, is attached hereto as Exhibit D. (Petition searched on ASLRRA members in New Hampshire April 5, 2026.)

A screenshot of the TransloadX detail card (found on April 5 by clicking on “Read more” from the same search results), confirms the Switching Railroad subtype designation, and is attached as Exhibit E.

Petitioner respectfully submits that an entity holding itself out to a national railroad trade association as an operating New Hampshire switching railroad — when it has no such operations — has made a material misrepresentation of its operational status. Under 49 C.F.R. § 1150.32(c) and related provisions, a Notice of Exemption containing false or misleading information is *void ab initio*. Petitioner did not raise this argument in his initial Petition because the facts underlying it were not then known. Petitioner intends to seek leave to present this argument in a supplemental filing.

II. TRANSLOADX IS LISTED IN THE ASLRRA RAILROAD DIRECTORY AS A MAINE SWITCHING RAILROAD — WITH NO ACTUAL OPERATIONS IN THAT STATE.

On April 5, Petitioner discovered that TransloadX listed itself on the ASLRRA website as operating a switching railroad in Maine (Exhibit F). This raises another material fact which TransloadX-RR failed to disclose at the time of its filing the Notice of Exemption March 17.

First, while in the listing TransloadX claims to be a switching railroad, it has no actual operations in Maine (though should neither the Stay nor the Petition to Revoke succeed, the affiliated entity also owned by the principals, TransloadX-RR, will have the opportunity to operate in Maine).

Second, TransloadX falsely claims to be a switching railroad. As with the New Hampshire listing, Petitioner has no knowledge, nor has any public record indicated, that TransloadX, TransloadX-RR, or the principals operate or have ever legally operated any railroad switching service in the State of Maine to this date.

Neither TransloadX nor TransloadX-RR has operated a railroad anywhere else with the imprimatur of the Surface Transportation Board, prior to the filing of this Notice of Exemption.

III. THE COURT FINDINGS AGAINST TRANSLOADX PRINCIPALS STIRENGTHEN THE FITNESS CONCERNS RAISED IN THE PETITION.

The Petition documented two adverse judicial findings against TransloadX's principals, Michael Milanowski and John DeWaele: (1) a January 10, 2024 Massachusetts Superior Court finding of "unfair and inequitable conduct," and (2) a June 24, 2024 contempt finding for intentional violation of a court order. See Exhibits A and B to the Petition.

While the Notice of Exemption states in the Verification that John DeWaele is the president of TransloadX-RR, it does not explicitly refer to Michael Malinoski. However, the Reply filed April 1 by TransloadX-RR appears to underscore that TransloadX and TransloadX-RR are at bottom the same company. At page three, TransloadX-RR states:

“[It] intends to develop and operate the Maine Lines separately from its transload operations in Framingham.”

Since the Framingham operations are run by TransloadX [see Exhibit B page 4], TransloadX-RR and TransloadX are near-identical twins. Thus the adverse findings against the principals of TransloadX reflect directly on the same men who intend to operate TransloadX-RR.

The newly-discovered ASLRRA directory listings reinforce the fitness concerns raised in the Petition. An entity whose principals have been adjudicated as having engaged in unfair and inequitable conduct and held in contempt of court is now found to have represented itself to a national trade association as an operating switching railroad in two states where it conducts no operations. This pattern of misrepresentation — to a court, to a municipal authority (see Exhibit C to the Petition), and now apparently to a trade association and to this Board — is directly relevant to the Board's public interest inquiry under 49 U.S.C. § 10502(d).

The Verified Notice filed in this docket was signed by or on behalf of principals who have been adjudicated of “unfair and inequitable conduct” and having intentionally violated a court order. The integrity of the verification process depends on the honesty of those making it. The Board is respectfully asked to take these facts into account in its evaluation of the pending Petition.

IV. NOTICE OF INTENT TO FILE MOTION FOR LEAVE TO SUBMIT SUPPLEMENTAL PLEADING.

Petitioner intends to file a Motion for Leave to File a Sur-Reply or Supplemental Pleading to present a *void ab initio* argument and the additional fitness evidence described herein in proper pleading form. Among the legal arguments Petitioner intends to present in that supplemental filing is the contention that the omission of the above newly-discovered material facts from the Verified Notice renders it 'misleading' within the meaning of 49 C.F.R. § 1150.32(c), triggering the *void ab initio* doctrine as construed by the First Circuit in *Berkshire Scenic Railway Museum, Inc. v. ICC*, 52 F.3d 378 (1st Cir. 1995).

This Letter of Update is submitted in the interim to ensure that the material facts are before the Board at the earliest possible time, given that the exemption is presently scheduled to become effective on or about April 16, 2026.

Respectfully submitted,

_____/s/ Chalmers Hardenbergh
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April 6, 2026

EXHIBITS ATTACHED

Exhibit D: Screenshot — ASLRRRA Railroad Information Directory, New Hampshire search results, showing TransloadX listed as a Switching Railroad

Exhibit E: Screenshot — ASLRRRA Railroad Information Directory, TransloadX detail card, showing Switching Railroad subtype.

Exhibit F: Screenshot — ASLRRRA Railroad Information Directory, Maine search results, showing TransloadX listed as a Switching Railroad.

CERTIFICATE OF SERVICE

I certify that I have this day served a copy of this Letter of Update upon all parties of record by first-class mail and/or electronic mail, consistent with 49 C.F.R. § 1104.12(a), as follows:

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(Attorney for TransloadX Railroad Company, Inc.)

CSX Transportation, Inc. / Attention: General Counsel (by mail)
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Jacksonville, FL 32202

_____/s/ Chalmers Hardenbergh
Chalmers Hardenbergh
April 6, 2026



American Short Line and
Regional Railroad Association

SAFETY & COMPLIANCE

EVENTS

MEMBER RESOURCES

EDUCATION

ADVOCACY

ENVIRONMENT

Railroad Information Directory

[Show/Hide](#)

5 Results Found

Milford-Bennington Railroad Co., Inc.

Subtype
US Class II or III Railroad

[Read More...](#)

New England Central Railroad, Inc.

<http://www.gwrr.com>

Subtype
US Class II or III Railroad

[Read More...](#)

St. Lawrence & Atlantic Railroad

<http://www.gwrr.com>

Subtype
US Class II or III Railroad

[Read More...](#)

TransloadX

<http://www.transloadx.com>

Subtype
Switching Railroad

[Read More...](#)

U. S. Army Military Railroad System

<https://transportation.army.mil/MITD/rail.html>

Subtype
Switching Railroad

**Petition searched on ASLRRRA members
in New Hampshire 26-04-05**



American Short Line and
Regional Railroad Association

SAFETY & COMPLIANCE

EVENTS

MEMBER RESOURCES

EDUCATION

ADVOCACY

ENVIRONMENT



Account Name

TransloadX



Classification

Switching Railroad

Website

<http://www.transloadx.com>

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Railroad Information Directory

Show/Hide

6 Results Found

Eastern Maine Railroad Company

<http://www.nbmrailways.com>

Subtype
US Class II or III Railroad

[Read More...](#)

St. Lawrence & Atlantic Railroad

<http://www.gwrr.com>

Subtype
US Class II or III Railroad

[Read More...](#)

Maine Northern Railway

<http://www.nbmrailways.com>

Subtype
US Class II or III Railroad

[Read More...](#)

TransloadX

<http://www.transloadx.com>

Subtype
Switching Railroad

[Read More...](#)

Maine Switching Services LLC

<http://maineswitchingservices.com>

Subtype
Switching Railroad

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U. S. Army Military Railroad System

<https://transportation.army.mil/MITD/rail.html>

Subtype
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