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

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VIA E-FILINGChief of Case Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423Re: Canonie Atlantic Co.—Abandonment Exemption—in the City of Virginia Beach and the City of Norfolk, VA
STB Docket No. AB 1266 (Sub-No. 2X)Buckingham Branch Railroad Company—Discontinuance Exemption—in the City of Virginia Beach and the City of Norfolk, VA
STB Docket No. AB 1349X

Dear Chief of Case Administration:

Norfolk Southern Railway Company ("NSR") respectfully submits this objection to the Board's processing of the Joint Petition for Exemption filed by Canonie Atlantic Company ("CAC") and Buckingham Branch Railroad Company ("Buckingham Branch"), served March 7, 2026, in the above-referenced dockets. As this time, Buckingham Branch is in breach of its contractual obligations to NSR. Until such time as NSR and Buckingham Branch resolve the contractual dispute, the Surface Transportation Board ("STB" or "Board") should hold this proceeding in abeyance.

Buckingham Branch currently operates the affected line pursuant to a 2018 Lease Agreement with NSR ("Lease"). The Lease expressly governs Buckingham Branch's ability to pursue any abandonment, discontinuance, or suspension of operations. Section 33(b) of the Lease (attached as Exhibit A) provides:

LESSEE shall not suspend or discontinue its operations over any part of the Line without first applying for and obtaining from the STB ... any necessary certificate or exemption... LESSEE shall not seek such regulatory authority... without the prior written approval of NSR, which may be withheld in its sole and absolute discretion.

Buckingham Branch has not obtained NSR's prior written approval; or requested or received NSR's consent to seek discontinuance authority or to participate in any joint abandonment/discontinuance petition. By filing its petition with the Board without first obtaining NSR's consent, Buckingham Branch has violated Section 33(b) of the Lease. This constitutes a material breach of its contractual obligation.

Because Buckingham Branch lacks the contractually required authority to initiate or participate in these exemption proceedings, NSR respectfully requests that the Board to hold the petitions in abeyance pending or decline to process them pending resolution of the contractual dispute.¹ Proceeding in the absence of the required contractual authorization would undermine NSR's property and contractual rights, create legal uncertainty regarding carrier obligations, and risk the Board acting on an application that the operator had no legal right to file.

Nothing in this objection should be construed as NSR's consent to the proposed discontinuance. NSR expressly reserves all rights under the Lease and applicable law, including the right to enforce the Lease's remedies for Buckingham Branch's breach and the right to oppose any discontinuance until such time .

For the foregoing reasons, Norfolk Southern Railway Company respectfully requests that the Board decline to process, or hold in abeyance, the Joint Petition for Exemption until Buckingham Branch has provided formal notice and obtained NSR's required written consent under Section 33(b) of the Lease.

Respectfully submitted,

//ss// William A. Mullins

Counsel for Norfolk Southern Corporation
and Norfolk Southern Railway Company

cc: Parties of Record

¹ See, e.g., Ballard Terminal Railroad Company, L.L.C. – Petition For Declaratory Order, FD 36261 (STB served June 27, 2019) (holding proceeding in abeyance pending the outcome of a related state court proceeding and ordering periodic status reports).