

BEFORE THE SURFACE TRANSPORTATION BOARD

ENTERED
Office of Chief Counsel
April 9, 2026
Part of
Public Record

DOCKET NO. FD 36909**MOTION FOR LEAVE TO FILE SUPPLEMENTAL PLEADING**

Petitioner Chalmers Hardenbergh, pro se, respectfully moves the Board for leave to file the attached Supplemental Pleading in support of his Petition to Revoke (and Motion to Reject Notice as Void Ab Initio). In support of this Motion, Petitioner states as follows:

1. The Supplemental Pleading is filed to provide newly discovered and recently verified information relevant to the Petition to Revoke and Motion to Reject, including (a) evidence that TransloadX/TransloadX-RR has held itself out as a railroad operator in New Hampshire and Maine (ASLRRA listings and website references), (b) related municipal correspondence concerning TransloadX's operations at 480 Hollis Street, Framingham, Massachusetts, and (c) recent filings in this docket (including comments by interested parties) that raise additional factual and legal issues bearing on the Board's exercise of its authority under 49 U.S.C. § 10502(d) and the Board's procedural rules.
2. Good cause supports granting leave. The information summarized and documented in the Supplemental Pleading was discovered after Petitioner filed the Petition to Revoke (the ASLRRA listings and certain municipal records were identified during the week following the Petition), and bears directly on whether the Notice of Exemption is materially misleading or should be revoked as inconsistent with the public interest. Allowing the Board to consider this material will assist the Board in resolving substantial factual and legal issues and will promote a full and fair adjudication.
3. Granting leave will not prejudice any party. Petitioner has served opposing counsel with the Supplemental Pleading (certificate of service included). The matters added are discrete, documentary, and relevant to issues already raised; consideration will not unfairly delay proceedings. To the extent the Board believes additional time for responses is appropriate, Petitioner defers to the Board's scheduling discretion.
4. The request is consistent with the Board's rules and practice. Where supplemental factual material bearing on substantial factual or legal issues becomes available after an initial filing, leave to supplement is routinely granted to ensure the Board can assess the full record (see 49 C.F.R. § 1150.33 and the Board's practice in analogous cases).

WHEREFORE, Petitioner respectfully requests that the Board grant this Motion for Leave and accept the attached Supplemental Pleading into the record in Docket No. FD 36909.

Dated: April 9, 2026
Respectfully submitted,

/s/ Chalmers Hardenbergh
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Certificate of Service

I certify that on April 9, 2026, I served a copy of this Motion for Leave and the attached Supplemental Pleading by first-class mail and email on counsel for TransloadX-RR and counsel for Cumberland & Knox Railroad (contact information provided in the attached Supplemental Pleading).

/s/ Chalmers Hardenbergh

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. FD 36909

**TRANSLOADX-RR, LLC
ACQUISITION AND OPERATION EXEMPTION
CERTAIN ASSETS OF THE STATE OF MAINE**

SUPPLEMENTAL PLEADING

in support of

MOTION TO REJECT NOTICE AS *VOID AB INITIO*

and

MOTION TO PETITION TO REVOKE NOTICE

Petitioner Chalmers Hardenbergh ("Petitioner") hereby submits this Supplemental Pleading in support of his pending Petition to Revoke. Petitioner further moves the Board to reject the Notice of Exemption filed by TransloadX-RR, LLC ("TransloadX-RR") as *void ab initio*.

Filings/decisions as of April 9, 2026 in FB 36909

March 17: TransloadX-RR filed its Notice of Exemption.

March 27: Petitioner Chalmers Hardenbergh filed a Petition for Stay/Revocation.

March 30: TransloadX filed a letter requesting removal or reclassification of Petitioner's filing.

March 30: The Board posted its Decision requiring TransloadX-RR to file a response to the petition for stay by 1 April and file its reply to the merits of the petition to revoke by April 16.

April 1: Transload X filed its response to the Petition for Stay.

April 2: The Board posted a decision "decided March 27" served April 2 saying Petitions for Stay are due by April 9. "The combined petition [of March 27] will be addressed in a subsequent decision."

April 6: Petitioner filed Update Letter.¹

April 9: TransloadX filed a letter in response to Update Letter.

April 9: Cumberland & Knox filed Petition to Revoke Notice or for Stay.

April 9: Brotherhood of Railway Signalmen filed Comments.

April 9: Motion for Leave to File Supplemental Pleading.

April 9: The instant Supplemental Pleading by Petitioner.

¹ Petitioner served counsel for TransloadX one day late.

I. MOTION TO REJECT NOTICE OF EXEMPTION AS *VOID AB INITIO*

Petitioner requests that this Board reject TransloadX-RR's Notice of Exemption as *void ab initio* because TransloadX-RR has falsely held itself out as a railroad operator before the Notice of Exemption has taken effect, and because the principals of TransloadX-RR failed to disclose material facts.

I.A. Holding itself out as railroad operator

TransloadX-RR is owned by the same principals who own TransloadX, which operates a transload yard at 480 Hollis Street in Framingham, Massachusetts [see Exhibit B, page 4]. This is proven by TransloadX-RR's statement in its Reply filed April 1 in the instant matter, where at page three it states: "[It] intends to develop and operate the Maine Lines separately from its transload operations in Framingham."

In New Hampshire: After filing the Petition on March 27, Petitioner discovered that TransloadX is holding itself out as a railroad operator in New Hampshire. It has registered itself as a member of the American Short Line and Regional Railroad Association (ASLRRA). In the ASLRRA's Railroad Information Directory, it holds itself out as a New Hampshire "switching railroad" with a website www.transloadx.com.

A screenshot of the ASLRRA Railroad Information Directory search results for New Hampshire railroads, showing TransloadX listed as a "Switching Railroad", was filed with the Update Letter of April 6 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, was filed with the Update Letter of April 6 as **Exhibit E**.

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.

In ASLRRA membership criteria,² "switching railroad" indicates "Any non-railroad or transload facility or insular operation that provides switching services to private industry and is not deemed a common carrier railroad by the Surface Transportation Board."

Neither TransloadX nor TransloadX-RR operates in New Hampshire. The term "switching railroad" misleads one to believe that TransloadX *is* a railroad in New Hampshire.

²https://www.aslrra.org/ASLRRA/document-server/?cfp=/ASLRRA/assets/File/public/join/Railroad_Membership_Application.pdf accessed April 9 2026. *Contra* Petitioner's statement in his *Update Letter*, the term "switching railroad" in the ASLRRA website is not used to mean "common carrier". Petitioner regrets his error.

In Maine: Similarly, after filing the Petition on March 27, Petitioner discovered that TransloadX is holding itself out as a railroad operator in Maine. It has registered itself in the ASLRRA Railroad Information Directory as a Maine “switching railroad” with a website www.transloadx.com. A screenshot of the ASLRRA Railroad Information Directory search results for Maine railroads, showing TransloadX listed as a “Switching Railroad”, was filed with the Update Letter of April 6 as **Exhibit F**. (Petition searched on ASLRRA members in Maine April 5, 2026).

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. The term “switching railroad” misleads one to believe that TransloadX *is* a railroad in Maine.

Petitioner respectfully submits that an entity holding itself out to the public as an operating New Hampshire and Maine “switching railroad”—when it has no operations in either state—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*. The Board has recognized that the failure to disclose potential issues in a notice could be found to be materially misleading by omission. *Black Hills Transp. Inc. d/b/a/ Deadwood, Black Hills & Western R.R.—Modified Rail Certificate*, FD 34924 (STB served Jan. 27, 2010).

I.B. Consonant with other malfeasance by principals

TransloadX is misleadingly holding itself out as a railroad in both New Hampshire and Maine is consonant with the finding of a Massachusetts Superior Court in a January 2024 decision: The “Court finds and concludes that Milanoski and DeWaele engaged in unfair and inequitable conduct ... [by] giving ... a misleading and knowingly incomplete assurance.” *Milanoski and DeWaele v. Delli Priscoli*, Nos. 2384CV00071 et al. (Mass. Super. Jan. 10, 2024) [**Exhibit A**].

It is also consonant with the Massachusetts Superior Court decision in June 2024 [**Exhibit B**] which found principal John DeWaele’s testimony “not credible” (page 6, 7, 8) and Michael Milanoski’s testimony “not credible” (page 9, 10). The Court found “Milanoski and DeWaele intentionally violated paragraph 1 of this Court's Order” and held them in contempt. *Milanowski and DeWaele v. Delli Prescoli*, Superior Court Civil Action No. 2384CV00071 et al. (June 24, 2024)

Motion to Reject Notice of Exemption

The nature of the Verified Notice Exemption is founded on the company’s applying as a “non-carrier” seeking authority. The pre-existing false claims of TransloadX to be a “railroad” in New Hampshire and Maine make the notice materially misleading, which triggers *void ab initio* status under 49 C.F.R. § 1150.33. Therefore, Petitioner requests that this Board reject the Notice of Exemption.

II. SUPPLEMENTAL PLEADING TO SUPPORT PETITION TO REVOKE

Pursuant to 49 U.S.C. § 10502(d) and 49 C.F.R. § 1121.4, Petitioner requests that the Board revoke the exemption on the ground that granting it would be inconsistent with the public interest and with the national rail transportation policy set forth in 49 U.S.C. § 10101. That statute explicitly states that it is the policy of the United States government:

"...to ensure the development and continuation of a sound rail transportation system... (4) to foster safe and efficient rail transportation... and (5) to encourage efficient and **honest management** of railroads." 49 U.S.C. § 10101, emphasis added.

II.A. Notice of Exemption may be revoked; substantial factual and legal issues

Under 49 C.F.R. § 1150, a non-carrier can obtain approval of its Notice of Exemption within 30 days, subject to later revocation or being treated as *void ab initio*.

The Board has found that where there are “substantial factual and legal issues” it can revoke an exemption. *Jefferson Terminal Railroad Company – Acquisition and Operation Exemption – Crown Enterprises, Inc.*, FD 33950 (STB served March 15, 2001). The Board further noted, “we are troubled by Jefferson’s failure to disclose that the property was about to be condemned.” See also *City of Riverview v. STB*, 398 F.3d 434 (6th Cir. 2005).

The instant Notice involves many factual issues and a failure to disclose. The Board should revoke it, or institute further investigation of the underlying facts.

II.B. Factual issue: court findings

While U.S. policy is to “encourage honest management,” the facts indicate the principals of TransloadX-RR are not honest managers. In its April 1 Reply, TransloadX-RR insists the Massachusetts court findings do not reflect the probity of the principals; Petitioner submits that findings of contempt and non-credible testimony [see 1.B] directly address that probity.

II.C. Factual issue: operation of transload; false claim

Petitioner in **Exhibit C** cites a letter from the City of Framingham showing the facility operated by TransloadX at 480 Hollis Street is being operated in violation of zoning laws.

On July 16, 2024, Michael Malinoski falsely told the City of Framingham that the facility is “under federal laws of operation.” [**Exhibit G.**] If TransloadX had become a common carrier by an STB action, this would be true, and it would not be subject municipal oversight to a substantial extent. However, TransloadX has not sought to become a common carrier here or at any other location and is therefore not under federal laws of operation.

The letter was issued by the City of Framingham to the owner of the railyard at 480 Hollis Street, CSX. The City apparently believes the owner is responsible for the ongoing zoning violations, although TransloadX in the Exhibits A and B, as well as Framingham City Councilor Philip Ottoviani’s letter in Exhibit C, show that TransloadX is operating the facility. Per the letters, the facility is being operated in violation of zoning laws.

Given that TransloadX and TransloadX-RR are near identical twins, the Board should investigate the suitability of TransloadX-RR to operate the lines in Maine in conformity with existing federal statutes and regulations governing railroads.

II.D. Failure to disclose

TransloadX-RR did not disclose a material fact: its near-identical twin, TransloadX, is holding itself out as a switching railroad in New Hampshire, and in Maine, while to date it has no operations in either state. *See above Section I.*

II.E. Accuracy of assertions about traffic

TransloadX-RR states that it has “at least three former rail users who are eager to use rail again.” [Reply of April 1 2026, page 9.] Given the judicial findings where both principals’ sworn testimony was “not credible,” the Board must request actual evidence of these assertions.

II.F. Filings of Brotherhood of Signalmen and of Cumberland & Knox Railroad

The filing this day of the Comments by the Brotherhood of Railroad Signalmen (failure of CSX to meet its promises), and of the Cumberland and Knox Petition to Reject (failure to disclose CSX merger and possible impact) both add substantial legal issues to this matter.

Petition for Revocation

Given the above factual and legal issues, Petitioner requests that the Board revoke the Notice of Exemption and conduct a thorough investigation, as it did in *Jefferson Terminal*. In the alternative, TransloadX-RR should be required to file a full application where its fitness to operate may be fully evaluated.

Respectfully submitted,

_____/s/Chalmers Hardenbergh Date: April 9, 2026

Chalmers Hardenbergh

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EXHIBIT INCLUDED:

Exhibit G: City of Framingham minutes of City Council July 24, 2024.

CERTIFICATE OF SERVICE

I certify that on this 9th day of April, 2026, I served a copy of the foregoing document by first-class mail/email upon

counsel for TransloadX-RR:

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_____/s/ Chalmers Hardenbergh

VERIFICATION

I, Chalmers Hardenbergh, declare under penalty of perjury that I have read the foregoing document, and that I know the facts asserted therein are true to the best of my knowledge and belief.

_____/s/ Chalmers Hardenbergh

Excerpt of minutes of Framingham Council meeting of Tuesday, July 16, 2024 relative to Hollis Street railyard:

Demographics

An informational meeting with Michael Milanoski of TransloadX regarding plans for the CSX site on Hollis Street. Final_TransloadX-Framingham- update_IRAP_FY25.pdf.

Chair Ottaviani read the item. He welcomed Mr. Michael Milanoski of TransloadX.

Mr. Milanoski introduced himself and Mr. John DeWaele. He explained after meeting with the Mayor and Sarkis Sarkisian, Planning and Community Development Director, TransloadX was in their second week of operation in Framingham and working out of 480 Hollis Street. Mr. Milanoski explained TransloadX would receive approximately three rail cars per day. He said they would unload from the rail car and reloading to trucks, approximately 10 to 12 trucks leaving the site daily. 9:15PM Councilor Bryant stepped out of the room.

Mr. Milanoski explained some safety, privacy and lighting initiatives for the property. He spoke about grant money which would pay for those initiatives.

Chair Ottaviani asked if they were operating. Mr. Milanoski said yes, they were two weeks into the operation. Chair Ottaviani asked if there were any permits necessary. Mr. Milanoski said they were not building anything, just transloading. He said a scale would be installed at some point.

Mr. Milanoski stated business had been done in the location for a hundred years. He explained CXS was not doing the work and TransloadX wanted to be visible, upfront and accessible to the public.

Mr. Milanoski showed a photo of the site. He stated they were to receive a grant; they were waiting for the Mayor to write a letter saying the improvements were good for the neighbors. Chair Ottaviani did not believe there had been activity on the site in years. He called on Councilor Steiner.

Councilor Steiner had hoped with the lack of activity in the location, something more useful would have been made of the site. He expressed his concerns. Councilor Steiner felt they should have been able to push back.

Mr. Milanoski explained the operation was under Federal laws of operation. He again stated they were not building anything. Mr. Milanoski said they were trying to build a private/public partnership. He stated they would be willing to facilitate meetings for the rail trail groups.

Chair Ottaviani recognized Councilor White Harvey.

Councilor White Harvey expressed her concern being the District's councilor.

Chair Ottaviani called on Councilor Cannon.

Councilor Cannon was confused what the ask was. Mr. Milanoski said there was no ask, they were just sharing information to make the public aware of the project. He said the Mayor was a separate component. Mr. Milanoski stated he had emailed the district councilor using the email address on the City's website. He apologized if Councilor White Harvey did not receive the email. He offered to have any Councilor who wished tour the site.

Councilor Cannon was not sure what to do. Chair Ottaviani restated they were just there to give the Council information. He recognized Councilor Ward.

Councilor Ward shared his thoughts and hoped TransloadX would be good neighbors.