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VIA E-FILING

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: ***STB Docket No. FD 36836, Norfolk Southern Corporation & Norfolk Southern Railway Company—Acquisition of Control—Norfolk & Portsmouth Belt Line Railroad Company***

STB Docket No. NOR 42183, CSX Transportation, Inc. v. Norfolk Southern Corporation and Norfolk Southern Railway Company

STB Docket No. FD 36859, CSX Transportation, Inc.—Terminal Trackage Rights—Norfolk Southern Railway Company and Norfolk & Portsmouth Belt Line Railroad Company

STB Docket No. AB 290 (Sub-No. 299X), Norfolk Southern Railway Company—Discontinuance of Service Exemption—In Chesapeake, VA

STB Docket No. AB 1024X, Norfolk & Portsmouth Belt Line Railroad Company—Discontinuance of Trackage Rights Exemption—In Chesapeake, VA

Dear Chief of Case Administration:

Following the Board's decision in *Norfolk Southern Corp.—Acquisition of Control—Norfolk & Portsmouth Belt Line R.R.*, FD 36836 (STB served Apr. 6, 2026) ("Control Decision"), CSX Transportation, Inc. ("CSXT") writes to the Board to outline its planned efforts to obtain commercial access to Norfolk International Terminal

(“NIT”) utilizing the Norfolk & Portsmouth Belt Line Railroad Company (“NPBL”) under the framework established by the Board, including NS’s commitment to maintain NPBL as an “impartial terminal railroad.” CSXT plans to request that NPBL provide switching service for intermodal cars in CSXT’s account to and from on-dock rail at NIT. CSXT will keep the Board informed of the status of these efforts.

As the Board is aware, CSXT sought to address NS’s unlawful control of NPBL by initiating a series of Board proceedings. In Docket No. NOR 42183, CSXT filed a complaint pursuant to 49 U.S.C. §§ 11701 and 11704 and 49 C.F.R. § 1111.2 against NS, alleging that NS has exercised and continues to exercise unlawful control of NPBL, and that NS unlawfully removed certain track assets without first obtaining abandonment authority from the Board (“Complaint Proceeding”). In Docket No. FD 36859, CSXT filed an application under 49 U.S.C. § 11102 for terminal trackage rights over certain lines owned by NS and NPBL in the Norfolk, Va., and Chesapeake, Va., areas (“Trackage Rights Proceeding”). In Docket Nos. AB 290 (Sub-No. 299X) and AB 1024X, CSXT filed a petition to reject or reopen and revoke the notices of exemption for NS to discontinue service over, and NPBL to discontinue trackage rights over, certain track in Chesapeake (“Discontinuance Proceedings”). The Complaint Proceeding, the Trackage Rights Proceeding, and the Discontinuance Proceedings are referred to collectively as the “Related Proceedings.” The Related Proceedings are currently being held in abeyance pending further order of the Board. *See* September 25, 2025 Order.

To allow the parties the opportunity to effectuate the oversight framework established in the Control Decision, CSXT respectfully requests that the Board keep the Related Proceedings in abeyance at this time. The continued abeyance will provide an opportunity to determine whether the conditions imposed by the Control Decision provide CSXT with commercially viable on-dock rail access to NIT via NPBL switching. The Board expressly conditioned its approval on NS’s commitments that NPBL service will remain non-discriminatory and cost-based, that routing and access options will be preserved, and that NPBL’s operations and access to NIT will remain available on commercially reasonable terms. Control Decision at 31. Allowing the parties to proceed with real-world commercial operations during the oversight period, rather than engage in litigation involving the Related Proceedings, will provide a concrete basis for assessing whether NPBL is in fact being operated as an impartial terminal railroad under NS’s control and whether CSXT is afforded the commercially viable access contemplated by the Control Decision.

Keeping the Related Proceedings in abeyance will give CSXT an opportunity to pursue commercial access without the distraction of litigation, while maintaining the ability to seek legal relief if those commercial efforts are unsuccessful. CSXT’s

choice to pursue commercial access under the Board's framework, and to request continued abeyance, is without prejudice to any of its claims or positions in the Related Proceedings, all of which CSXT expressly preserves. To the extent the parties' experience demonstrates that the Board's conditions are not being implemented as required, CSXT will promptly bring those issues to the Board's attention.

Respectfully submitted,

/s/ Peter W. Denton

Peter W. Denton

Attorney for CSX Transportation, Inc.

cc: Parties of record

CERTIFICATE OF SERVICE

I hereby certify that I have caused this Letter in Docket Nos. FD 36836, NOR 42183, FD 36859, AB 290 (Sub-No. 299X), and AB 1024X to be served electronically or by first class mail, postage pre-paid, on all parties of record in these proceedings.

/s/ Sally Mordi

Sally Mordi

Attorney for CSX Transportation, Inc.

May 13, 2026