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SERVICE DATE – JULY 6, 2026

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. NOR 42183¹

CSX TRANSPORTATION, INC. v. NORFOLK SOUTHERN
CORPORATION AND NORFOLK SOUTHERN RAILWAY COMPANY

Docket No. FD 36859

CSX TRANSPORTATION, INC.—TERMINAL TRACKAGE RIGHTS—
NORFOLK SOUTHERN RAILWAY COMPANY AND
NORFOLK & PORTSMOUTH BELT LINE RAILROAD COMPANY

Docket No. AB 290 (Sub-No. 299X)

NORFOLK SOUTHERN RAILWAY COMPANY—DISCONTINUANCE OF
SERVICE EXEMPTION—IN CHESAPEAKE, VA.

Docket No. AB 1024X

NORFOLK & PORTSMOUTH BELT LINE RAILROAD
COMPANY—DISCONTINUANCE OF TRACKAGE RIGHTS EXEMPTION—IN
CHESAPEAKE, VA.

Decided: July 6, 2026

Norfolk & Portsmouth Belt Line Railroad Company (NPBL) is a switching railroad that operates in Norfolk, Portsmouth, and Chesapeake, Va. See Norfolk S. Corp.—Acquis. of Control—Norfolk & Portsmouth Belt Line R.R., FD 36836, slip op. at 2 (STB served April 6, 2026). As relevant here, NPBL offers service to and from Norfolk International Terminal (NIT), a marine terminal on the East Coast that is used in part for the movement of intermodal container traffic. Id. at 3-4. Through a series of transactions during the 1980s and 1990s, Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively, NS) acquired de facto control of NPBL. Id. at 5-6. In 2022, the Board found that NS acquired de facto control without seeking and obtaining the requisite regulatory authorization. Id.; see also Norfolk S. Ry.—Pet. For Declaratory Ord. (Ord. on Referral), FD 36522 (STB served June 17, 2022), aff'd sub nom. Norfolk S. Ry. v. STB, 72 F.4th 297 (D.C. Cir. 2023), cert. denied, 144 S. Ct. 1343 (2024).

¹ These proceedings are not consolidated. A single decision is being issued for administrative convenience.

On June 13, 2025, NS applied for authorization under 49 U.S.C. §§ 11323-25 and 49 C.F.R. part 1180 to control NPBL (the Control Proceeding). On May 20, 2025, while NS's application was pending, CSX Transportation, Inc. (CSXT), initiated a series of related proceedings, including:

(1) in Docket No. NOR 42183, a complaint against NS alleging that NS used its unauthorized control of NPBL to impair CSXT's ability to compete in the intermodal container market at NIT. (CSXT Compl. CSXT-1-14, May 20, 2025, CSX Transp., Inc. v. Norfolk S. Corp., NOR 42183.);

(2) in Docket No. FD 36859, an application for trackage rights on NS and NPBL's facilities, which would enable CSXT to move traffic to and from NIT without relying on switching service by NPBL. (CSXT Appl. CSXT-1-11 to -14, May 20, 2025, CSX Transp., Inc.—Terminal Trackage Rts.—Norfolk S. Ry., FD 36859.); and

(3) in Docket Nos. AB 290 (Sub-No. 299X) and AB 1024X, petitions to reject or, in the alternative, to reopen and revoke notices of exemption pertaining to NS's discontinuance of service over track that, according to CSXT, would facilitate switching between NIT and CSXT's system

(collectively, the Related Proceedings).

On September 25, 2025, the Board granted a motion by NS to hold the Related Proceedings in abeyance. The Board noted that the Related Proceedings and the Control Proceeding involved similar parties, subject matter, requests for relief, underlying facts, and arguments. CSX Transp. Inc. v. Norfolk S. Corp., NOR 42183 et al., slip op. at 5-6 (STB served Sept. 25, 2025).

On April 6, 2026, the Board approved NS's application to control NPBL, subject to conditions. Norfolk S. Corp.—Acquis. of Control—Norfolk & Portsmouth Belt Line R.R., FD 36836, slip op. at 31-32. The April 6 decision "[made] no determinations on whether [NS's] alleged conduct could support relief in the complaint proceeding at Docket No. NOR 42183." Id. at 25 n.22; see also id. at 4 n.4 (noting that nothing in the April 6 decision prejudged CSXT's application for trackage rights in Docket No. FD 36859).

On May 13, 2026, CSXT moved for continued abeyance in the Related Proceedings. CSXT states that it plans to request service from NPBL at NIT for intermodal container traffic. (CSXT Mot. 2, May 13, 2026, Docket Nos. NOR 42184, FD 36859, AB 290 (Sub-No. 299X), AB 1024X.) According to CSXT, continued abeyance would allow CSXT to pursue service at NIT under the conditions that the Board established in the Control Proceeding, without at the same time pursuing relief through litigation. (Id.) CSXT requests that continued abeyance be without prejudice to CSXT's requests for relief. (Id. at 2-3.)

On June 2, 2026, NPBL replied to CSXT's motion for continued abeyance. NPBL does not oppose continued abeyance but suggests that resolution of the Control Proceeding could moot some of the issues in the Related Proceedings. (NPBL Reply 2, June 2, 2026, Docket Nos. NOR 42184, FD 36859, AB 290 (Sub-No. 299X), AB 1024X.) NPBL states that it is working with CSXT to develop service arrangements at NIT and that it expects that, upon implementation of those arrangements, CSXT would seek to dismiss the Related Proceedings. (Id.)

Good cause exists to continue to hold the Related Proceedings in abeyance. Doing so will allow the parties time to privately negotiate a service arrangement, which could narrow or moot the disputes before the Board. The Board has often noted its preference for negotiated solutions where possible. See, e.g., Lake Providence Port Comm'n—Feeder Line Appl.—Line of Delta S. R.R. Located in E. Carroll & Madison Pars., La., FD 36447 et al., slip op. at 2 (STB served Oct. 14, 2022). To ensure the Board remains informed regarding the status of the parties' negotiations, CSXT will be directed to submit a status report to the Board every 90 days from the effective date of this order.

It is ordered:

1. CSXT's motion for continued abeyance is granted. The Related Proceedings will continue to be held in abeyance pending further order of the Board.
2. CSXT is directed to submit a status report to the Board every 90 days from the effective date of this order, until such time as the Related Proceedings have been resumed or terminated.
3. This decision is effective on the date of service.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.