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August 25, 2026

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VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

ENTERED
Office of Chief Counsel
August 25, 2026
Part of
Public Record

Re: **Docket No. FD 36223**
Norfolk Southern Railway Company -- Petition to
Set Trackage Rights Compensation -- Norfolk and
Portsmouth Belt Line Railroad Company

Dear Ms. Brown:

On August 5, 2026, Norfolk Southern Railway Company (“NS”) submitted a letter filing addressing a potential procedural schedule in the above-captioned proceeding. NS states that “it does not object to the procedural schedule as NS set forth in its original Petition to Set Trackage Rights Compensation filed September 13, 2018, at 4-5, as suggested by the Board in its decision served March 29, 2019 at 6, and supported by NPBL.”

NPBL has never supported a procedural schedule proposed by NS in this matter.¹ In its July 27, 2026 letter filing, NPBL pointed out that NS in 2018 had originally proposed a procedural schedule that featured simultaneous filings of opening evidence, replies and rebuttal by the parties, but now was instead proposing sequential filings. NPBL explained that the simultaneous approach should be used, but did not indicate that it otherwise concurred in NS’s proposed procedural schedule from 2018.

NPBL also notes that while NS has now agreed to the original procedural schedule that it proposed in 2018, NS subsequently offered a longer procedural schedule in 2019. See

¹ See FD 36223, NPBL Reply to Petition to Set Trackage Rights Compensation, October 3, 2018, at 5 and 6, n.6; FD 36223, NPBL letter filing, April 18, 2019, at 1-2; FD 36223, NPBL Reply to CSXT’s Motion to Dismiss or to Continue to Hold in Abeyance, June 24, 2025, at 12, n.13; FD 36223, NPBL letter filing, July 27, 2026, at 1-2.

FLETCHER & SIPPEL LLC

Ms. Cynthia T. Brown
August 25, 2026
Page 2

FD 36223, NS letter filing, April 18, 2019, at 2. While NPBL never concurred in the proposed 2019 procedural schedule,² it is unclear why NS would now be reverting to the 2018 proposal instead of its longer 2019 proposal.

I certify that a copy of this letter has been served by electronic mail on counsel of record in this proceeding.

Respectfully submitted,

/s/ *Thomas J. Litwiler*

Thomas J. Litwiler
Attorney for Norfolk and Portsmouth
Belt Line Railroad Company

TJL:tl

cc: Parties of Record

² See NPBL June 24, 2025 Reply at 12, n.13.