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October 26, 2026

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

312744

ENTERED
Office of Chief Counsel
October 26, 2026
Part of
Public Record

Re: CSX Transportation, Inc. v. Norfolk Southern Corporation and Norfolk Southern Railway Company, NOR 42183; CSX Transportation, Inc. – Terminal Trackage Rights – Norfolk Southern Railway Company and Norfolk & Portsmouth Belt Line Railroad Company, FD 36859; Norfolk Southern Railway Company – Discontinuance of Service Exemption – In Chesapeake, VA, AB-290 (Sub-No. 299X); Norfolk & Portsmouth Belt Line Railroad Company – Discontinuance of Trackage Rights Exemption – In Chesapeake, VA, AB-1024X, Response to CSXT's First Status Report

Dear Chief of Case Administration,

Norfolk Southern Corporation and Norfolk Southern Railway Company respectfully submit this Reply to the First Status Report filed by CSX Transportation, Inc. ("CSXT") with the Surface Transportation Board on October 5, 2026, in the above-captioned proceedings. If there are any questions about this matter, please contact me directly, either by telephone at 202-663-7823 or by e-mail at wmullins@mullinslawgroup.net. If I am unavailable, you may contact John V. Edwards, who can be reached at (202) 663-7853 or by e-mail at jedwards@mullinslawgroup.net.

Respectfully submitted,

/s/ William A. Mullins

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Enclosure
cc: Parties of record

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36859

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

DOCKET NO. NOR 42183

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

NORFOLK SOUTHERN CORPORATION AND NORFOLK SOUTHERN RAILWAY COMPANY'S REPLY TO CSX TRANSPORTATION, INC.'S FIRST STATUS REPORT

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BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36859

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

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DOCKET NO. AB-1024X

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

Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively, "NS") respectfully submit this Reply to the First Status Report filed by CSX Transportation, Inc. ("CSXT") with the Surface Transportation Board ("STB" or "Board") on October 5, 2026, in the above-captioned proceedings.[1] The Board required status reports in the Related Proceedings to

[1] The captioned dockets are referred to herein as the "Related Proceedings." The Related Proceedings dockets have not been consolidated with each other, and none of the Related Proceedings dockets have been consolidated with the Control Proceeding docket. A reference to the "Control Proceeding" is a reference to the docket in Norfolk S. Corp. & Norfolk S. Ry. – Acquisition of Control – Norfolk & Portsmouth Belt Line R.R., Docket No. FD 36836, wherein the Board approved the authority of NS to continue to control NPBL.

receive updates concerning CSXT's efforts to obtain direct on-dock rail access to NIT through NPBL's switching service. CSXT's own account confirms that this service is underway and expanding. The governing distinction is straightforward: the Board's conditions require nondiscriminatory service and access on commercially reasonable terms—not operational parity with NS or every enhancement CSXT seeks. Yet CSXT uses its progress report to press again for restored infrastructure and enhanced access beyond those conditions. Its Connecting Line demand illustrates the problem. In its responsive application in the proceeding culminating in the Control Decision, CSXT sought restoration of the Connecting Line as a condition of approval, but the Board expressly declined to require it in the Control Decision. In the First Status Report filed in these separate Related Proceedings dockets, CSXT now invokes the absence of that same infrastructure as evidence that its ability to perform direct-rail service to and from NIT via NPBL interchange is inadequate. Repeating that demand in a status report involving the separate Related Proceedings does not convert rejected relief from the Control Decision into a compliance obligation or establish a failure to comply with the Control Decision. CSXT's preserved claims in the Related Proceedings remain subject to the standards applicable there; they do not enlarge the conditions actually imposed in the Control Decision.

PRELIMINARY MATTER

On April 6, 2026, the Board issued its Control Decision. With the Control Decision now in hand, CSXT filed a motion for continued abeyance in the Related Proceedings on May 13, 2026.[2] CSXT explained that it planned to request service from NPBL at NIT to begin moving intermodal container traffic and was seeking service under the conditions that the Board

[2] See CSXT Mot. 2, May 13, 2026, Docket Nos. NOR 42183, FD 36859, AB 290 (Sub-No. 299X), AB 1024X.)

established in the Control Decision.[3] NPBL replied to the request for continued abeyance on June 2, 2026, and indicated that NPBL would work with CSXT to develop service arrangements at NIT.[4] On July 6, 2026, the Board – in a decision that was issued ONLY in the Related Proceedings dockets[5] – granted the request for continued abeyance in the Related Proceedings and directed CSXT to submit a status report every 90 days from the effective date of the order until the Related Proceedings are either resumed or terminated.[6] Ninety days have since passed, and CSXT filed its first status report in the Related Proceedings.

I. THE RELATED PROCEEDINGS

After NS filed its minor application to acquire control of NPBL on February 14, 2025, CSXT initiated several proceedings to prevent approval. In CSX Transp., Inc. v. Norfolk S. Corp. and Norfolk S. Ry., STB Docket No. NOR 42183, CSXT alleged that NS's control was unlawful and sought orders requiring NS to divest control, reinstall the "Connecting Line," and reinstate NS's and NPBL's operations over it ("Complaint Proceeding"). Much of this, including

[3] Status Report, p. 5 (four- and five-day service).

[4] NPBL Reply 2, June 2, 2026, Docket Nos. NOR 42183, FD 36859, AB 290 (Sub-No. 299X), AB 1024X.

[5] CSXT filed its First Status Report in the Control Decision as well as the Related Proceedings docket, although the Board directed periodic reporting only in the Related Proceedings. NS objects to the procedural expansion of filing in the docket associated with the Control Decision and will move to strike it. Even if the Board receives the report in the docket associated with the Control Decision for informational or oversight purposes, however, its filing there does not expand the conditions imposed in the Control Decision, convert disputed allegations into established violations, or substitute for presenting a request for relief in the appropriate proceeding under the applicable substantive and procedural standards. Any response here with reference to the Control Proceeding is made without waiver to NS's objections to the filing of the CSXT First Status Report in the Control Proceeding docket.

[6] CSX Transp. Inc. v. Norfolk S. Corp., NOR 42183 et al., slip op. at 5–6 (STB served Sept. 25, 2025); Control Decision, pp. 10 n.15, 30–31; id. at 2 n.4, 25 n.22, 30–31 (preserved claims).

reinstallation of the Connecting Line, was already argued and decided in the proceeding culminating in the Control Decision.[7]

On May 20, 2025, CSXT also filed an application for terminal trackage rights over NPBL to bypass NPBL and serve NIT directly in CSX Transp., Inc. – Terminal Trackage Rights – Norfolk S. Ry. and Norfolk & Portsmouth Belt Line R. Co., FD 36859 ("Terminal Trackage Rights Proceeding"). CSXT sought the same rights in the proceeding culminating in the Control Decision as a condition of approval, but the Board declined to grant them in the Control Decision.[8]

CSXT next petitioned to reject or reopen the discontinuance proceedings in Norfolk S. Ry. Co. – Discontinuance of Service Exemption – In Chesapeake, VA., AB-290 (Sub-No. 299X), and Norfolk and Portsmouth Belt Line R. Co. – Discontinuance of Trackage Rights Exemption – In Chesapeake, VA., AB-1024X ("Revocation Proceeding").[9] It sought revocation of the exemptions authorizing NS to discontinue service and NPBL to discontinue trackage rights over certain tracks in Chesapeake, VA, so that NPBL's operations could be reinstated. This same request for relief was requested in the Complaint Proceeding.[10]

NS subsequently filed requests to hold the Related Proceedings in abeyance, arguing that most, if not all, of the issues raised in the Related Proceedings would be resolved upon issuance of the Control Decision. The Board concurred, placing each of the Related Proceedings in

[7] Control Decision, slip op. at 30.

[8] Control Decision, slip op. at 32.

[9] CSXT Petition to Reject or Reopen and Revoke, Norfolk S. Ry. Co.—Discontinuance of Service Exemption—In Chesapeake, VA, AB 290 (Sub-No. 299X) (STB served May 15, 2008); Norfolk & Portsmouth Belt Line Railroad Company—Discontinuance of Trackage Rights Exemption—In Chesapeake, VA, filed June 19, 2025 ("Revocation Proceedings").

[10] Complaint, submitted in the Complaint Proceeding, at 3.

abeyance pursuant to a decision served on September 25, 2025, pending issuance of the Control Decision.[11]

After the Board approved NS's control of NPBL, CSXT, on May 13, 2026, requested continued abeyance of the Related Proceedings to pursue direct-rail service to NIT through NPBL switching. On July 6, the Board granted that request, favoring private resolution while requiring status reports on the CSXT/NPBL service discussions.[12] CSXT filed its first report on October 5, 2026; NS responds here.

II. CSXT'S FIRST STATUS REPORT

To the extent that CSXT discusses in its First Status Report what it should be discussing – its actual experience in using NPBL switching service for rail access to NIT – its report is generally positive. Just a little over two weeks after the STB's July 6, 2026, decision in the Related Proceedings, CSXT began tendering traffic for movement to NIT via NPBL switch.[13] According to CSXT's reports, the CSXT/NPBL service began at four days per week, but that service has now expanded to five days per week.[14] This service enables CSXT to provide on-dock service at NIT for three customers, in addition to all of the intermodal traffic that it handles seven days per week at VIT and other traffic that CSXT continues to dray from NIT. CSXT

[11] CSX Transp. Inc. v. Norfolk S. Corp., NOR 42183 et al., slip op. at 5-6 (STB served Sept. 25, 2025). The decision was issued in each of the Related Proceedings docket, but the Board did not consolidate those proceedings.

[12] It is important to note that neither the Control Decision nor the abeyance decision asked for or authorized the filing of status reports in the docket associated with the Control Decision.

[13] Status Report, p. 3 (service commencement).

[14] Id.

enunciates a goal "to build density and convert all of its NIT intermodal business from drayage to on-dock rail."[15]

CSXT reports that "CSXT, NIT, and NPBL have held constructive daily calls … to coordinate operations, discuss projected releases and any concerns, and work collaboratively to improve service."[16] CSXT goes on to characterize the CSXT/NPBL relations and experience as "encouraging" and "cooperative."[17] This is as it should be and is in line with NPBL's founding principles and with NS's commitments reflected in the Control Decision. CSXT also observes that NS has cooperated with NPBL to further CSXT's operations, noting that "NS has lifted a curvature restriction at Portlock Junction that initially prevented NPBL from moving longer single-well intermodal cars (cars over approximately 73 feet in length) without disruptive runaround moves in NS's Portlock Yard."[18]

CSXT's discussion of NPBL's developing service supports NS's commitment to ensure that NPBL continues to operate in accordance with its founding principles. CSXT began using NPBL's interline switching service four days per week in July, expanded to five days per week in August, and now requests seven-day service. CSXT contends that the current schedule, together with the Lambert Point Line issue discussed below, prevents it from achieving its desired service level at NIT. But NPBL has not denied the seven-day request. As CSXT reports, NPBL currently lacks sufficient crews and is working to expand its workforce, with expanded

[15] Id. at 3.

[16] Id.

[17] Id.

[18] Id. at 6. Status Report, p. 6.

operations anticipated by December 2026. NS has not directed or interfered with NPBL management's decisions.[19]

NPBL's current service capabilities do not reflect a refusal to serve CSXT or an effort to restrict its access to NIT via NPBL's switching services. To the extent there are infrastructure limitations associated with meeting CSXT's demand, these simply demonstrate the practical constraints faced by a small switching railroad with limited personnel and operating capacity. Expanding service for a Class III rail carrier to the level CSXT apparently desires requires hiring additional operating personnel, training and qualifying them for safe operations, and then implementing the expanded service requested by CSXT. All of these actions add costs and, in some cases, require additional capital investment. This is difficult for NPBL to do given that it is intended to be operated in a manner that recovers its reasonable costs plus a return on investment as contemplated in the NPBL founding and operational documents. NPBL has for years managed this mandate, and it evidently continues to do so. As CSXT has rapidly increased its requested service from four days per week to five days and now seven days per week, NPBL appears to be working to fully accommodate those requests. But to the extent this requires additional capital or adds additional costs, such costs should be borne by CSXT, not NS. And by necessity, this will likely require an increase in NPBL's switching rate, which already does not cover its long-term costs.

CSXT also argues that the absence of weekend service compounds the train-length restriction because it cannot spread traffic over additional days or move longer trains on the days available. Status Report at 5. That interaction warrants operational coordination, but it does not itself establish discriminatory treatment under the Complaint or a breach of the Control Decision.

[19] Status Report, p. 5 (four-, five-, and seven-day service and December crews).

CSXT's own account identifies a concrete effort to expand crew resources and provide seven-day service. The relevant inquiry is whether the developing arrangement provides nondiscriminatory access on commercially reasonable terms, not whether every requested service enhancement is available during the initial rollout.

NPBL continues to develop and improve the switching service it is providing to CSXT. The remaining complaints must be assessed against that progress especially in light of the obligations actually imposed by the Board in the Control Decision. NS addresses those complaints below and explains why they do not establish noncompliance with the Control Decision.[20]

III. ISSUES RAISED BY CSXT

CSXT's own report describes expanding service, constructive daily coordination, and NS's removal of an operating restriction. Those are concrete improvements that CSXT's own report acknowledges. Instead, CSXT couples that progress with renewed complaints about longstanding infrastructure and access arrangements, including restoration relief the Board expressly declined to impose in the Control Decision. Repackaging those demands as barriers to scalability does not establish a breach of the conditions actually imposed. Nor does joining them with disputed operational allegations relieve CSXT of the need to substantiate those allegations. NS addresses the distinction below.

[20] NS addresses the allegations made by CSXT in the First Status Report with reference to the Board's decision in the Control Proceeding not because the First Status Report is properly the subject of the Control Proceeding's oversight, it is not, but because the First Status Report is also improperly filed in the Control Proceeding. As further set forth in the Motion to Strike filed today, CSXT's submission of the First Status Report in the Control Proceeding is procedurally inappropriate.

The Lambert Point and QM Junction complaints illustrate the fundamental problem with CSXT's position. Neither identifies an existing operating right that NS or NPBL has impaired. Instead, CSXT seeks additional operating rights over NS-owned infrastructure because those rights would make CSXT's service more efficient. The distinction is fundamental. Competition does not entitle one railroad to operate over another railroad's property merely because doing so would improve the requesting carrier's service. Yet, after nearly a decade of unsuccessful litigation over its access demands, CSXT continues to conflate preservation of competitive options with an entitlement to obtain additional operating rights over NS property. The Control Decision does not support that result.

A. Inability To Use The Connecting Line

CSXT once again raises the removal of the Connecting Line between NS Junction and Carolina Junction as a hindrance to its operations and suggests that the restoration of the Connecting Line, which was the subject of abandonment and discontinuance proceedings that became effective back in *2008*, is necessary to prevent delay and unpredictability for its movements with NPBL into NIT. In the proceeding culminating in the Control Decision, CSXT unsuccessfully argued that the Board should order restoration of the Connecting Line as a condition of approving NS's acquisition of control of NPBL. The Board expressly denied CSXT's requested conditions, including the reinstallation of track assets. Control Decision at 30. Despite this, CSXT now once again raises the removal of the Connecting Line in its Status Report as a hindrance to efficient interline service into NIT via NPBL. [21]

As explained above, CSXT noted that NPBL is working to provide the switching service requested, and that NS has taken action to make that NPBL switching service more effective for

[21] Control Decision, pp. 11, 30.

CSXT traffic. CSXT nevertheless argues that CSXT's competitive position would be even better if the Board forced NS to restore the Connecting Line and reinstated NPBL's related trackage rights because doing so would give NPBL a "more efficient and expedient route" to NIT.[22] CSXT requested that same relief, and the Board expressly denied it in the Control Decision.[23]

The status-report process is not a vehicle for relitigating the Board's refusal to impose restoration as a condition of control. In the Control Decision, the Board drew a clear line between preserving existing competitive options and expanding them. It stated that its conditioning authority "is used to preserve competitive options, not to expand them," and imposed conditions designed to "maintain the competitive status quo." CSXT now seeks to turn the absence of the very restoration relief it was denied into a reason for further intervention. That argument would convert a rejected condition into an affirmative compliance obligation. The Board expressly preserved separate claims in the Related Proceedings, but their preservation does not rewrite the Control Decision or establish an obligation to restore the Connecting Line through this reporting process.

B. Lambert Point Line

NPBL unilaterally imposed a 5,800-foot train-length cap on CSXT's inbound trains into Berkley Yard to provide its switching services safely and efficiently. Based on CSXT's representations, the cap appears intended to prevent an arriving train from extending beyond NPBL track onto NS's Lambert Point Line.

CSXT's September 18 request to NS makes the nature of the relief unmistakable. CSXT asked NS to grant CSXT itself operating rights over a defined segment of NS's Lambert Point

[22] Status Report, pp. 6–7 (efficient and expedient route).

[23] Control Decision at 30.

Line. CSXT does not claim that it presently possesses those rights or that NS eliminated an existing CSXT operating right following the Control Decision. Instead, CSXT asks NS to confer an additional right to operate over NS property because CSXT believes doing so would make its NPBL-based service more efficient. The preservation of competition cannot reasonably be transformed into an obligation requiring NS to provide CSXT additional operating rights over NS property whenever CSXT identifies an operational advantage from using it.

CSXT characterizes NS's September 29 denial as circular because it allegedly relied on the train-length cap that the requested rights were intended to overcome. Status Report at 4. But NS did not impose NPBL's 5,800-foot limit and denied CSXT's request on independent grounds: potential interference with NS's own operations and CSXT's failure to offer consideration for the proposed use. NPBL's operating rights belong to NPBL; they do not confer independent rights on CSXT merely because CSXT proposes to substitute its crews for NPBL crews. That substitution neither resolves the potential interference nor entitles CSXT to use NS's tracks without a negotiated arrangement providing consideration to NS. Neither the Status Report nor any decision or foundational NPBL document establishes an obligation for NS to grant CSXT additional headroom rights to accommodate its service preferences. CSXT's circularity accusation does not answer those independent grounds for denial.

CSXT's contention that its crew would perform the same headroom movement otherwise performed by an NPBL crew does not, standing alone, resolve the operational questions presented by its request. An arrangement permitting CSXT crews to operate over active NS track would also require consideration of dispatching, crew qualification, operating rules, communications, liability, scheduling, and interaction with existing movements. The relevant question is not simply whether the same track segment would be occupied, but whether a

workable operating arrangement has been established that addresses NPBL's yarding requirements and the effects on NS's operations.

CSXT further states that the cap has forced it to leave traffic behind and impairs its ability to attract additional business. It contrasts that restriction with its understanding that NS operates two approximately 10,000-foot trains to NIT each day. Status Report at 4–5. Those allegations identify a commercial concern, and one comparing CSXT's interline service via NPBL's trackage rights to NIT, versus NS's operations over its own lines, but further the difference in train lengths, standing alone, does not demonstrate discrimination. A meaningful comparison must account for the yarding movements, routes, crew arrangements, and operating rights applicable to each service. CSXT's report does not establish that the cited NS trains encounter the same Berkley Yard headroom constraint when interchanging traffic with NPBL or that NPBL applies a different limit to comparable movements for NS interlined movements. Nor does a claim of foregone traffic, without that comparison, establish that NS must confer the additional operating rights requested.

Footnote 4 in CSXT's First Status Report identifies a separate NPBL requirement that CSXT arrive at Berkley Yard with at least two and a half hours of crew service time remaining so that yarding can be completed before the crew's hours of service expire. Status Report at 4 n.4. As described by CSXT, that requirement concerns the time needed to complete a yarding movement within the crew's remaining service hours. The report does not identify comparable movements allowed with less remaining time when NPBL deals with interchanges with NS nor does it supply operational information showing that the allowance is unnecessary. Its existence therefore does not, without more, identify unreasonable constraints on CSXT's development of its switching service with NPBL nor does it demonstrate discriminatory treatment or a violation

of the Control Decision. The appropriate operational inquiry is whether actual yarding experience supports the allowance or permits an adjustment consistent with applicable crew-service limits.

C. QM Junction

CSXT also identifies NPBL's limited operating rights at QM Junction as a hindrance to commercially viable service at NIT. Specifically, CSXT states that "NPBL does not have trackage rights to all three legs of the Wye at QM Junction; only NS has access to all sides," and argues that, as a result, NPBL cannot operate its trains in the same manner as NS and therefore cannot access NIT as efficiently.[24]

The QM Junction complaint rests on the same conceptual error present in CSXT's requests related to Lambert Point. CSXT does not allege that NPBL ever possessed operating rights over all three legs of the Wye, that NS eliminated or reduced any such rights following the Control Decision, or that the present configuration resulted from NS's newly authorized control of NPBL. Instead, CSXT points to operating rights that NS possesses over its own infrastructure and argues that NPBL-based CSXT service should have equivalent access because that configuration would permit more efficient operations. That is not preservation of competition. It is a request to enlarge operating rights over NS property to give CSXT's service an operating configuration it does not presently possess and without any corresponding commercial benefit to NS.

The two requests do differ in whose operating authority would expand. At Lambert Point, CSXT expressly seeks authority for its own crews to operate over NS track. At QM Junction, the

[24] Status Report, p. 7 (QM Junction statement); Control Decision, pp. 28–29 & nn.29–30 (existing rights and interpretation).

quoted complaint concerns NPBL's lack of rights over all three legs of the Wye. Whether CSXT seeks additional authority for its own crews or expanded rights for the NPBL service it uses, the defect is the same: CSXT identifies no existing right that NS has impaired and no requirement in the Control Decision that NS supply the additional access.

The relevant distinction is between preserving NPBL's existing access and enlarging its operating rights. In the Control Decision, the Board required that "[n]o existing rights of CSXT or NPBL will be reduced or limited in any way" and that "[t]here will be no changes in interchange options" or "existing routing options." Those conditions preserve access; they do not require NS to add routing rights that NPBL did not possess. The Board acted to preserve routing options available before approval and prevent a "material reduction in NPBL's trackage rights on NS's facilities," not to enlarge those rights where the identified access has not been affected by any action of NS or NPBL. Indeed, the Board expressly stated that its conditioning authority is used "to preserve competitive options, not to expand them," and described the conditions imposed here as those necessary to "maintain the competitive status quo since NS acquired de facto control of NPBL." NS has complied and will continue to comply with that decision.[25]

D. NS Allegedly Prioritizing Its Own Service Over That Of NPBL

CSXT's assertion that NS has prioritized its own trains over NPBL movements to NIT[26] is completely unsupported and a clear attempt by CSXT to improperly supplement the record on which the Board issued the Control Decision. CSXT must provide substantially more information before it can make such a claim to the Board.

[25] Control Decision, pp. 22, 27 & n.24 (preservation of existing access and competitive options).
[26] Status Report at 7.

Prior to CSXT's filing of the Status Report, neither CSXT nor NPBL brought to NS's attention the alleged delays that CSXT vaguely describes as NS prioritizing its own operations at NIT over NPBL's CSXT switching service. Since CSXT began using NPBL's switching services to access NIT, those services have grown, and they continue to do so. NPBL has not advised NS that it was experiencing operational problems caused by NS traffic or that NS was preventing NPBL from providing timely service to CSXT. Had CSXT or NPBL raised a concern that particular NPBL movements were being unduly delayed by NS operations, NS would at least have had an opportunity to identify the movements at issue and determine the underlying circumstances. Instead, CSXT now apparently asks the Board to infer preferential treatment from vaguely alleged delays that may have been caused by the inherent nature of NPBL's infrastructure design or by unilateral decisions made by NPBL. NS has not fundamentally changed its operations over NPBL or into NIT in a manner that would explain the preferential treatment CSXT alleges. CSXT therefore must do more than establish that an NPBL movement encountered delay while NS was also conducting operations in the terminal. It must provide facts.

CSXT's allegations are particularly difficult to assess because there is a constant flow of traffic throughout the entirety of the Port of Virginia not only involving service to and from NIT but also to the various customers located there. CSXT wants to prioritize service to and from NIT over these customers because that, perhaps, is where it sees its significant revenue growth. But dispatching obligations require NS and NPBL to balance movements of service to and from NIT, service to and from customers throughout the Port of Virginia, and service by CSXT, NPBL and NS. The mere fact that an NPBL movement may not proceed to or from NIT at the precise time CSXT elects to present it does not establish that NS has given preference to its own

traffic. Certainly, if CSXT identified for NPBL the specific movements and the dates and times when the allegedly preferential movements occurred, the parties could discuss and work through operational conflicts. CSXT's generalized assertion that its movements have experienced delays does not, without this additional information and discussion, establish that those delays resulted from NS favoring its own trains.

CSXT does quantify the asserted blockages as lasting five to six hours and attributes them to NS movements at the port, including the NIT marshalling yard. Status Report at 7. NS does not dismiss the significance of a delay of that duration if substantiated. But duration alone does not identify the affected movement, the conflicting movements, the sequence of dispatching decisions, or whether an available operating alternative was denied in favor of NS traffic. Those specifics are needed to distinguish discriminatory preference from an operational conflict and to identify a practicable remedy. Stating an approximate duration does not supply the movement-specific evidence necessary to establish the cause of the asserted delay.

CSXT likewise asserts that the combined restrictions can cause a Berkley Yard–NIT trip to take substantially longer than the approximately one hour and fifteen minutes it says the trip should require. Status Report at 8. The report does not explain the operating assumptions underlying that benchmark or separate the time associated with yarding, routing, crew availability, terminal access, and particular conflicts. The asserted benchmark and aggregate delay do not distinguish discriminatory conduct from the effects of existing infrastructure, operating rights, and ordinary operating conflicts, or establish what changes would address those effects. Continued coordination should develop that information rather than treating every difference from CSXT's preferred trip time as a breach of the Board's conditions.

E. NPBL's Switching Rate

The Status Report describes NS's commitment to maintain NPBL as an impartial terminal railroad operating on a uniform, cost-plus basis and to keep rail access to NIT open on commercially reasonable terms. Status Report at 2. Those commitments provide the framework for assessing NPBL's switching rates, which remain below long-term costs. The report also confirms that CSXT has commenced on-dock service through NPBL and expanded that service to five days per week. Id. at 3, 5. And while CSXT continues to assert that NPBL's switching rate is too high, NS reiterates that the record underlying the Control Decision established that the existing NPBL switching rate remains below long-term costs. Control Decision at 13 (discussing NS Resp. 57–58, Nov. 20, 2025). This results in NS, as majority owner of NPBL, subsidizing NPBL switching for the benefit of CSXT. This improper subsidy is further exacerbated by the fact that NPBL is paying an artificially low trackage rights fee for the use of NS's tracks. The Board can remedy that improper subsidy by removing the trackage rights docket, FD 36223, from abeyance and NS renews its request for the Board to do so.

IV. CONCLUSION

CSXT's First Status Report confirms meaningful progress in developing on-dock service to and from NIT through interchange with NPBL. Service has expanded, coordination continues, additional staffing is planned, and NS has removed the Portlock curvature restriction. Operational concerns remain, but the report does not establish that the identified constraints, individually or collectively, result from discrimination or noncompliance with the Control Decision.

The Lambert Point and QM Junction demands expose the fundamental flaw in CSXT's position: they seek additional operating rights over NS property, not restoration of existing rights

that NS has impaired. After nearly a decade of unsuccessful litigation over its access demands, CSXT continues to equate preservation of competition with an entitlement to use another railroad's property to improve its own service, without any corresponding commercial benefit to NS. Neither the Control Decision nor basic principles of private property law support that proposition.

The Board should maintain the existing abeyance and reporting framework in the Related Proceedings while CSXT and NPBL address specific operational concerns consistent with NPBL's governing documents. It should not use the reporting process to enlarge the Control Decision's conditions, revive restoration relief previously denied, or prejudge claims preserved in the Related Proceedings.

Respectfully submitted,

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October 26, 2026

CERTIFICATE OF SERVICE

I certify that, on October 26, 2026, I have caused to be served a copy of the foregoing Reply to CSX Transportation, Inc.'s First Status Report on all parties of record in these proceedings.

/s/ William A. Mullins
William A. Mullins

Attorney for Norfolk Southern Corporation and
Norfolk Southern Railway Company