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BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36909

TRANSLOADX RAILROAD COMPANY, INC. – ACQUISITION AND OPERATION EXEMPTION — CSX TRANSPORTATION, INC.

REPLY TO PETITION OF COMMUNITY LAND AND WATER COALITION TO REJECT THE NOTICE OF EXEMPTION AND, IN THE ALTERNATIVE, TO REVOKE THE EXEMPTION

TransloadX Railroad Company, Inc., ("TransloadX-RR") hereby replies to the Petition of Community Land and Water Coalition ("Petitioner") to Reject the Notice of Exemption and, in the Alternative, to Revoke the Exemption, filed on October 9, 2026 ("Petition").[1] The Petition should be either rejected or denied, and the Surface Transportation Board ("Board" or "STB") should expeditiously grant the operating authority sought by TransloadX-RR in this proceeding through its Notice of Exemption filed over seven months ago on March 17, 2026. In support of this Reply, TransloadX-RR states as follows:

A. The Petition Should be Rejected for Being Untimely and Redundant

As a threshold matter, the Board need not address any of the allegations in the Petition because it is clearly untimely. More specifically, the request to reject the Notice cannot also be a petition to revoke the exemption "in the alternative" because the Board has not yet allowed

[1] The Petition was filed on Friday, October 9, 2026 but not served on counsel for TransloadX-RR until the next day, Saturday, October 10, 2026.

TransloadX-RR's exemption authority to become effective. The Board previously clarified this issue in this very proceeding, a clarification that Petitioner has chosen to ignore.[2] Consequently, the Petition can only be characterized as a petition to reject the Notice. But the time established by the Board's rules for filing such a petition expired long ago. Pursuant to 49 C.F.R. §1104.13(b), the deadline for filing a petition to reject the Notice was 20 days after its filing date, which deadline was April 6, 2026. Moreover, the record in this proceeding effectively closed on May 4, 2026 after the Board sought additional filings and information from TransloadX-RR in response to filings of other parties that sought rejection of the Notice.[3]

Petitioner does not even attempt to argue that there is good cause to permit it to file its Petition nearly seven months after the filing deadline, because there is no good cause or reason. For the most part, the Petition merely repeats information and allegations that have been made by other parties that are already in the record. *See, e.g.* Petition at 2, stating it adopts the allegations in the Combined Petition for Stay and Petition to Revoke Exemption filed by Chalmers Hardenbergh on March 27, 2026, which Petitioner then refers to throughout. As explained below, the remainder of the Petition contains nothing of substance related to TransloadX-RR's request for authority to operate two branch lines in Maine that would justify allowing such an out-of-time filing. For these reasons, the Petition should be summarily rejected.

B. The Petition is Without Merit in Any Event

Should the Board nevertheless decide to accept the Petition into the record of this proceeding, it must be denied. In support, TransloadX-RR offers the following responses to the three primary allegations of Petitioner.

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[2] Decision served March 30, 2026 at 1, note 1. Accordingly, the Petition's discussion of cases and principles that allegedly address the standards for petitions to revoke exemptions are irrelevant and only offered to harass TransloadX-RR.

First, in addition to merely referring to and repeating information that is already in the record, Petitioner has inexplicably chosen this Board proceeding to air its grievances about a potential industrial warehouse project in Middleboro, Massachusetts over which this Board has no jurisdiction and which has no relevance whatsoever to TransloadX-RR's plans to provide rail service to shippers in *Maine*. Petitioner has also attempted to support its Petition by manufacturing a scenario involving the Middleborough project that has no basis in fact or law. Specifically, Petitioner is opposed to the Middleborough Logistics Park, which it describes as a proposed "928,000 square-foot warehouse complex on an approximately 153-acre site at 678 Wareham Street in Middleborough, Plymouth County, Massachusetts." Petition at 4. The site is near a rail line owned and operated by the Massachusetts Coastal Railroad which could provide rail service to the site if it is developed and if rail spur tracks are constructed as part of the facility to establish rail service. See Attached Verified Statement of John P. DeWaele III, President of TransloadX-RR ("DeWaele V.S." at para. 5). Exhibit D to the Petition contains a detailed description of that proposed project and a summary of the extensive environmental review of it that has been conducted by the Office of the Secretary of Energy and Environmental Affairs of the State of Massachusetts over the past two years.

The Project Proponent of the Middleborough project is South Coast Logistics Park, LLC, a development company based in Massachusetts that owns most or all of the land on which the project would be constructed. Pet., Exhibit D at 1. This company is not affiliated with TransloadX or TransloadX-RR. DeWaele V.S. at para. 5. However, Michael Milanoski, a principal of TransloadX, serves as an advisor to South Coast Logistics Park, LLC and represented the Proponent at public hearings. *Id.* Despite these facts, the Petition advances a blatant falsehood to try to tie the project to TransloadX-RR, representing to the Board in two places that Mr. Milanoski

"*is the proponent* of the Middleborough Logistics Park." Petition at 4 (emphasis added). Mr. DeWaele, who is also President of TransloadX, confirms that TransloadX-RR has no connection to the Middleborough Logistics Park or plans to construct or operate any railroad tracks associated with that project. DeWaele V.S. at para. 3.

Proceeding from the falsehoods that a TransloadX principal is the Project Proponent of the Middleborough project and TransloadX-RR plans to participate in the construction or operation of rail tracks at the Middleborough Logistics Park[4], the Petition advances the flawed argument –based on zero evidence - that TransloadX-RR should not receive operating authority for the CSX Transportation, Inc. ("CSX") branch lines in *Maine* covered by the Notice in this proceeding because it secretly plans to use that authority to claim federal preemption for rail operations in the Middleborough Logistics Park in *Massachusetts*. Petition at 9. This argument is merely a regurgitation of a similar argument made previously in this proceeding that TransloadX-RR has debunked.[5] TransloadX-RR has also previously assured the Board on this record that it intends to conduct its common carrier operations in Maine independent of any activities it conducts in Massachusetts.[6] As such, the Petition's false narrative collapses. Petitioner's allegations about

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[4] Also false is the Petition's characterization of the Middleborough project as "the proposed TransloadX-affiliated Middleborough rail-served facility." Petition at 2. Still another false -and somewhat bizarre -statement in the Petition is that "the result" of the environmental review of the Middleborough proposed project "is a record in which South Coast and TransloadX-RR effectively hold themselves out as already able to provide rail service, when in fact the exemption was filed only on March 17, 2026 and its effectiveness has been postponed." *Id*. at 10. Apart from the gross mischaracterization of the "record," there are no railroad tracks at the Middleborough site and there may never be, and the Notice in this docket does not seek any authority to operate tracks anywhere other than the two Maine lines at issue.

[5] *See* TransloadX-RR's Verified Reply to Petition for Stay, filed April 1, 2026 at 4; and TransloadX-RR's Verified Reply to Petitions to Reject Notice of Exemption, filed May 4, 2026 at 8.

[6] *Id. See also,* DeWaele V.S. at para. 3.

potential claims of federal preemption at the Middleborough site are also puzzling, since the "intensive environmental review" of the project it fears might be preempted by the presence of a railroad at some point has been actively underway by the State of Massachusetts since 2024 and is nearly complete, as shown by Exhibit D to the Petition.

Second, Petitioner's allegations concerning TransloadX's operations in Framingham, Massachusetts (Petition at 7) are overblown and ultimately moot. The September 29, 2026 letter attached to the Petition as Exhibit G simply describes the ongoing, good faith dispute between ("CSX") and TransloadX on the one hand, and the City of Framingham on the other, that has been described in prior filings in this proceeding. That process has resulted in the City determining that a special permit is required for TransloadX's operations. The letter establishes an October 29, 2026 date to either cease operations or provide a written statement that a special permit will be applied for. In response, on October 1, 2026, TransloadX provided notice to the City and CSX that it will pursue the required special permit, and it is working with the City to accomplish that result. DeWaele V.S. at para. 4. As such, the Petition's overwrought attempt to make a mountain out of a molehill should be ignored.

Third, and importantly for purposes of the actual subject matter of this proceeding: providing common carrier service to shippers *in Maine*, the Petition wrongly asserts that "[t]he Augusta and Bucksport Branches are dormant; the record discloses no current customer on either branch, no identified prospective traffic, and no shipper commitment." Petition at 9. On the contrary, CSX, TransloadX-RR and customers along the Augusta and Bucksport Branches have been patiently waiting for the Board to act in this proceeding so they can consummate the planned lease and ancillary transactions so TransloadX-RR can begin serving rail shippers. Moreover, TransloadX-RR has been interacting with potential shippers along both branch lines and further

developing the business plans and operation/maintenance plans it has previously described in this proceeding. *See* TransloadX-RR's Verified Reply to Petitions to Reject at 10, and DeWaele V.S. at paras. 8-15, 17.

In conclusion, for all the foregoing reasons the Petition should be rejected because it is clearly untimely and it is redundant of materials already in the record. If the Board accepts the Petition for filing, it should summarily reject it as being meritless and based on obviously false factual assertions. In either case, the Board should expeditiously issue a decision allowing the exemption authority sought by the Notice to finally go into effect.

Respectfully submitted,

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October 29, 2026

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36909

TRANSLOADX RAILROAD COMPANY, INC. – ACQUISITION AND OPERATION EXEMPTION — CSX TRANSPORTATION, INC.

VERIFIED STATEMENT OF JOHN P. DEWAELE III

My name is John P. DeWaele III and I am President of TransloadX Railroad Company, Inc. ("TransloadX-RR"). I am submitting this statement in support of the Reply of TransloadX-RR to the Petition of Community Land and Water Coalition to Reject the Notice of Exemption and, in the Alternative, to Revoke the Exemption ("Petition") filed in this proceeding on October 9, 2026. This verified statement refutes factual statements made in the Petition and provides the Board with information regarding customer demand for TransloadX-XR's proposed rail operations on the Augusta and Bucksport branch lines, and the company's preparations to provide them with safe and reliable service. The statements below are based on my personal knowledge, direct customer communications, and involvement in TransloadX-RR's planning and inspection activities.

1. I have been in and around the shortline railroad industry for over 20 years. I've worked in or experienced all fields of railroading. My objective through TransloadX-RR is to build upon my years of experience and deliver excellent customer service to the future customers of TransloadX-RR in area in which it operates.
2. My background is in many of the tasks in front of TransloadX-RR; including railroad rehabilitation and maintenance, daily operations, back office, business development and customer relationships. I have a proven track record of safe railroad operations, strong

railcar and customer growth and sustainable operations. I also have a deep network of railroads, railroaders, railroad contracts, administrative and legal teams to support our safe operation and future growth.

3. TransloadX-RR is affiliated with non-railroad TransloadX, a transloading company based in Massachusetts. I am also President of TransloadX. I reiterate past statements in this proceeding that TransloadX-RR has no plans to intervene in TransloadX's Framingham, Massachusetts operations and only desires to lease and operate railroad lines in Maine.

4. In regard to the Petition's discussion about the permitting discussions between TransloadX and the City of Framingham, and more specifically the letter from the City of Framingham to CSX Transportation, Inc. ("CSX") dated September 29, 2026, on October 1, 2026 I provided written notice to the City and CSX that TransloadX would apply for the special permit the City has recently determined is required and TransloadX will work with the City on this matter.

5. Neither TransloadX nor TransloadX-RR are affiliated with South Coast Logistics Park, LLC, the Project Proponent of the Middleborough Logistics Park ("MLP") in Middleborough, Massachusetts. TransloadX was selected to serve as the Project Proponent's representative before the applicable state agencies. The MLP project has gone through state and local environmental review and is in the permitting phase. Whether the MLP project will include rail service has not been determined, but there are no plans for TransloadX-RR to construct or operate any railroad tracks within the MLP Project. Massachusetts Coastal Railroad is the serving carrier for that location.

6. Contrary to statements in the Petition, TransloadX was neither the applicant nor the recipient of any grant funds related to the MLP project

7. TransloadX-RR is fully committed to operating the Augusta and Bucksport branch lines as a Class III shortline railroad and building on a solid foundation laid by CSX for continuous carload growth and supporting the businesses of Maine.

8. TransloadX-RR has been communicating with customers on the Augusta line who want to receive rail service from TransloadX-RR once it obtains the necessary approval from the Surface Transportation Board.

9. Since TransloadX-RR submitted its Notice of Exemption in March, I have received approximately four to six emails each month from customers on the Augusta line requesting updates on the status of the filing. These ongoing inquiries reflect their continued interest in pursuing rail service from TransloadX-RR once it receives authority.

10. Other customers who support our future operations have advised me that they are ready to ship via TransloadX-RR as soon as approval is granted and TransloadX-RR has made initial investments in the line to support that service.

11. TransloadX-RR has also spoken with two customers who would like to receive railcars on the Bucksport line.

12. We have also received several inquiries from prospective customers located off the rail lines seeking transloading services, railcar storage opportunities, or both, to support the heating fuel business in Maine.

13. In preparation for its proposed operations on the Augusta and Bucksport branches, TransloadX-RR has retained an engineering firm, conducted hi-rail inspections of the lines, and inspected bridges on several occasions. Through these efforts, TransloadX-RR understands the scope of the work and the commitment required to implement its operating plan safely.

14. Following STB approval of its proposed operations, TransloadX-RR will be able to engage in more detailed discussions with prospective customers interested in locating along the lines. Those discussions will help inform planning for infrastructure investment and future service.

15. TransloadX-RR's proposed operations will serve an important role in Maine by transporting feed supporting approximately 85 percent of the State's livestock and heating fuels needed during the winter months.

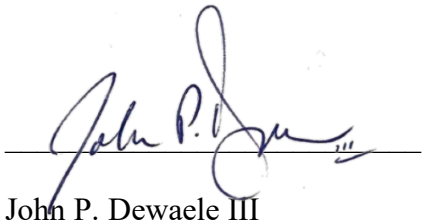
16. Certain objections to TransloadX-RR's proposed operations in Maine raise concerns about potential future reliance on federal preemption to avoid local regulations in the state of Massachusetts. This persistent, unsupported allegation in the Petition and other filings in this case appears to be emanating from a source other than the parties who are making it. I reiterate that these objections are unfounded and manufactured. In addition to reiterating that TransloadX-RR has no connection to the MLP project, I note that the state and local permitting work for that project has been extensive and has involved many different state and local authorities with jurisdiction over the project, proof that a reliance on federal preemption to avoid such regulation is clearly not a scenario.

17. TransloadX-RR's objective is to restore and expand safe, reliable rail service on the Augusta and Bucksport lines, support Maine businesses, and develop sustainable carload growth. Continued uncertainty about when service can begin affects the ability of potential rail shippers to plan. I respectfully ask the Board to evaluate TransloadX-RR's proposal based on the record concerning its planned operations, customer demand, and preparations to provide safe and reliable service.

VERIFICATION

I, John P. DeWaele III, President of TransloadX Railroad Company, Inc., state, under penalty of perjury, that the facts set forth in the foregoing Verified Statement are true and correct to the best of my knowledge. Further, I certify that I am qualified and authorized to execute this verification.

Executed: October 29, 2026



John P. Dewaele III

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of October, 2026, a copy of the foregoing Reply was served by email on all parties of record on the official service list for Docket No. FD 36909.

/ss/ Thomas W. Wilcox
Thomas W. Wilcox