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April 18, 2019

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

ENTERED
Office of Proceedings
April 18, 2019
Part of
Public Record

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

Dear Ms. Brown:

Enclosed for efilng is the Proposed Procedural Schedule of CSX Transportation,
Inc..

Thank you for your assistance. If you have any questions, please contact me.

Sincerely yours,



Louis E. Gitomer
Attorney for CSX Transportation, Inc.

Enclosure

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36223

NORFOLK SOUTHERN RAILWAY COMPANY-PETITION TO SET TRACKAGE RIGHTS
COMPENSATION-NORFOLK & PORTSMOUTH BELT LINE RAILROAD COMPANY

PROPOSED PROCEDURAL SCHEDULE OF CSX TRANSPORTATION, INC.

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Attorneys for CSX Transportation, Inc.

Dated: April 18, 2019

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36223

NORFOLK SOUTHERN RAILWAY COMPANY-PETITION TO SET TRACKAGE RIGHTS
COMPENSATION-NORFOLK & PORTSMOUTH BELT LINE RAILROAD COMPANY

PROPOSED PROCEDURAL SCHEDULE OF CSX TRANSPORTATION, INC.

Pursuant to the decision served in this proceeding on March 29, 2019, CSX Transportation, Inc. (“CSXT”) conferred with Norfolk Southern Railway Company (“NSR”) and the Norfolk & Portsmouth Belt Line Railroad Company (“NBPL”) concerning a non-bifurcated procedural schedule.

CSXT advised NSR and NPBL that it intended to file an additional pleading concurrently with the request for a schedule and that the parties might not be able to submit a proposed joint schedule because NSR and NPBL may not want to agree with CSXT on a schedule without knowing the contents of that additional pleading, which CSXT counsel are not in a position to disclose in advance of the filing. The parties nevertheless agreed on the broad outlines of a procedural schedule, specifically that there should be a period for discovery, followed by concurrent opening evidence, concurrent reply evidence, and concurrent rebuttal evidence. CSXT also proposed concurrent briefs, but the parties did not expressly agree to propose final briefs. The parties also did not agree on the time periods for each phase of the schedule.

CSXT advised NSR and NPBL that it planned to propose a schedule that is modeled on the Board’s procedural schedule for stand-alone cost rate reasonableness cases in 49 CFR

1111.9. CSXT explained that it is proposing a SAC-based procedural schedule because the SAC methodology is one of the methodologies used in *SSW Compensation* and therefore the parties need to have an opportunity to pursue discovery and present evidence related to that methodology, if they conclude that SAC-based calculations are appropriate here. While *SSW Compensation* also includes other calculation methodologies, CSXT expects that discovery and presentation of evidence on the other approaches can be carried out within the framework of a SAC-based procedural schedule.

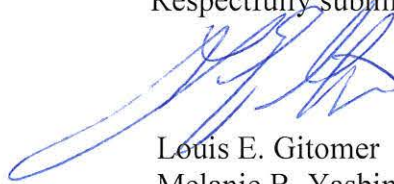
CSXT therefore proposes the following schedule:

Day 0	Board serves procedural schedule.
Day 150	Discovery completed.
Day 210	Concurrent opening evidence filed by all parties.
Day 270	Concurrent reply evidence filed by all parties.
Day 305	Concurrent rebuttal evidence filed by all parties.
Day 335	Concurrent briefs filed by all parties.

In addition to discussing a procedural schedule, the parties discussed and agreed that a protective order is necessary. CSXT will work with NSR and NPBL to provide a protective order for this proceeding.

CSXT respectfully requests that the Board adopt the procedural schedule proposed by CSXT.

Respectfully submitted,



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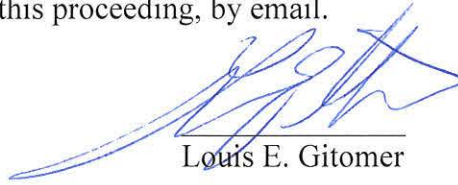
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Attorneys for CSX Transportation, Inc.

Dated: April 18, 2019

CERTIFICATE OF SERVICE

I certify that on April 18, 2019, I have served copies of CSXT's Proposed Procedural Schedule upon all parties of record in this proceeding, by email.



Louis E. Gitomer