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October 26, 2018

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Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, D.C. 20423-0001

ENTERED
Office of Proceedings
October 26, 2018
Part of
Public Record

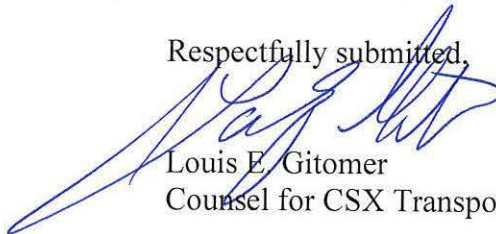
Re: STB Finance Docket No. 36223; *Norfolk Southern Railway Company—
Petition to Set Trackage Rights—Norfolk & Portsmouth Belt Line Railroad
Company*

Dear Ms. Brown:

On October 3, 2018, CSX Transportation, Inc. (“CSXT”) filed a Petition to Intervene in the above-captioned proceeding. As CSXT explained, its only access to the largest intermodal terminal in Virginia, the Norfolk International Terminals (“NIT”), is via the Norfolk & Portsmouth Belt Line Railroad (“NPBL”), and NPBL can access that terminal only by using the trackage rights that are the subject of this proceeding. On October 23, 2018, Norfolk Southern Railway Company (“NSR”) filed a reply (“Reply”) in opposition to CSXT’s Petition to Intervene. Please accept this letter as a brief response to NSR’s Reply to provide the Board with a complete record on which to address CSXT’s Petition to Intervene.

CSXT has a compelling interest in participating in this proceeding. As CSXT explained in its Petition, CSXT’s sole potential rail access to NIT is through the use of the trackage rights via NPBL. That alone should be sufficient cause for intervention, particularly given that CSXT has been precluded from accessing intermodal customers by rail at NIT by NSR. NSR’s proposed increase in the trackage rights fee (and potentially other terms in the draft trackage rights agreement submitted by NSR) will make it even less likely that CSXT will be able to access those intermodal customers by rail in the future. Further, NSR claims that NPBL’s interests will be aligned with CSXT. But NPBL cannot be expected to protect CSXT’s interests, particularly in light of NSR’s majority ownership interest and Board representation in NPBL.

Respectfully submitted,



Louis E. Gitomer
Counsel for CSX Transportation

cc: Mr. Mullins
Mr. Litwiler