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SERVICE DATE – DECEMBER 5, 2025

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36886

CSX TRANSPORTATION, INC.—PETITION FOR DECLARATORY ORDER

Decided: December 5, 2025

On November 19, 2025, CSX Transportation, Inc. (CSXT), filed a petition for declaratory order requesting that the Board find that certain conditions in an operating permit issued by the Maryland Department of the Environment (MDE) for CSXT's Curtis Bay Piers transloading facility are preempted under 49 U.S.C. § 10501(b).

On November 28, 2025, MDE filed a motion requesting an extension of time to file a reply, from December 9, 2025, to January 30, 2026. (MDE Mot. 1.) MDE argues that the standard 20-day reply period does not afford it sufficient time to address the range of facts and assertions raised in CSXT's petition. (*Id.* at 1.) MDE further states that the extension would allow its newly engaged outside counsel to become acquainted with the record. (*Id.* at 1, 3.) MDE argues that the extension will not prejudice any party because the permit conditions at issue are not in effect pending resolution of an administrative appeal that CSXT has filed at the state level, and because MDE has taken no enforcement action affecting CSXT's current operations. (*Id.* at 1.) CSXT has not replied to MDE's motion.

MDE's motion for extension will be granted. Given the range of issues raised in CSXT's petition and MDE's change in counsel, good cause exists to grant MDE additional time to reply. MDE's reply therefore will be due on January 30, 2026.

It is ordered:

1. MDE's motion for extension is granted. MDE's reply is due on January 30, 2026.
2. This decision is effective on its service date.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.