



Department of Energy

Washington, DC 20585

301031

August 31, 2020

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20420-0001

ENTERED
Office of Proceedings
August 31, 2020
Part of
Public Record

RE: Docket Nos. 38302S and 38376S

Dear Ms. Brown:

In a decision served on June 28, 2017, the Surface Transportation Board (the Board) approved a settlement agreement in this proceeding between the U.S. Departments of Defense and Energy (the Government) and Norfolk Southern Railway Company. That decision followed an order in these dockets, served August 26, 2013, approving the Government's settlement agreement with BNSF Railway Company, and an order in these proceedings, served August 2, 2005, approving the Government's settlement agreement with Union Pacific Railroad Company.

In a decision served on August 31, 2017, the Board noted that "these dockets remain open, consistent with the Government's request that the proceedings continue to be held in abeyance pending further settlement negotiations." The Board reduced the Government's reporting requirement on the progress of future settlement negotiations with the remaining railroad defendants from the prior quarterly reports that had been in effect since the approval of the Union Pacific settlement to an annual reporting requirement. The Board set September 4, 2018 as the due date for the first such report, with subsequent reports to be due on or about the first day of September thereafter.

This will update our most recent prior report of August 9, 2019. Since that report we have been engaged in discussions and exchanges of information with CSX Transportation, Inc. aimed at reaching a settlement in this matter. Notably, those exchanges have included two in-person meetings, which took place on September 27, 2019 and March 2, 2020. The parties believe these exchanges have been productive and plan to continue to their discussions.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen C. Skubel", is written over a horizontal line.

Stephen C. Skubel
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For Litigation
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cc: Attached Service List

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2020, copies of the foregoing document were served by prepaid first-class mail on counsel for the major carrier parties of record and counsel for other parties participating in related proceedings by mailing copies to the following:

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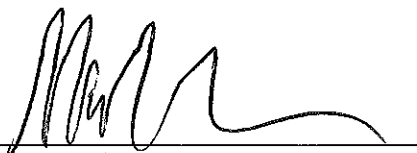
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