



Department of Energy

Washington, DC 20585

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Office of Chief Counsel
August 28, 2025
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Public Record

August 28, 2025

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

RE: Docket Nos. NOR 38302S and NOR 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 28, 2024. We are pleased to report that the Government and CSX Transportation, Inc. are working shortly to present a finalized, signed settlement agreement and joint motion for its approval to the Board.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen C. Skubel", with a stylized, sweeping flourish at the end.

Stephen C. Skubel
Assistant General Counsel
For Litigation
(202) 445-7810

cc: All Parties of Record, Docket Nos. NOR 38302S and NOR 38376S

John Patelli, Jason Marques, CSX Transportation, Inc.