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SERVICE DATE – LATE RELEASE AUGUST 31, 2017

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. NOR 38302S

UNITED STATES DEPARTMENT OF ENERGY AND UNITED STATES DEPARTMENT
OF DEFENSE

v.

BALTIMORE & OHIO RAILROAD COMPANY, ET AL.

Docket No. NOR 38376S

UNITED STATES DEPARTMENT OF ENERGY AND UNITED STATES DEPARTMENT
OF DEFENSE

v.

ABERDEEN & ROCKFISH RAILROAD COMPANY, ET AL.

Decided: August 31, 2017

These cases involve rate reasonableness complaints by the U.S. Departments of Energy and Defense (Government) against various rail carriers with respect to rail movements of certain radioactive materials. The Surface Transportation Board (Board) recently approved a settlement agreement between the Government and Norfolk Southern Railway Company, the latest in a series of settlement agreements between the Government and individual railroad defendants. See U.S. Dep't of Energy v. Balt. & Ohio R.R. (NSR Decision), NOR 38302S et al. (STB served June 28, 2017).¹

In a 2005 decision approving a settlement agreement between the Government and Union Pacific Railroad Company, the Board directed the Government to file quarterly reports on the progress of future settlement negotiations with the remaining railroad defendants. See U.S. Dep't of Energy v. Balt. & Ohio R.R., NOR 38302S et al., slip op. at 7 (STB served Aug. 2, 2005). The Government has filed quarterly reports since that time. Per the NSR Decision, slip op. at 6, these dockets remain open, consistent with the Government's request that the proceedings continue to be held in abeyance pending further settlement negotiations. In an effort to minimize burden, the Government's reporting requirement will be reduced from quarterly to annually. The first such annual report will be due on September 4, 2018.

¹ For a more detailed history of these cases, see NSR Decision, slip op. at 2.

It is ordered:

1. The Government is directed to file annual reports on the progress of settlement negotiations with the remaining railroad defendants, beginning on September 4, 2018, and on or about the first day of September thereafter.

2. This decision is effective on its date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.