



Department of Energy
Washington, DC 20585

December 22, 2015

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

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Office of Proceedings
December 22, 2015
Part of
Public Record

RE: Docket Nos. 38302S and 38376S

Dear Ms. Brown:

The August 19, 2013, decision in these dockets (served August 26, 2013, and effective on September 25, 2013), approved the Government's settlement agreement with BNSF Railway Company ("BNSF"), and held that these proceedings would continue to be held in abeyance, with the Government filing quarterly reports on the progress of settlement negotiations. That order followed a prior order in these proceedings entered July 27, 2005 (served August 2, 2005, and effective September 1, 2005), approving the Government's settlement agreement with Union Pacific Railroad Company.

This report updates our most recent report of September 30, 2015. The negotiators for the Government and Norfolk Southern Railway Company have reached an agreement in principle that is subject to further and final approvals by each party. Upon receiving the final approvals, the parties intend to submit the agreement to the Board for its review and approval. A further report is due by the end of March 2016.

Sincerely,

Stephen C. Skubel
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cc: Attached Service List



CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2015, 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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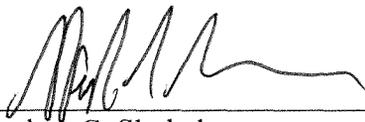
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