



DEPARTMENT OF THE ARMY
MILITARY SURFACE DEPLOYMENT AND DISTRIBUTION COMMAND
1 SOLDIER WAY
SCOTT AFB, IL 62225-5006

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Office of Proceedings
Surface Transportation Board
395 E Street N.W
Washington, DC 20423

Re: DOD Reply Regarding NewVistas Request for Adverse Abandonment of the Ironton Branch (Docket No. FD 36040)

Surface Transportation Board:

On August 23, 2016, the STB posted an opening statement from NewVistas Property Holdings, LLC, in which NewVistas seeks a declaratory order to adversely abandon the Ironton Branch or, alternatively, a determination that the Ironton Branch is no longer part of the national rail system. The Military Surface Deployment and Distribution Command (SDDC), opposes both the order sought as well as the determination requested. Please find our Reply enclosed.

Should any questions arise regarding SDDC's reply, please do not hesitate to contact me at (618) 220-5796 or via e-mail at david.j.dicenso.civ@mail.mil. Thank you for your consideration of the enclosed.

A handwritten signature in black ink, appearing to read "David J. Dicenso", followed by a long horizontal line extending to the right.

DAVID J. DICENSO
Attorney-Advisor

SURFACE TRANSPORTATION BOARD
49 CFR CHAPTER X
[DOCKET NO. FD 36040]
PETITION FOR DECLARATORY ORDER

REPLY FROM
RAILROADS FOR NATIONAL DEFENSE PROGRAM
MILITARY SURFACE DEPLOYMENT AND DISTRIBUTION COMMAND
TRANSPORTATION ENGINEERING AGENCY

This statement is in regard to Surface Transportation Board (STB) FD 36040. On August 23, 2016 the STB posted an opening statement from NewVistas Property Holdings, LLC, in which NewVistas seeks a declaratory order to adversely abandon the Ironton Branch or, alternatively, a determination that the Ironton Branch is no longer part of the national rail system. NewVistas' goal, under either outcome, is to obtain authority, under a State court, to enter what is now Union Pacific (UP) property between Ironton Branch mileposts (MP) 0.0 and 1.87 and remove some or all of the railroad track it finds there.

On behalf of the Department of Defense (DOD), the Military Surface Deployment and Distribution Command (SDDC) has an ongoing interest in *all* potential railroad abandonments in the United States.

By way of background, the Transportation Engineering Agency of SDDC (SDDCTEA), through the Railroads for National Defense (RND) Program, works with each military Service to identify its requirements for civil sector rail service. The Services' needs and requirements are then integrated into civil sector plans. The October 2013 report, "Strategic Rail Corridor Network (STRACNET) and Defense Connector Lines", is the formal document that designates civil rail lines most important to national defense. This designation comprises over 36,000 miles of integrated and interconnected lines for the movement of defense cargo throughout the United States in peace and war. There are approximately 120 military installations and other locations involved in the movement of defense forces and material to ports of embarkation for deployment. These sites require rail service to accomplish their assigned mission and are served by lines designated as part of the STRACNET and connectors between STRACNET lines and DOD installations and critical ports.

The UP main line between Denver and Salt Lake City, also known as the Provo Subdivision near Provo, Utah, is designated as part of the STRACNET. While railroads are free to move military cargo over non-STRACNET lines, it is important to observe the necessity of maintaining the essential routes (represented by STRACNET) for national security purposes. The presence of some additional non-STRACNET routes benefits national defense by giving the railroads additional flexibility and options for routing military traffic. Military trains from Fort Carson, Colorado, to a west coast port could foreseeably travel over the Ironton Branch in Provo, Utah. This, as well as other origin-destination pairs could be foreseeably routed through Provo, Utah.

Railroads are to be operated in the public interest. Therefore the law provides that public notice shall be given in advance of all prospective abandonments. One aspect of the public interest is the effect on national defense. Title 49 U.S.C. 10903 Section 1152.20 (a)(2)(vii) requires advance notification of all potential abandonments be given to the Department of Defense. NewVistas failed to provide the requisite advance notice to the Railroads for National Defense Program before it first filed to adversely abandon the Ironton Branch under AB 1241. Such advance notice is not burdensome; NewVistas, like all other abandonment applicants, merely needed to send a letter describing the proposed abandonment to the Railroads for National Defense Program at 1 Soldier Way, Scott AFB, IL 62225, in accordance with the law.

We ask that the Board not waive any requirements to notify DOD of prospective abandonments. The Railroads for National Defense Program, not the would-be applicant, is the proper authority to determine if American railroad track has a defense benefit, and whether or not its abandonment should be opposed or denied on national defense grounds.

Going beyond New Vista's failure to notify the DOD as required by law, it is important to note that issues arise on the merits; the rail line that is the subject of this particular proceeding, is beneficial to national defense.

NewVistas first sought an adverse abandonment of the Ironton Branch in AB 1241, filed on March 1, 2016. In both its original application, and its opening statement in its petition for a declaratory order filed on August 23, 2016, NewVistas appears to ask for authority to enter, or take over all (or substantially all) of the Union Pacific property referred to as the Ironton Branch between mileposts 0.0 and 1.87, and remove any railroad track it finds there, thus removing this railroad track from the national railroad system.

The Ironton Branch is best viewed as three distinct segments. The first [westernmost] segment extends from MP 0.0 to MP 0.64. Union Pacific has retained this segment as yard trackage. There are at least two reasons this trackage benefits national defense. The normal routing for a military train through the Provo area to the port of Oakland would be over the Provo Subdivision. At about Provo Subdivision MP 699 there is a switch to the westernmost segment of the Ironton Branch. Mileposts increase on the Provo Subdivision heading toward Salt Lake City. If a derailment, or other service disruption, occurred on the Provo Subdivision main line at about MP 700, a military train could avoid it by detouring onto the Ironton Branch and other yard trackage, rejoining its intended route to Oakland near Provo Subdivision MP 701. Thus, the Ironton Branch can reduce delays to westbound military trains if service interruptions occur on main line tracks in the Provo area.

Another military benefit of the Ironton Branch would occur if a military train was headed from Fort Carson to Los Angeles or Long Beach. Union Pacific has built a wye track at the west end of the Ironton Branch, allowing Ironton Branch trains to enter the Sharp Subdivision heading south toward Lynndyl and Los Angeles. Thus a train from Fort Carson to Los Angeles could use

the Ironton Branch to avoid traveling through downtown Provo and downtown Los Angeles. The route using the Ironton Branch would be shorter, and would foreseeably avoid congestion in downtown areas.

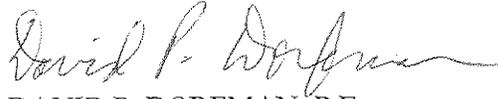
At first glance, the Ironton Branch [middle] segment from MP 0.64 to MP 0.71 would seem to involve no railroad track. However, reality is more complicated. In 1977 Union Pacific abandoned and removed this segment of track which crossed the Denver to Salt Lake City main line of the Denver and Rio Grande Western Railroad (DRGW) at grade. This allowed the high-maintenance crossing of the two railroads to be removed, while the DRGW main line remained in service. In 1996 UP merged with and bought DRGW, which returned UP to owning and operating some active railroad track (the Provo Subdivision near Provo Subdivision milepost 699) between Ironton Branch mileposts 0.64 and 0.71, albeit, on a different alignment from the Ironton Branch.

The Provo Subdivision is part of STRACNET, so if NewVistas were allowed to remove all railroad track between Ironton Branch mileposts 0.64 and 0.71 it would sever a STRACNET line. It is unlikely that NewVistas actually intends to remove Provo Subdivision trackage; nevertheless, if the STB does not totally reject NewVistas' petition, the STB should still clearly indicate that NewVistas has no authority to enter or remove any of UP's Provo Subdivision track.

The switch to the easternmost segment of the Ironton Branch [MP 0.71 to MP 1.87] has been removed. However, UP could re-install the switch and use the easternmost segment of the Ironton Branch to store track maintenance equipment. If a military train was due when UP was maintaining the Provo Subdivision, the presence of the easternmost segment would allow the main track to be cleared of maintenance equipment more rapidly, minimizing delay to the military train. UP is best able to judge the value of the easternmost segment of the Ironton Branch. We ask the Board to carefully consider any statement from UP regarding the easternmost segment in crafting a decision on the Ironton Branch.

The Department of Defense rarely opposes abandonment actions since most proposed railroad abandonments do not involve railroad lines that are important to national defense. However, DOD must be informed of -- and be able to participate in -- all potential abandonments in case the railroad line in question is important to national defense, as it is in the current case. It is especially important to include DOD, and other potential shippers, in adverse abandonments because the applicant in these actions is not a railroad company, and may not understand the ramifications of removing the track it seeks to abandon.

NewVistas' petition for a declaratory order should be denied. NewVistas failed to comply with the legal notice requirements and the Ironton Branch benefits our national defense.

A handwritten signature in cursive script, appearing to read "David P. Dorfman".

DAVID P. DORFMAN, P.E.

Senior Civil Engineer

Railroads for National

Defense Program



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CERTIFICATE OF SERVICE

7 September 2016

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Re: DOD Reply Regarding NewVistas Request for Adverse Abandonment of the Ironton Branch (Docket No. FD 36040)

I, the undersigned, hereby certify that, on this date, the following party has been served copies of both my cover letter and our Reply from the Railroads for National Defense Program, Military Surface Deployment and Distribution Command Transportation Engineering Agency:

Mr. Carl J. Belliston
NewVistas Property Holdings, LLC
2365 Mountain Vista Lane
Provo, UT 84606

801-376-2210
cbelliston@newvistas.com

Notice was provided today via E-mail as well as by U.S. Mail.


DAVID J. DICENSO
Attorney-Advisor