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September 16, 2016

Chief, Section of Administration  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423-0001

241522

ENTERED  
Office of Proceedings  
September 19, 2016  
Part of  
Public Record

Re: STB No. FD-36040, NewVista Property Holdings, LLC  
Ironton Railroad Right-of-Way

Sirs:

In accordance with the Surface Transportation Board's decision in NewVista Property Holdings, LLC – Adverse Abandonment of the Ironton Branch – in Utah County, Utah AB-1241 (served June 24, 2016) and its simultaneous institution of a declaratory order proceeding in the above-referenced case, NewVistas Property Holdings, LLC has filed an opening statement, and Union Pacific Railroad Company has filed a reply. A reply also has been filed by the Military Surface Deployment and Distribution Command (SDDC). The STB's order provides for a rebuttal from NewVistas by September 22, 2016.

In light of the position taken by Union Pacific in its reply, NewVistas sees no need for a rebuttal to Union Pacific. NewVistas requests that the STB issue a decision and appropriate order as soon as possible.

A rebuttal to the SDDC's reply is submitted with this letter.

Ten copies of this letter are included. A copy of this correspondence has been sent to the following persons by email and first class mail:

Jeremy Berman  
Union Pacific Railroad Company  
1400 Dodge Street, Stop 1580  
Omaha, NE 68179  
jmberman@up.com

David J. DiCenso  
Department of the Army  
Military Surface Deployment and Distribution Command  
1 Soldier Way  
Scott AFB, Illinois 62225-5006  
david.j.dicensociv@mail.mil

Respectfully,

A handwritten signature in black ink, appearing to read 'Carl J. Belliston'.

Carl J. Belliston  
Attorney for NewVistas Property Holdings, LLC



BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, D.C. 20423

241522

STB Docket No. FD 36040

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NEWVISTA PROPERTY HOLDINGS, LLC  
PETITION FOR DECLARATORY ORDER

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

Respectfully Submitted,

Carl J. Belliston  
Attorney for NewVistas Property Holdings, LLC  
2365 Mountain Vista Lane, Provo, UT 84606  
801-376-2210

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, D.C. 20423

STB Docket No. FD 36040

NEWVISTA PROPERTY HOLDINGS, LLC  
PETITION FOR DECLARATORY ORDER

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TRANSPORTATION ENGINEERING AGENCY

Earlier this year, NewVistas Property Holdings, LLC, a Utah limited liability company, formerly NewVista Property Holdings, LLC (“Petitioner”) sought waiver of certain requirements of the Surface Transportation Board (“STB”) abandonment regulations for an intended adverse abandonment application related to an inactive line of railroad owned by the Union Pacific Railroad (“UPR”) known as the Ironton Branch. The adverse abandonment application was never submitted, because the STB held that UPR previously had received and consummated abandonment authority pursuant to proceedings before the Interstate Commerce Commission in 1977 and that the Ironton Branch was therefore “excepted from the Board’s adverse abandonment process.” *NewVista Property Holdings, LLC – Adverse Abandonment of the Ironton Branch – in Utah County, Utah*, AB 1241 (served June 24, 2016).

The Military Surface Deployment and Distribution Command (SDDC) has requested that the STB not waive any requirements to notify DOD of prospective abandonments, and it opposes adverse abandonment of the Ironton Branch on the merits.

The STB has already ruled on the waiver of notification requirements by holding that the Ironton Branch is excepted from the Board's adverse abandonment process. Outside of that process, there is no requirement to notify DOD. The waiver issue is moot.

With respect to abandonment on the merits, SDDC has no standing to object to an abandonment at this juncture. The time for an SDDC objection would have been in the 1977 Interstate Commerce Commission proceeding. If the STB determines to retain its jurisdiction over the portion of the Ironton Branch between mileposts 0.0 and 0.71, that determination must be based solely on UPR's intention to continue using that section of track. With respect to the portion of the Ironton Branch between mileposts 0.71 and 1.87, the STB already has ruled that UPR has the right to abandon it, and UPR has chosen to do so.

Dated: September 16, 2016.

Respectfully Submitted,



Carl J. Belliston  
Attorney for NewVistas Property Holdings, LLC  
2365 Mountain Vista Lane, Provo, UT 84606  
801-376-2210

I hereby certify that on this 16<sup>th</sup> day of September, 2016, I caused a copy of this document to be served by e-mail and first class United States mail to the following persons:

Jeremy Berman  
Union Pacific Railroad Company  
1400 Dodge Street, Stop 1580  
Omaha, NE 68179  
jmberman@up.com

David J. DiCenso  
Department of the Army  
Military Surface Deployment and Distribution Command  
1 Soldier Way  
Scott AFB, Illinois 62225-5006  
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(Signature)