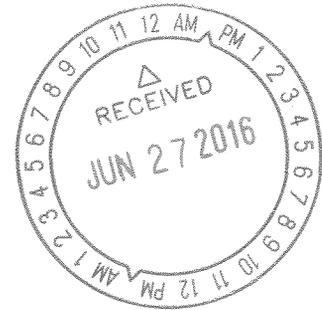


CARL J. BELLISTON  
ATTORNEY AT LAW  
2365 Mountain Vista Lane  
Provo, UT 84606  
(801) 376-2210



June 21, 2016

**240980**

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

**ENTERED  
Office of Proceedings  
June 27, 2016  
Part of  
Public Record**

Re: STB No. AB-1241, Union Pacific Railroad  
Ironton Railroad Right-of-Way

Sirs:

I am writing to respectfully request that the Board issue a decision on the Petition for Waiver and Request for Declaratory Order previously submitted by the Petitioner in the above-referenced matter as promptly as possible, because the railroad's continued claim of a right-of-way is obstructing the efforts of NewVistas Property Holdings, LLC (NewVistas) to proceed with environmental cleanup and useful development of the property.

Enclosed is a copy of a letter from NewVistas to the Utah Department of Environmental Quality, explaining why NewVistas' efforts for environmental cleanup have stalled.

Under the Petition for Waiver, filed March 7, 2016, NewVistas requested waiver of certain requirements of the STB abandonment regulations so that it could apply for adverse abandonment of the above-referenced right-of-way. Union Pacific Railroad responded with a Reply, filed March 28, 2016, stating in essence that the Board has no authority to issue an order of adverse abandonment in this case, making the waiver petition inappropriate. Under the Request for Declaratory Order (designated Reply to Union Pacific's Challenges to Board's Authority and Request for Declaratory Order), filed April 7, 2016, NewVistas requested a declaratory order stating clearly that the STB has authority to adversely abandon the Ironton railroad right-of-way, or, alternatively, that the right-of-way has been abandoned, is no longer part of the national rail system, and lies outside the STB's jurisdiction.

Without a resolution of these issues, NewVistas is in a catch-22 situation and cannot move one way or the other.

Nothing in the STB Rules specifies a time period for responding to a petition for waiver or a request for declaratory order. As a point of reference, however, 49 CFR §1152.26(a) states that the Board will issue a decision in an adverse abandonment proceeding within 110 days of

when the application was filed. The original petition in this matter was filed 105 days prior to the date of this letter, and it has been 74 days since the last filing in this matter was made.

Ten copies of this letter are included. A copy of this correspondence has been sent to Jeremy M. Berman, Union Pacific Railroad Company, 1400 Dodge Street, Stop 1580, Omaha, NE 68179.

Respectfully,

A handwritten signature in black ink, appearing to read "Carl J. Belliston". The signature is fluid and cursive, with a long horizontal stroke at the end.

Carl J. Belliston  
Attorney for NewVistas Property Holdings, LLC

CARL J. BELLISTON  
NEWVISTAS PROPERTY HOLDINGS, LLC  
2365 MOUNTAIN VISTA LANE  
PROVO, UT 84606



June 21, 2016

Attention: Ms. Leigh Anderson  
Utah Department of Environmental Quality  
Division of Environmental Response and Remediation  
P.O. Box 144840  
Salt Lake City UT 84114

Re: Ironton Railroad Right of Way – Site Characterization Workplan

Dear Leigh:

It has been some time since you sent comments to the Environmental Assessment submitted by NewVistas Property Holdings, LLC (NewVistas) with respect to the above-referenced property. As you know, the property is subject to interests owned by the Union Pacific Railroad. We have had some conversations with the railroad pertaining to abandonment or transfer of the railroad's interests so that NewVistas can move forward with its efforts under the Voluntary Cleanup Program, but those matters remain unresolved. We had hoped for better progress before now.

I'm sure you can appreciate that lack of full cooperation from the railroad and lack of clarity regarding NewVistas' ability to obtain clear title to the property put NewVistas in a difficult position. We still want to move forward under the VCP, but, without the full participation of the railroad, we need to get a better sense for where we stand on the question of title before submitting a Site Characterization Workplan to the Department of Environmental Quality.

Thank you for your patience.

Best Regards,

A handwritten signature in cursive script, appearing to read 'Carl'.

Carl J. Belliston

cc: William Rees (UDEQ)  
James Robinson (Enviroassessment)  
Sue Hronek (Union Pacific)