

**BUILDING AMERICA®***Via Email*

April 1, 2021

Adam J. Assenza
Environmental Protection Assistant
Office of Environmental Analysis
Surface Transportation Board
adam.assenza@stb.dot.gov

Re: Union Pacific Railroad Company -- Construction and Operation Exemption -- in Maricopa County, AZ
FD 36501

Dear Mr. Assenza:

I am writing to request a waiver, as provided for in 49 C.F.R. 1105.10(c), of the requirement in 1105.10(a) to provide at least 6 months' notice prior to filing an application for construction authority. Union Pacific met with Board staff on February 19, 2021 and provided Board staff with preliminary information about the proposed construction project in Mesa, Arizona. A waiver is appropriate here because the project will be limited in scope and significant environmental issues are not anticipated.

Union Pacific proposes to construct a six-mile rail line that will be used to provide rail service to a currently non-rail served facility with future facilities planned for development along the line. The line will be constructed primarily through undeveloped industrial-zoned land and has significant local support. The line will connect to the existing Union Pacific mainline in Mesa and will be operated by Union Pacific.

Union Pacific will most likely file a petition for exemption to obtain the requested authority, instead of an application. While the date of this filing is uncertain it will most likely be within 6 months, provided this waiver request is granted.

Union Pacific also requests approval under 49 CFR 1105.10(d) and 40 C.F.R. 1506.5 to retain Jacobs as an independent third-party consultant to prepare the appropriate environmental document on behalf of the Board in connection with this proceeding.

Please feel free to contact me if you have any questions or require any additional information.

Sincerely,

/s/ Jeremy Berman

Jeremy Berman

From: [Jeremy M. Berman](#)
To: [Assenza, Adam](#)
Subject: UP Mesa Construction Project - FD 36501
Date: Thursday, April 1, 2021 11:27:10 AM
Attachments: [UP Letter re Waiver and Contractor 04012021.pdf](#)

Mr. Assenza, as we discussed back in February, please see the attached letter requesting a waiver of the 6 month prefilling requiring and requesting permission to retain an independent third-party consultant.

Please let me know if you have any questions.

Jeremy M. Berman
Senior General Attorney
Union Pacific Railroad
402-544-4735
jmberman@up.com

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From: [Assenza, Adam](#)
To: [Jeremy M. Berman](#)
Cc: [Gosselin, Danielle](#)
Subject: RE: UP Mesa Construction Project - FD 36501
Date: Monday, April 5, 2021 10:35:00 AM

Hello Mr. Berman,

Thank you for your submission. We will send a formal response soon.

Adam

From: Jeremy M. Berman <jmberman@up.com>
Sent: Thursday, April 1, 2021 11:27 AM
To: Assenza, Adam <Adam.Assenza@stb.gov>
Subject: UP Mesa Construction Project - FD 36501

Mr. Assenza, as we discussed back in February, please see the attached letter requesting a waiver of the 6 month prefiling requiring and requesting permission to retain an independent third-party consultant.

Please let me know if you have any questions.

Jeremy M. Berman
Senior General Attorney
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