



***SURFACE TRANSPORTATION BOARD***  
***Washington, DC 20423***

*Office of Environmental Analysis*

April 30, 2021

Mr. Jeremy Berman  
Union Pacific Railroad Company  
1400 Douglas Street  
15<sup>th</sup> Floor  
Omaha, NE 68197

Re: Docket No. FD 36501, Union Pacific Railroad Company – Construction and Operation Exemption – In Maricopa County, AZ; Waiver of Six-Month Prefiling Notice and Approval of Third-Party Contractor

Dear Mr. Berman:

Thank you for your letter dated April 1, 2021 requesting a waiver of the six-month prefiling notice and approval of a third-party contractor in the above-referenced proceeding. According to your letter, Union Pacific Railroad Company (UP) intends to file a petition with the Surface Transportation Board (Board) for an exemption under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10901 to construct and operate an approximately 6-mile rail line in Mesa, Arizona. As part of the Board's licensing process, the Board's Office of Environmental Analysis (OEA) will conduct an environmental review for the proposed rail line in compliance with the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA) and the Board's environmental rules at 49 C.F.R. Part 1105.

**Waiver from the Six-Month Notice Requirement**

Pursuant to 49 C.F.R. § 1105.10(c), OEA is granting your request for waiver of the six-month prefiling notice generally required for rail line construction projects under 49 C.F.R. § 1105.10(a)(1). OEA met with UP representatives on February 19, 2021 regarding the proposed construction and operation of a new rail line in Maricopa County, Arizona. At the meeting, UP's representatives provided OEA with an overview of the project, and OEA discussed the Board's environmental review process.

OEA understands that UP proposes to construct and operate approximately 6 miles of

track in association with its Pecos Industrial Rail Access and Train Extension Project (the PIRATE project) in southeast Mesa, Arizona. The PIRATE project encompasses 4,800 acres of agricultural and industrial land primarily situated on the former Williams Air Force Base. The proposed rail line would connect the existing Pecos Advanced Manufacturing Zone (PAMZ) directly to the UP main line just west of the project area, running six miles through the PAMZ with a terminus at the border between Maricopa County and Pinal County. The proposed rail line would provide rail service to a currently non-rail served facility with future facilities planned for development along the line and would be operated by UP.

Because of what was discussed at the February 19, 2021 meeting, OEA believes that it has adequate information, and that UP is sufficiently aware of the environmental review process, to grant this request.

### **Third-Party Contractor Approval**

Your request for approval under 49 C.F.R. 1105.10(d) and 40 C.F.R. 1506.5 for retention of Jacobs as an independent third-party contractor is also approved. Jacobs will prepare the appropriate environmental document on behalf of the Board in connection with the proposed rail line. Enclosed please find a disclosure statement that we ask you to forward to Jacobs to complete. Once the statement is signed by Jacobs, we request that Jacobs send it back to us. As we discussed in our meeting on February 19, 2021, OEA will directly supervise, review, and approve all environmental documents prepared by the independent third-party contractor.

If we can be of further assistance, please contact me or Adam Assenza of my staff at (202) 245-0301 or by email at [adam.assenza@stb.gov](mailto:adam.assenza@stb.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Gosselin".

Danielle Gosselin  
Acting Director  
Office of Environmental Analysis

Enclosure

**SURFACE TRANSPORTATION BOARD  
DISCLOSURE STATEMENT**

On behalf of \_\_\_\_\_, I certify that \_\_\_\_\_ has  
(name of contractor) (name of contractor)

no financial or other interests in the outcome of the prospective petition of the

\_\_\_\_\_ to construct a rail line in \_\_\_\_\_.  
(name of applicant/petitioner) (location of proposed rail line)

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**From:** [Assenza, Adam](#)  
**To:** [Jeremy M. Berman](#)  
**Cc:** [Gosselin, Danielle](#); [Navecky, David](#)  
**Subject:** RE: UP Mesa Construction Project - FD 36501  
**Date:** Friday, April 30, 2021 12:53:00 PM  
**Attachments:** [FD 36501 PFN waiver and 3PC response.pdf](#)

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Hello Mr. Berman,

OEA has approved your requests for waiver of the pre-filing notice and engagement of Jacobs as the third-party contractor for this project.

Please see our response attached. I will circulate the draft MOU when I receive Jacobs' reply with their signed disclosure.

Thanks,

Adam

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**From:** Assenza, Adam  
**Sent:** Monday, April 5, 2021 10:35 AM  
**To:** Jeremy M. Berman <[jmberman@up.com](mailto:jmberman@up.com)>  
**Cc:** Gosselin, Danielle <[Danielle.Gosselin@stb.gov](mailto:Danielle.Gosselin@stb.gov)>  
**Subject:** RE: UP Mesa Construction Project - FD 36501

Hello Mr. Berman,

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

Adam

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**From:** Jeremy M. Berman <[jmberman@up.com](mailto:jmberman@up.com)>  
**Sent:** Thursday, April 1, 2021 11:27 AM  
**To:** Assenza, Adam <[Adam.Assenza@stb.gov](mailto: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 pre-filing requirement 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](mailto:jmberman@up.com)

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**From:** [Jeremy M. Berman](#)  
**To:** [Assenza, Adam](#)  
**Cc:** [Gosselin, Danielle](#); [Navecky, David](#)  
**Subject:** RE: UP Mesa Construction Project - FD 36501  
**Date:** Tuesday, May 4, 2021 10:41:03 AM

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Thank you for the letter. We will get you the signed disclosure from Jacobs asap.

Jeremy M. Berman  
Senior General Attorney  
Union Pacific Railroad  
402-544-4735  
[jmberman@up.com](mailto:jmberman@up.com)

From: "Assenza, Adam" <[Adam.Assenza@stb.gov](mailto:Adam.Assenza@stb.gov)>  
To: "Jeremy M. Berman" <[jmberman@up.com](mailto:jmberman@up.com)>  
Cc: "Gosselin, Danielle" <[Danielle.Gosselin@stb.gov](mailto:Danielle.Gosselin@stb.gov)>, "Navecky, David" <[David.Navecky@stb.gov](mailto:David.Navecky@stb.gov)>  
Date: 04/30/2021 11:53 AM  
Subject: RE: UP Mesa Construction Project - FD 36501

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**\* PROCEED WITH CAUTION - This email was sent from outside the Company \***

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\*\*[attachment "FD 36501 PFN waiver and 3PC response.pdf" deleted by Jeremy M. Berman/UPC]

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