

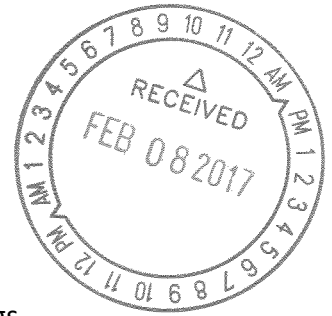
CARL J. BELLISTON
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242592

February 2, 2017

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

ENTERED
Office of Proceedings
February 8, 2017
Part of
Public Record



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

Sirs:

I am writing to respectfully request that the Board issue a decision on the 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 clarify title issues and proceed with useful development of the property.

The parties have filed, respectively, an opening statement, reply, and rebuttals, all in accordance with the timelines set out by the Board. Filings also have been made by the Military Surface Deployment and Distribution Command (SDDC).

The Union Pacific Railroad Company's Reply to NewVista's Opening Statement, dated September 12, 2016, states clearly (p. 2) that "Union Pacific now agrees that the portion of the Ironton Branch from milepost 0.71 to 1.87 is no longer needed for the interstate rail system." Similarly, the SDDC's Reply to NewVistas Rebuttal, dated September 21, 2016, states (p. 1) that SDDC "has no objection to the removal of inactive Ironton Branch trackage between mileposts 0.71 and 1.87." At least with respect to that section of track, there appears to be no dispute that a declaration is appropriate that the railroad has effectively consummated an abandonment of the Ironton Branch; that the Ironton Branch is removed from the national rail system; and that the STB has no further jurisdiction over the Ironton Branch, as requested in this proceeding.

NewVistas previously requested an STB decision and appropriate order in its letter dated September 16, 2016. Nothing in the STB Rules specifies a time period for responding to a petition for waiver or a request for declaratory order. However, it has been 133 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 the following persons by email and first class mail:

Surface Transportation Board
February 2, 2017

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.dicenso.civ@mail.mil

Respectfully,

A handwritten signature in dark ink, appearing to read "Carl J. Belliston", with a stylized flourish at the end.

Carl J. Belliston
Attorney for NewVistas Property Holdings, LLC