

Wayland, Joshua

From: Floyd, Kathryn K. <KKFloyd@Venable.com>
Sent: Friday, December 21, 2018 3:44 PM
To: VICKI RUTSON - Surface Transportation Board (rutsonv@stb.dot.gov); Wayland, Joshua; Gosselin, Danielle
Cc: Fawal, Margaret K.; mmckee@7county.utah.gov; 'Eric Johnson'; 'Brian Barton'
Subject: Seven County Infrastructure Coalition
Attachments: Request for Waiver Letter.pdf; Third Party Contractor Letter.pdf

Ms. Rutson,

Please see the attached correspondence.

Thank you,

Kathryn

Kathryn K. Floyd, Esq. | Venable LLP
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December 20, 2018

Kathryn K. Floyd

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VIA EMAIL

Vicki Rutson
Director
Office of Environmental Analysis
Surface Transportation Board
325 E Street, SW
Washington, DC 20423

Re: Seven County Infrastructure Coalition—Uinta Basin Railway (Docket Number Not Yet Assigned)

Dear Vicki:

As you are aware, the Seven County Infrastructure Coalition (the “Coalition”) plans to construct and operate a new rail line that will connect the Uinta Basin in Utah to the national rail network. This project is known as the Uinta Basin Railway (“UBR”). The Coalition intends to seek the Surface Transportation Board’s authority to construct and operate the UBR.

On December 12, 2018, the Coalition representatives met with you and other STB representatives at STB’s offices. We discussed background information on the project, as well as various environmental and planning considerations relevant to the project.

To the extent that 49 C.F.R. §1105.6(a) might be read to apply to the UBR, the Coalition hereby requests a waiver of the 49 C.F.R. §1105.10(a) requirement that an applicant consult with OEA at least 6 months prior to the filing of a petition for an exemption from 49 U.S.C. §10901 to construct and operate a rail line, if the proposed construction would require preparation of an Environmental Impact Statement. We believe that the six-month pre-notification is not needed with respect to this project for several reasons. First, as you are aware, the Coalition is continuing to prepare substantial engineering and environmental data, and plans to submit further information to OEA in the near future. Second, pursuant to the Board's procedures, the Coalition intends to utilize an independent third-party consultant, to be selected by OEA, to prepare the necessary agency environmental documentation for the project. Third, in light of the overall UBR schedule, a six-month delay would needlessly impede the progress of this important project.

Vicki Rutson
December 20, 2018
Page 2

Please let me know if you have any questions. We greatly appreciate your assistance and look forward to working with you on this project.

Sincerely,

A handwritten signature in cursive script, reading "Kathryn Kusske Floyd". The signature is written in dark ink and is positioned above the printed name.

Kathryn Kusske Floyd

cc: Danielle Gosselin
Joshua Wayland
Mike McKee
Eric Johnson

December 20, 2018

Kathryn K. Floyd

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VIA EMAIL

Vicki Rutson
Director
Office of Environmental Analysis
Surface Transportation Board
325 E Street, SW
Washington, DC 20423

Re: Seven County Infrastructure Coalition —Uinta Basin Railway (Docket Number
Not Yet Assigned)

Dear Vicki:

In accordance with 49 C.F.R. §1105.10(d), Seven County Infrastructure Coalition (the “Coalition”) requests that the Office of Environmental Analysis (“OEA”) approve the use of a third party consultant, to be selected by OEA, to work under the supervision of OEA in the preparation of the environmental documentation required under 49 C.F.R. Part 1105 in connection with the above-captioned matter.

The Coalition wishes to inform OEA that it would have no objection if OEA were to select ICF International as the third-party consultant. ICF International is among the third-party consultants pre-approved by OEA for use in the environmental studies. Please let me know if you have any questions. We greatly appreciate your assistance and look forward to working with you on this project.

Sincerely,



Kathryn Kusske Floyd

cc: Danielle Gosselin
Joshua Wayland
Mike McKee
Eric Johnson