

Connie Diaz

From: Leon Jackler
Sent: Thursday, September 24, 2020 7:45 AM
To: Thomas McGovern
Cc: Kari Hicks; Garnet Hanly; Belinda Nixon; William Holloway; Donald Johnson; Amy Brett; Connie Diaz; Eli Johnson
Subject: Union Pacific -- Section 106 Emergency Relief

The request from Union Pacific Railroad for Emergency Authorization for standard Section 106 review to proceed, dated August 13, 2020 and posted August 14, 2020, for TCNS#s 196086, 196453, 198284, 199069, 200337, 201370, 201514, 201570, 201734, and 194455, is granted via this email. Union Pacific will be contacted separately regarding any TCNS#s not addressed herein.

On June 25, 2020, the Wireless Telecommunications Bureau issued a Public Notice announcing an electronic process for FCC licensees to apply for emergency authorization to resume standard historic preservation review for qualifying critical infrastructure projects during this COVID-19 crisis. *See Section 106 Emergency Authorizations During Covid-19*, Public Notice, 35 FCC Rcd 6517 (WTB 2020). Union Pacific requested an emergency authorization [[click here to view request](#)] under this process based upon one of the criteria set forth in the Public Notice – “support of public safety initiatives (e.g. public safety network deployments) or critical infrastructure initiatives (e.g., transportation and utilities) prioritized by Federal, State, or local governments or by public safety authorities to meet communications needs during the COVID-19 crisis.”

Standard Section 106 review will proceed for these projects in accordance with the procedures established in the *Second Report and Order*, notwithstanding State or Tribal Historic Preservation Office closures. *See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Second Report and Order, 33 FCC Rcd 3102, 3151, para. 111 (2018) (*Second Report and Order*), remanded in part sub nom., *United Keetoowah Band of Cherokee Indians v. FCC*, 933 F.3d 728 (D.C. Cir. 2019). This authorization only applies to the extent that the Tribal offices cited in the request remain closed. Where a Tribal office was closed as a result of the pandemic, but now has reopened (as is the case with the Northern Arapaho, Eastern Shoshone, and Kiowa Tribe of OK offices), the standard Section 106 timeframes for review will apply for that office.

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