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May 12, 2016

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**ENTERED**  
**Office of Proceedings**  
**May 12, 2016**  
**Part of**  
**Public Record**

VIA E-FILING

Surface Transportation Board  
395 E Street, SW  
Washington DC 20423

**Response of Town of Brookhaven, New York to**  
**US Rails Application to Enter Decision and Close Proceeding**

Re: U S Rail Corporation-Brookhaven Rail Terminal, STB F.D. No. 35141

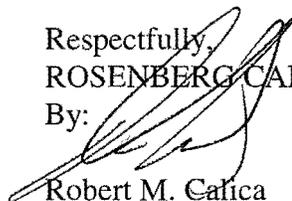
Dear Members of the Board:

We are special counsel for the Town of Brookhaven, New York ("Town"). We write in response to the April 28, 2016 application of US Rail Corporation to enter decision and close this proceeding. The application correctly states that US Rail and the Town have settled the District Court Action. However, under the terms of the settlement agreement (an excerpt of which US Rail has attached to its application, see ¶5 thereof), the Town is not required to consent to the closure of this STB proceeding (F.D. No. 35141) until after "*completion of the [Town] Administrative SEQRA/Plan Review and plan approval*" process. Such administrative review and plan approval has not yet been completed or obtained.

We appreciate the Board's consideration.

Respectfully,  
ROSENBERG CALICA & BIRNEY LLP

By:



Robert M. Calica  
Judah Serfaty

**CERTIFICATE OF SERVICE**

I, JUDAH SERFATY, hereby certify that on the 12th day of May 2016, I caused to be served the within **LETTER OF May 12, 2016** upon the attorneys/parties by E-mailing same to their email addresses:

TO: Yonaton Aronoff, Esq.  
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Dated: May 12, 2016

  
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JUDAH SERFATY