

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35141

U S RAIL CORPORATION—CONSTRUCTION AND OPERATION EXEMPTION—
BROOKHAVEN RAIL TERMINAL

Decided: November 3, 2008

By petition filed on August 7, 2008, U S Rail Corporation (U S Rail), a Class III short line rail carrier, seeks an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 to construct and operate “a new line of railroad and related rail facilities” at a new, yet-to-be-constructed 28-acre site to be known as the Brookhaven Rail Terminal in the Town of Brookhaven, Suffolk County, NY. On October 14, 2008, the Town of Brookhaven (Brookhaven) filed a motion asking the Board to issue an order compelling U S Rail to respond to discovery (in the form of document requests, interrogatories, and requests for admission) Brookhaven served on petitioner on September 18, 2008.

On October 29, 2008, U S Rail requested a 20-day extension of time to file its reply to the motion to compel currently due November 3, 2008. U S Rail states that counsel for Brookhaven has consented to this request. U S Rail’s request is reasonable and will be granted. U S Rail’s reply to the motion to compel will be due November 24, 2008.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. U S Rail’s request for an extension of time to reply to Brookhaven’s motion to compel is granted.
2. U S Rail’s reply to the motion to compel must be filed on or before November 24, 2008.

3. This decision is effective on its date of service.

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan
Acting Secretary