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SEC

SERVICE DATE – LATE RELEASE NOVEMBER 15, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35036

SUFFOLK & SOUTHERN RAIL ROAD LLC—LEASE AND OPERATION EXEMPTION—
SILLS ROAD REALTY, LLC

Decided: November 15, 2007

By decision served October 12, 2007, the Board reopened this proceeding and directed Suffolk & Southern Rail Road LLC, Sils Road Realty, LLC (Sills), U S Rail Corporation (U S Rail) or any other related entity undertaking construction of any rail facilities in Yaphank or Brookhaven, NY, or in the vicinity, to immediately cease that activity and to either obtain Board authorization pursuant to 49 U.S.C. 10901(a) or obtain a Board decision (through a declaratory order proceeding or other appropriate formal means) finding that such activity does not require Board approval. On October 18, 2007, U S Rail and Sils filed a petition to stay the October 12 decision. U S Rail and Sils also filed a petition for reconsideration of that decision on October 26, 2007. On November 5, 2007, the Town of Brookhaven (Brookhaven) filed a reply to the petition for stay. By letter filed November 14, 2007, Brookhaven requested an additional 2 weeks to submit a reply to the petition for reconsideration.

Brookhaven's request for additional time is reasonable, but a 10-day extension appears sufficient to allow Brookhaven an opportunity to respond to the petition for reconsideration. Consequently, Brookhaven's extension request will be granted in part. Brookhaven's reply to the petition for reconsideration will be due by November 26, 2007.

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

It is ordered:

1. Brookhaven's request for an extension of time is granted in part, as discussed above.
2. Brookhaven's reply is due November 26, 2007.

3. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary