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SERVICE DATE – LATE RELEASE FEBRUARY 18, 2010

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35141

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

Decided: February 18, 2010

On February 3, 2010, the Board served a decision in this proceeding directing parties U S Rail Corporation (U S Rail) and the Town of Brookhaven, NY (Brookhaven), to appear at the Board's offices at 395 E Street, S.W., Washington, DC, at 10:00 AM Eastern Standard Time on February 25, 2010, to take part in a meeting. The purpose of the meeting is to explore the possibility of resolving issues in dispute between US Rail and Brookhaven relating to a petition for exemption filed by U S Rail on August 7, 2008, to construct and operate "a new line of railroad and related facilities" in Brookhaven, NY.

This decision invites the New York State Department of Transportation (NYSDOT), another party of record in this proceeding, to participate in the meeting if it wishes to do so. By February 22, 2010, NYSDOT is directed to advise the Board in writing whether it intends to participate in this meeting.

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

It is ordered:

1. NYSDOT is invited to attend a meeting in this proceeding scheduled for 10:00 AM Eastern Standard Time on February 25, 2010, as discussed above.
2. NYSDOT is directed to respond to this order in writing by February 22, 2010.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.