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SEC

SERVICE DATE – NOVEMBER 2, 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 1, 2007

By decision served October 12, 2007, the Board reopened this proceeding and directed any entity that is undertaking construction of any rail facilities in Yaphank or Brookhaven, NY, or 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 Corporation (U S Rail) and Sills Road Realty, LLC (Sills) filed a petition to stay the October 12 decision. U S Rail and Sills also filed a petition for reconsideration of that decision on October 26, 2007. On October 30, 2007, the Town of Brookhaven (Brookhaven) filed a notice of intent to participate in this proceeding, and by letter filed October 31, 2007, Brookhaven requested that the Board allow it 5 days in which to respond to the petition for stay.

Brookhaven's request is reasonable and will be granted. Brookhaven may file its reply to the petition for stay by November 5, 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 to reply to the petition for stay by November 5, 2007, is granted.
2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary