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VIA ELECTRONIC FILING

Anne K. Quinlan, Acting Secretary
Surface Transportation Board
395 E. Street Southwest
Washington, DC 20423-0001

RE: U.S. Rail – Construction And Operation Exemption
STB Finance Docket No. 35141

Dear Ms. Quinlan:

The Town of Brookhaven hereby submits this request to extend the time for filing its reply to the U.S. Rail Corporation's supplemental petition from December 29, 2008 for an additional 30 days to January 29, 2009. This is Brookhaven's first request for the relief sought. Counsel for U.S. Rail has indicated to the undersigned that U.S. Rail consents to this request.

Thank you for your time and consideration.

Very truly yours,


Jessica P. Driscoll

CC: John D. Heffner, Esq.
James H. M. Savage, Esq.