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April 15, 2009

Ms. Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423

VIA ELECTRONIC FILING

Re: STB Finance Docket No. 35141  
U S Rail Corporation – Construction and Operation Exemption –  
Brookhaven Rail Terminal

Dear Ms. Quinlan,

Please accept Petitioner U S Rail Corporation's ("U S Rail") amended request for an additional extension of time in this matter.

U S Rail and the Town of Brookhaven, who are continuing to be actively engaged in framing an agreement in principle to resolve the Town's objections to U S Rail's petition, hereby jointly submit this request to extend time for filing their respective replies to the following pleadings:

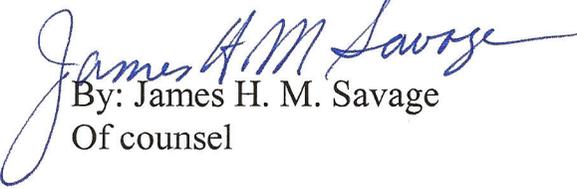
U S Rail requests an additional 30 day extension of time to reply to the Town of Brookhaven's pending motion to compel discovery from April 16, 2009 to **May 15, 2009**.

The Town of Brookhaven requests an additional 30 day extension of time to reply to U S Rail's supplemental petition from May 1, 2009 to **June 1, 2009**. U S Rail's previous letter mistakenly referenced an extension from April 1<sup>st</sup> to May 1<sup>st</sup>.

Each party consents to the other's request.

We thank the Board for its continuing indulgence while the parties progress toward resolution of this matter.

Respectfully submitted,  
John D. Heffner, PLLC

  
By: James H. M. Savage  
Of counsel

JHS/mhd

cc: Jessica Driscoll, Esq.  
Robert A. Ryback

#### CERTIFICATION OF SERVICE

I, James H. M. Savage, an attorney-at-law of the District of Columbia, certify that I have served this day by electronic mail a true copy of the within pleading upon counsel for the Town of Brookhaven and by first class mail upon the New York State Department of Transportation.

  
James H. M. Savage

Dated: April 15, 2009

SERVICE LIST

Party of Record: Town of  
Brookhaven

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Party of Record: New York  
State Department of  
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