

224341

LAW OFFICES
JOHN D. HEFFNER, PLLC
1750 K STREET, N.W.
SUITE 200
WASHINGTON, D.C. 20006
PH. (202) 296-3333
FAX (202) 296-3039

January 9, 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,

Petitioner U S Rail Corporation (“U S Rail”) and the Town of Brookhaven being 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:

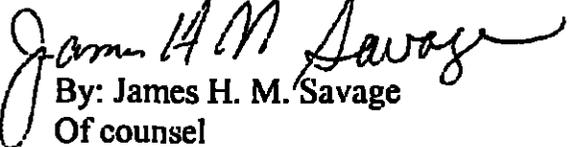
U S Rail requests that it’s time to reply to the Town of Brookhaven’s pending motion to compel discovery be extended from January 15, 2009 for an additional 30 days to February 15, 2009.

The Town of Brookhaven requests that it’s time to reply to U S Rail’s supplemental petition be extended from January 29, 2009 for an additional 30 days to February 28, 2009.

Each party consents to the other’s request.

We thank the Board for its time and consideration.

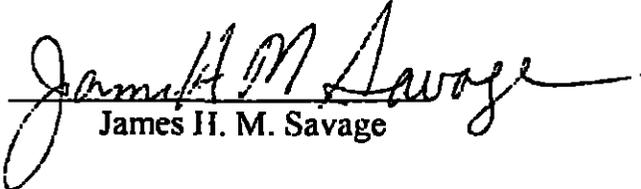
Respectfully submitted,
John D. Heffner, PLLC


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 the Town of Brookhaven and by first class mail upon the New York State Department of Transportation.


James H. M. Savage

Dated: January 9, 2009