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Office of Proceedings

DEC 1 - 2009

Part of
Public Record

November 30, 2009

Cynthia T. Brown
Chief, Section of Proceedings
Office of Proceedings
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. Brown,

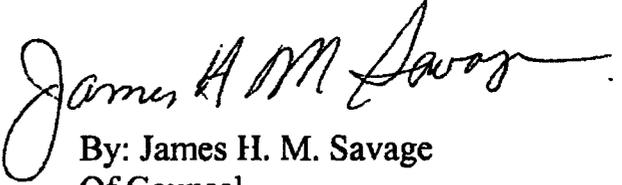
Please accept this joint status report from Petitioner U S Rail Corporation (“U S Rail”) and Respondent Town of Brookhaven (“Town”) in the above captioned proceeding. We are furnishing this status report pursuant to the Board’s June 12, 2009 Decision.

The parties are actively engaging in settlement negotiations and are actively working toward a stipulation discontinuing the pending Federal District Court proceeding and resolving all outstanding issues between them regarding this STB proceeding.

Mark A. Cuthbertson, attorney for the Town of Brookhaven, has reviewed this letter and agrees with its content.

We shall continue to keep the Board advised.

Respectfully submitted,
John D. Heffner, PLLC



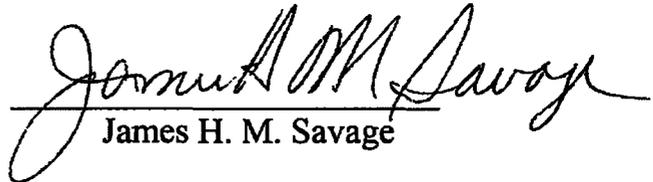
By: James H. M. Savage
Of Counsel

Attorneys for Petitioner
U S Rail Corp.

cc: Mark A. Cuthbertson, 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: November 30, 2009

SERVICE LIST

Party of Record: Town of Brookhaven	Mark A. Cuthbertson Law Offices of Mark A. Cuthbertson 434 New York Avenue Huntington, NY 11743
Party of Record: New York State Department of Transportation	Robert A. Rybak 50 Wolf Road Albany, NY 12232