



Town of Brookhaven
Long Island

26757

Mark Lesko, Supervisor

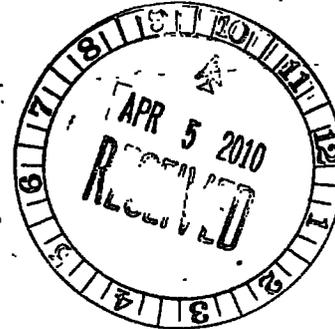
March 30, 2010

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

ENTERED
Office of Proceedings

APR 05 2010

Part of
Public Record



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

Dear Ms. Brown,

Pursuant to the settlement agreement concluded between the parties and approved by the Town Board at a public meeting on March 23, 2010, the Town of Brookhaven ("Brookhaven") hereby withdraws its opposition to the Brookhaven Rail Terminal project ("the Project").¹

Brookhaven joins with Petitioner in respectfully requesting the Board to restore this matter to its active docket, and, in view of the substantial passage of time since the filing of this matter, to afford the proceeding expedited consideration.

Brookhaven believes that the changes to the Project plans incorporated by the Petitioner at the Town's request, as well as the other matters covered by the settlement agreement, adequately address the concerns raised by the Town at an earlier stage of this proceeding.

The Petitioner has made the representations set forth in the following paragraph and if these representations are true the Project will have beneficial impacts.

The Project will have a strong positive economic impact upon the Town. Local jobs will be created on-site. Potentially significant economic synergy exists as a result of the Project's location, ideally situated adjacent to and between the major East-West highway and rail thoroughfares transecting Long Island. Significant reduction in long haul truck traffic of aggregate commodities such as stone will result from the introduction of a suitable capacity

¹ The following pending motions by Brookhaven are hereby being withdrawn: Motion to Compel Discovery, filed October 13, 2008; and, Motion to Strike, filed January 19, 2010.

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C. Brown

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truck-train transload terminal in Eastern Long Island, more than 60 miles east of the heavily congested highway bridges connecting Long Island to New York, New Jersey and New England. Other local businesses may benefit from the availability of nearby rail freight transportation facilities. Local truck traffic not destined for Brookhaven will have immediate access to the Long Island Expressway and will consequently not have to make extensive use of local roads. The Project site is located in an industrial zone not near to any sensitive receptors such as schools, hospitals, or senior living facilities.

We thank the Board for affording the parties the opportunity to resolve their differences, and in particular thank the mediator, Thomas Stilling, for his assistance in facilitating the amicable resolution of this matter.

Sincerely,


Mark Lesko
Supervisor

cc: Sills Road Realty
Robert F. Quinlan, Town Attorney