

SILLS ROAD MATERIALS LLC

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227531

July 29, 2010

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

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Office of Proceedings
JUL 28 2010
Part of
Public Record

VIA ELECTRONIC FILING

RE: STB Finance Docket No 35348
CSX Transportation, Inc. and Delaware & Hudson Railway Company, Inc. -
Joint Use Agreement

Dear Ms. Brown

Sills Road Materials I.J.C ("SRM") is writing to correct an inaccuracy in Applicants' Response to Comments and Requests for Conditions and Rebuttal in Support of Application, dated July 23, 2010 ("Response"), filed on behalf of CSX Transportation, Inc. and Delaware & Hudson Railway Company, Inc.

Applicants assert that SRM "is neither a shipper nor a receiver of any rail traffic handled by Applicants" (see, Response at p. 36). SRM and related entities have received stone shipments by rail at various sites on Long Island for several years. Rail transportation of stone is integral to SRM's current and future business and its interest in this proceeding is far from speculative. The Board is well aware of the pending proceedings before the STB with respect to the Brookhaven Rail Terminal and whether or not the outcome of those proceedings is uncertain or not.

As stated in our earlier comments, SRM welcomes the Applicants' commitment that service and rates along the Albany-Fresh Ponds Segment will improve under the Joint Use Agreement. However, after reviewing the NY&A comments submitted in this proceeding, we became concerned that the stated benefits might not be realized. Our delay in filing our earlier comments

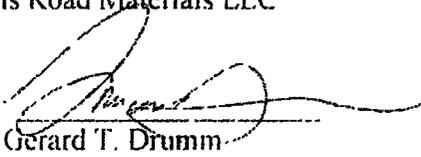
was necessitated by the review of NY&A's submission and we apologize to the Board for that unavoidable delay. Our only interest in this proceeding is to ensure that Applicants' promised improvements in service and rates to the Long Island market are realized. If the Board is satisfied that no conditions to its approval, other than those offered by the Applicants, are necessary for the realization of those benefits, SRM is happy to support the approval of the Joint Use Agreement.

A copy of this letter has been served on the date hereof upon all parties of record in this proceeding by first class mail, postage prepaid.

Very truly yours,

Sills Road Materials LLC

By:


Gerard T. Drumm