



ATTORNEYS AT LAW
THE FOUNDRY BUILDING 1055 THOMAS JEFFERSON STREET, NW WASHINGTON, DC 20007
TELEPHONE: 202.342.5200 FACSIMILE: 202.342.5219

RICHARD BAR
BRENDAN COLLINS
EDWARD D. GREENBERG
MATTHEW T. JOURNY
KATHARINE FOSTER MEYER
DAVID K. MONROE
TROY A. ROLF
KEITH G. SWIRSKY
THOMAS W. WILCOX
CHRISTOPHER B. YOUNGER

OLIVER KRISCHIK
KRISTINE O. LITTLE
RYAN D. SWIRSKY

OF COUNSEL:
STEVEN JOHN FELLMAN

MINNESOTA OFFICE:
114 FIRST STREET SOUTH
BUFFALO, MN 55313
TELEPHONE: 763-682-6620
FACSIMILE: 763-682-6261

WRITER'S DIRECT E-MAIL ADDRESS
TWILCOX@GKGLAW.COM

WRITER'S DIRECT DIAL NUMBER
(202) 342-5248

301266

November 6, 2020

ENTERED
Office of Proceedings
November 6, 2020
Part of
Public Record

By E-Filing

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

Re: Docket No. FD 36399, *Brookhaven Rail LLC – Petition for
Exemption from Requirements of 49 U.S.C. §10909*

Docket No. FD 36398, *Brookhaven Rail LLC – Construction and
Operation Exemption – Suffolk County, New York*

Dear Ms. Brown:

This letter is filed on behalf of Brookhaven Rail LLC ("BHR") and the Town of Brookhaven, New York ("Town") in response to the Surface Transportation Board's request in its October 23, 2020 decision in Docket No. FD 36399 that these parties notify the Board by November 6, 2020 whether they wished to seek Board-sponsored mediation in Docket No. FD 36398. BHR and the Town hereby jointly inform the Board that they do seek Board-sponsored mediation in Docket No. FD 36398, and they hereby ask the Board to provide their undersigned counsel with additional guidance and direction on the process for and the scheduling of the mediation session.

GKG Law, P.C.

Ms. Cynthia T. Brown
November 6, 2020
Page 2

Sincerely,



Thomas W. Wilcox
Attorney for Brookhaven Rail LLC



Robert Calica
Counsel for The Town of Brookhaven, NY

Cc: All parties on the official service lists for these proceedings



INTERLAW®

An International Association of Independent Law Firms in Major World Centers

CERTIFICATE OF SERVICE

I hereby certify that, on this 6th day of November 2020, a copy of the foregoing Letter was served by email on all parties on the official Service Lists for Dockets No. FD 36398 and 36399.



Thomas W. Wilcox