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April 7, 2021

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 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 (“Brookhaven Rail”) and the Town of Brookhaven, New York (“Town”). After attending and participating in a Board-sponsored mediation session on March 15, 2021, the two parties have been discussing and memorializing the various topics on which they reached agreement concerning the proposed rail construction project in this docket. However, the parties do not foresee these discussions and related documentation being finalized before the current expiration date of the mediation period on April 14, 2021.

As such, Brookhaven Rail and the Town believe it would be beneficial to extend the mediation period two weeks, to April 28, 2021, and hereby formally request this extension

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of the mediation period pursuant to 49 C.F.R. §1109.3(b). The undersigned counsel is authorized to by counsel for the Town to represent that the Town concurs with this request.

Sincerely,



Thomas W. Wilcox
Attorney for Brookhaven Rail LLC

Cc: All parties on the official service list
Mr. David Moora, Federal Mediation and Conciliation Service
Rachel Campbell, Esq, Surface Transportation Board