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April 27, 2021

By E-Filing

EXPEDITED CONSIDERATION REQUESTED

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”), seeking an additional thirty (30) day extension of the mediation period in this proceeding. The parties continue to actively discuss the details of the various topics on which they reached agreement concerning the proposed rail construction project in this docket, and they continue to work on written documentation of their mutual understandings. However, the parties have not been able to finalize their discussion and the related documentation before the current expiration date of the mediation period on April 28, 2021.

As such, Brookhaven Rail and the Town believe it would be beneficial to extend the mediation period an additional thirty days, to May 28, 2021, and hereby formally request this extension 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

Letter to Cynthia T. Brown

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