



Surface Transportation Board
Washington, D.C. 20423-0001

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June 21, 2021

Chairman Martin J. Oberman
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

**Re: Docket No. FD 36398, Brookhaven Rail LLC—Construction & Operation
Exemption—In Suffolk County, N.Y.**

Dear Chairman Oberman:

By letter dated January 7, 2021, the Federal Mediation and Conciliation Service (FMCS) was appointed to serve as lead mediator in the above-referenced matter. We were appointed to assist in the mediation. On behalf of both the FMCS and STB mediators, we write to inform you that the mediation team met with the parties and conducted mediation on March 15, 2021. The parties continued their discussions, and, by order of the Board, the mediation period was extended to June 18, 2021.

To date, the parties have not yet finalized an agreement. Accordingly, as required by the Board's January 6, 2021 decision in this docket, we are hereby providing notice that the mediation has ended.

Sincerely,

**RACHEL
CAMPBELL** Digitally signed by
RACHEL CAMPBELL
Date: 2021.06.21
15:53:08 -04'00'

Rachel D. Campbell
Managing Director

**ADAM
KRESS** Digitally signed by ADAM
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Date: 2021.06.21
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Adam M. Kress
Attorney Advisor

cc: All Parties of Record
David Moora, FMCS
Martin Callaghan, FMCS
Edward Boutin, FMCS
Robert Primus, Vice Chairman, STB
Ann Begeman, Board Member, STB
Patrick Fuchs, Board Member, STB
Michelle Schultz, Board Member, STB