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OEA

SERVICE DATE - OCTOBER 20, 2021

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

NOTICE

Docket Nos. FD 36398 and FD 36399

**Brookhaven Rail LLC – Construction and Operation Exemption –
in Suffolk County, N.Y.
and
Brookhaven Rail LLC –
Petition for Exemption from Requirements of 49 U.S.C. § 10909**

Suspension of Environmental Review

On September 17, 2021, the Acting Director of the Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) issued a letter concluding that there was no basis for the Citizens Campaign for the Environment's (CCE) allegation of a potential conflict of interest resulting from OEA's approval of Henningson, Durham & Richardson Architecture and Engineering P.C. as the third-party contractor for the environmental review in the above-referenced proceedings. On October 6, 2021, CCE filed an appeal with the Board of the Acting Director's determination. Accordingly, OEA is suspending the environmental review in these proceedings until the Board issues its decision resolving CCE's administrative appeal and OEA reinstitutes the environmental review process.

By the Board, Danielle Gosselin, Acting Director, Office of Environmental Analysis.