



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

November 5, 2021

Thomas W. Wilcox
Law Office of Thomas W. Wilcox, LLC
1629 K Street, NW, Suite 300
Washington, DC 20006

**Re: Docket Nos. FD 36398, Brookhaven Rail LLC – Construction and Operation
Exemption – In Suffolk County, New York; and FD 36399 (Sub-No. 1),
Brookhaven Rail LLC – Land Use Exemption Permit Application under 49
U.S.C. § 10909**

Dear Mr. Wilcox:

Your November 3, 2021 letter requests that the Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) find that your pending request for waiver of the six-month prefiling notice for projects typically requiring the preparation of an Environmental Impact Statement is no longer necessary. Your letter also indicates that you intend to file an application for a land-use exemption permit soon. Because objections to your waiver request are already before the Board in the formal docket, this issue will be addressed by the Board, not OEA. You can, of course, argue that your waiver request is now moot in your forthcoming application.

If you have any questions, please contact Diana Wood of my staff at 202-245-0302 or by email at diana.wood@stb.gov.

Sincerely,

Danielle Gosselin
Acting Director
Office of Environmental Analysis