

United States Senate
WASHINGTON, DC 20510-3203

FD 36398
FD 36399

November 12, 2021

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Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, SW
Washington, DC 20423

ENTERED
Office of Proceedings
November 15, 2021
Part of
Public Record

Re: Docket Nos. FD 36398 and FD 36399, Brookhaven Rail LLC – Application for Land Use Exemption Permit – In Suffolk County, New York

Dear Ms. Brown:

We write in regards to the proposed development of a large waste transfer station in the town of Brookhaven, in Suffolk County, New York. It has come to our attention that Brookhaven Rail LLC is submitting to the Surface Transportation Board (STB) a petition to waive a pre-filing notification requirement related to its application for a Land Use Exemption Permit. If developed as proposed, the waste transfer station would be one of the largest facilities of its kind in the region. It is our belief that a project of this magnitude should not be exempt from local land-use, zoning, and permitting processes, and, as it moves through the STB process, should be subject to a full, thorough, and transparent review.

There is significant community concern related to this proposed waste transfer station, as well as concern that the STB process is being unduly used to fast-track the project's development while circumventing local permitting and zoning. I join with the NYS NAACP, Brookhaven NAACP, the Affiliated Civic Organizations of Brookhaven, and the Citizens Campaign for the Environment, in their efforts to ensure that this proposal receives the proper reviews, community engagement and public participation.

As you know, the Clean Railroads Act is intended to ensure that waste processing facilities cannot, and do not, evade application of state and local regulations by invoking federal preemption under the Interstate Commerce Commission Termination Act of 1995 (ICCTA). Therefore, it is our belief and request that the STB carefully and thoroughly examine and consider relevant applications made by Brookhaven Rail LLC in relation to this project.

Thank you for your time and attention to this matter. Should you have any questions, please do not hesitate to contact us or our staff.

Sincerely,



Charles E. Schumer
United States Senator



Kirsten Gillibrand
United States Senator