



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

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November 23, 2021

The Honorable Charles Schumer
322 Hart Senate Office Bldg.
Washington, DC 20510

The Honorable Kirsten Gillibrand
478 Russell Senate Office Bldg.
Washington, DC 20510

Dear Senator Schumer and Senator Gillibrand,

Thank you for your recent letter regarding Brookhaven Rail LLC – Construction and Operation Exemption – Suffolk County, New York, Docket No. FD 36398 and Brookhaven Rail LLC – Petition for Exemption from Requirements of 49 U.S.C. § 10909, Docket No. FD 36399. I appreciate hearing your views regarding the community impact of the proposed project.

As you may know, on September 17, 2021, the Board's Office of Environmental Analysis (OEA) issued a letter concluding that the third-party contractor for the environmental review in these proceedings did not have a conflict of interest. On October 6, 2021, the Citizens Campaign for the Environment (CCE) filed an appeal with the Board of OEA's determination. On October 20, 2021, OEA suspended the environmental review in these matters until the Board issues a decision resolving CCE's administrative appeal.

Because these cases are pending, I cannot comment further. However, please be assured that the Board will give full and fair consideration to all filings and submissions in these proceedings.

A copy of your letter and this response has been placed in the public docket. If you or your staff have any further questions about this case, please contact Ms. Janie Sheng, Acting Director of the Board's Office of Public Assistance, Governmental Affairs, and Compliance, at 202-245-0238.

Sincerely,

Martin J. Oberman
Chairman