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June 21, 2023

VIA E-FILING

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

Re: STB Docket No. FD 36575 (Sub-No. 1), Townline Rail Terminal, LLC
– Construction and Operation Exemption of a Line of Railroad –
In Suffolk County, NY

Town of Smithtown Petition for Declaratory Order

Dear Ms. Brown:

On June 16, 2023, the Town of Smithtown filed a petition for declaratory order and proposed a procedural schedule seeking a Board determination of what, if any, effect a railroad's common carrier obligation has on the continuing state and local authority to regulate a non-carrier transloading facility.

Townline Rail Terminal, LLC ("Townline Rail") submits this letter to inform the Board that it does not oppose the Town of Smithtown petition or the proposed procedural schedule. Further, Townline Rail will participate if the Board were to initiate a proceeding in accordance with the procedural schedule set by the Board.

If you have any questions related to this filing, please let me know.

Respectfully,



Justin J. Marks
Counsel to Townline Rail Terminal, LLC

cc: Parties of Record in FD 36575
and FD 36575 (Sub-No. 1)