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September 27, 2024

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Office of Proceedings
September 27, 2024
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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

Re: Docket No. FD 36398, *Brookhaven Rail LLC – Construction and Operation Exemption – Suffolk County, New York*

Docket No. FD 36399, *Brookhaven Rail LLC – Petition for Exemption from Requirements of 49 U.S.C. 10909*

Dear Ms. Brown:

Brookhaven Rail LLC (“BHR”), through its undersigned counsel, hereby moves to withdraw with prejudice its Petition for Exemption filed in STB Docket No. FD 36398 on June 25, 2020. The Board instituted a proceeding to consider the Petition on September 23, 2020. Withdrawal with prejudice is requested because BHR no longer intends to pursue the proposed rail construction project described in the Petition.

Similarly, BHR no longer intends to seek the issuance of a land-use-exemption permit under 49 U.S.C. §10909. While no such application is pending before the Board, the Board has held Docket No. FD 36399 open in anticipation of such a filing. Accordingly, BHR requests that the Board close the docket and terminate that proceeding with prejudice, as well.

Finally, the Office of Environmental Analysis suspended its review of the environmental impacts of the two proposed projects on October 20, 2021. BHR requests that the withdrawal of its Petition and the termination of these two dockets be accompanied by the termination of any pending environmental review, as well.

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Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Thomas W. Wilcox". The signature is written in a cursive, flowing style.

Thomas W. Wilcox
Attorney for Brookhaven Rail LLC

Cc: Parties of Record

CERTIFICATE OF SERVICE

I hereby certify that, on this 27th day of September, 2024 a copy of the foregoing Letter was served by email on all parties on the official Service Lists for Dockets No. FD 36398 and Docket No. FD 36399.

/ss/ Thomas W. Wilcox