



SLOVER & LOFTUS LLP

ATTORNEYS AT LAW

PETER A. PFOHL

308763

September 27, 2024

Via E-Filing

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street S.W., Room 1034
Washington, D.C. 20423

ENTERED
Office of Proceedings
September 27, 2024
Part of
Public Record

Re: FD 35141, *U S Rail Corporation—Construction & Operation Exemption—Brookhaven Rail Terminal*
FD 35819, *Brookhaven Rail Terminal & Brookhaven Rail, LLC—Petition for Declaratory Order*
FD 36376, *Spectrum RR Holdings, LLC—Operation Exemption—Railroad Line in the Town of Brookhaven, N.Y.*
FD 36384, *Sills Road Realty LLC—Acquisition Exemption—Railroad Line in the Town of Brookhaven, N.Y.*
FD 36385, *Spectrum RR Holdings, LLC—Acquisition & Operation Exemption—Line of Sills Road Realty LLC, in the Town of Brookhaven, N.Y.*
FD 36398, *Brookhaven Rail LLC—Construction & Operation Exemption—in Suffolk County, N.Y.*
FD 36399, *Brookhaven Rail LLC—Petition for Exemption from Requirements of 49 U.S.C. § 10909*

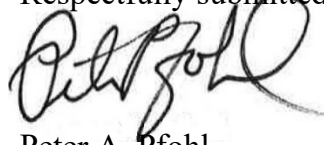
Dear Ms. Brown:

In connection with settlements intended to resolve disputes and presently pending litigation relating to the parcels of land that are the subject of the above-referenced proceedings (the “Proceedings”), Citizens Campaign for the Environment (“CCE”) moves to withdraw with prejudice its filings in the Proceedings, including its Petition dated November 24, 2021, and its Petition for Reconsideration dated January 26, 2023. CCE’s motion is contingent upon: (a) Brookhaven Rail LLC’s filing a motion to withdraw with prejudice its petition for exemption in Docket No. FD 36398 and to terminate with prejudice Docket No. FD 36399, and the Surface Transportation Board’s granting the motion as filed; (b) no solid waste rail transfer facility, whether or not fitting with the definition at 49 U.S.C. § 10908 (“SWRTF”), being constructed on Parcels A, B, C, and/or D, as such parcels are described in

Cynthia T. Brown
September 27, 2024
Page 2

the Proceedings (the “Parcels”); and (c) BLC, its heirs, and assigns not themselves shipping or receiving on the Parcels, or allowing any tenant or licensee on the Parcels to ship or receive, any solid waste by rail.

Respectfully submitted,

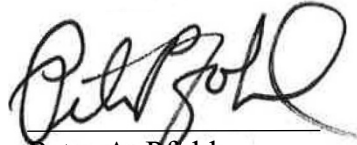
A handwritten signature in black ink, appearing to read "P. Pfohl", written over a faint circular stamp.

Peter A. Pfohl
Robert D. Rosenberg
*Counsel for Citizens Campaign
for the Environment*

cc: Parties of Record

CERTIFICATE OF SERVICE

I hereby certify that I have this 27th day of September, 2024, caused a copy of the foregoing filing to be served by U.S. Mail, postage prepaid or by more expedited means upon all parties of record in the above-captioned dockets.



Peter A. Ffohl