



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

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Meeting under Section 5, STB Reauthorization Act

September 3, 2020

ENTERED
Office of Chief Counsel
September 22, 2025
Part of
Public Record

Present: Members Begeman, Fuchs, and Oberman
Staff Stephanie Borges, Matthew Bornstein, Rachel Campbell, Allison Davis,
Ellen Erichsen, Sarah Fancher, Amanda Gorski, Danielle Gosselin, Theodore
Hunt, Craig Keats, Evelyn Kitay, Barbara Miller, Lisa Novins, Valerie Quinn,
Vicki Rutson, Danielle Gosselin, Janie Sheng, Scott Zimmerman

Topic: Docket No. FD 36398, Brookhaven Rail LLC—Construction and
Operation Exemption—in Suffolk County, N.Y.

Summary of the Matters Discussed, Prepared by General Counsel Craig Keats:

At this meeting, staff briefed Board Members on a petition for exemption filed by Brookhaven Rail LLC (“BHR”) to obtain construction and operation authority for a section of new rail line. The primary purpose of this rail line would be to provide common carrier service to a proposed solid waste transfer facility that is the subject of a petition for exemption under 49 U.S.C. § 10909 in a separate docket (FD 36399). Sills Road Realty, LLC, which controls adjacent property, has filed comments in opposition. The Town of Brookhaven and an environmental group have also participated in the matter.

Staff and Board Members discussed the following issues:

1. The nature and history of the project, including the private litigation in federal and state court involving the property in the area of the proposed rail line.
2. The related petition for an exemption under § 10909 (FD 36399).
3. The provisions of § 10502.
4. Options for addressing the petitions.