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ENTERED
Office of Proceedings
November 15, 2017
Part of
Public Record

October 27, 2017

VIA E-FILING

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

Re: **Finance Docket Nos. 35819 & 35141**: Withdrawal of
Oppositions to BRT in Finance Docket Nos. 35819 & 35141

Dear Ms. Brown:

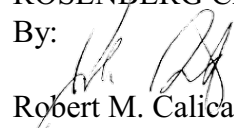
We are special counsel for the Town of Brookhaven, New York ("Town"). On April 28, 2016 US Rail Corporation made application to this Board that it enter decision and close STB proceeding F.D. No. 35141. By letter dated May 12, 2016, the Town confirmed that US Rail and the Town have settled the District Court Action and reported that under the terms of the settlement agreement certain "*Administrative SEQRA/Plan Review and plan approval*" were being conducted at the Town level. Such administrative review and plan approval has now been concluded in the form of a September 14, 2017 Town Board Resolution under the State Environmental Quality Review Act (SEQRA) and an October 26, 2017 further Town Board Resolution adopting a specified recommended plan and minimal materials removal plan. Accordingly, the Town hereby consents to the application to enter decision and close that proceeding by reason of and subject to the Stipulation of Settlement.

Further, in accordance with the Stipulation of Settlement, the Town withdraws its "Objections of Town of Brookhaven, New York" filed on October 27, 2015, in opposition to BRT's "Notification of Compliance with Board's Remaining Environmental Condition and Motion to Close the Proceeding" filed on October 9, 2015 in Finance Docket No. 35141.

We appreciate the Board's consideration.

Respectfully,
ROSENBERG CALICA & BIRNEY LLP

By:


Robert M. Calica
Judah Serfaty

CERTIFICATE OF SERVICE

I, JUDAH SERFATY, hereby certify that, I caused to be served the within **LETTER OF OCTOBER 27, 2017** upon the attorneys/parties by:

E-mailing same to their email addresses on the 27th day of October, 2017 to:

Vanessa L. Miller, Esq.
Foley & Lardner LLP
*Attorneys for U S Rail Corporation & Brookhaven Rail Terminal (in F.D. No. 35141)
and for Brookhaven Rail Terminal and Brookhaven Rail, LLC (in F.D. No. 35819)*
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E-mailing same to their email addresses on the 15th day of November, 2017 to:

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Dated: November 15, 2017



JUDAH SERFATY