



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

May 1, 2008

Mr. John Heffner
1750 K Street, NW
Suite 350
Washington, DC 20006

**Re: STB Finance Docket No. 35141, U.S. Rail Corporation – in Suffolk County,
Long Island, NY**

Dear Mr. Heffner:

This letter is in response to your letter dated April 29, 2008, in which you respond to a submittal made by the Town of Brookhaven, dated April 21, 2008,¹ in the above referenced docket.

Your letter references a March 17, 2008 meeting between representatives of the Board's Section of Environmental Analysis (SEA), U.S. Rail Corporation, Sills Road Realty LLC, Gannett Fleming, Inc., and yourself during which SEA was presented with an overview of the proposed project. On page 3 of your letter, you state: "At that meeting, environmental reporting requirements were discussed and a consensus reached that the project appeared to warrant an EA, rather than an EIS."

SEA would like to correct the record. At the March 17, 2008 meeting, SEA discussed its environmental review process and provided a hand-out describing in detail its environmental review process to those present. SEA clearly indicated, as is outlined in the hand-out, that no determination with regard to the preparation of either an EA or EIS would be made until after the completion of several steps culminating with a site visit. SEA notes that it has not yet conducted a site visit and has therefore not made a determination regarding the appropriateness of either an EA or an EIS.

If you have any questions or require additional information regarding this proceeding, please do not hesitate to call me at (202) 245-0295.

Sincerely,

Kent H. Blodgett

for Victoria Rutson
Chief
Section of Environmental Analysis

¹ In this letter, the Town of Brookhaven submits reasons why it believes that SEA should deny U.S. Rail Corporation's March 26, 2008, request for a waiver from the Board's six-month pre-filing requirements.