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October 31, 2008

VIA EMAIL

James H. M. Savage
John D. Heffner PLLC
1750 K. Street, NW, Suite 200
Washington, DC 20006

RE: US Rail – Construction and Operation Exemption – Brookhaven Rail Terminal
STB Finance Docket No.: 35141

Dear Mr. Savage:

As you may know, the Surface Transportation Board's Section of Environmental Analysis ("SEA") recently sought input from various agencies regarding the environmental and other impacts of the proposed terminal to aid in its preparation of a scoping statement. Final comments and concerns must be submitted to the SEA on or before November 18, 2008.

Please provide a detailed site plan for the Town's use in preparing its comments. If such plan has already been provided to the Board, please indicate the docket number, date of filing and document number of the site plan.

Finally, through its representation of the Town in the companion litigation before the U.S. District Court for the Eastern District of New York, my office is in possession of the attached site plan (Exhibit A), which was submitted by "Sills Road Realty" in that litigation. Please advise whether this site plan still applies to the facility as proposed by U.S. Rail and, if so, whether it has been updated or superseded.

Thank you for your prompt attention to this matter.

Very truly yours,



Jessica P. Driscoll

Cc: Mr. Troy Brady, Section of Environmental Analysis (w/o encl.)
John D. Heffner, Esq.