

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Finance Docket No. 35036

**SUFFOLK AND SOUTHERN RAILROAD LLC
LEASE AND OPERATION EXEMPTION
SILLS ROAD REALTY, LLC**

NOTICE OF INTENT TO PARTICIPATE & CERTIFICATION OF SERVICE

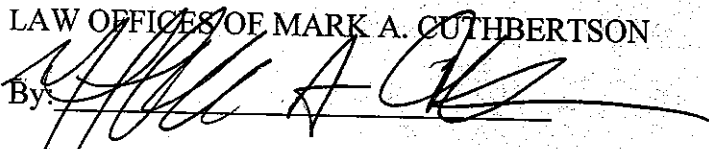
TO: The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street NW, Suite 715
Washington, DC 20423-0001

PLEASE TAKE NOTICE that the Town of Brookhaven, New York ("Brookhaven"), hereby enters its Notice of Intent to Participate and to provide comment in the above-entitled action, which Suffolk and Southern Rail Road LLC commenced by filing a verified notice of exemption on May 18, 2007. Brookhaven requests that notice of all further proceedings in said action be served upon the Law Offices of Mark A. Cuthbertson at the address below stated.

PLEASE TAKE FURTHER NOTICE that Brookhaven seeks to file its opposition to Petition for Stay of Decision served October 12, 2007 and Petition for Reconsideration filed October 26, 2007 by Sils Road Realty LLC and U.S. Rail Corporation within the applicable time periods established by the Surface Transportation Board.

DATED this 30th day of October, 2007.

LAW OFFICES OF MARK A. CUTHBERTSON

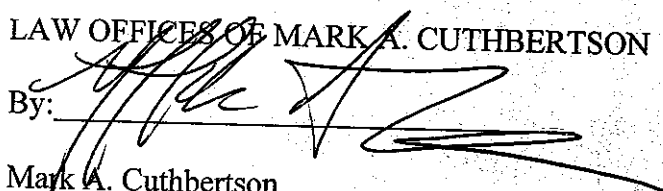
By: 

Mark A. Cuthbertson
Of Counsel to Robert Quinlan, Esq.
Town Attorney
Town of Brookhaven
Attorney for Respondents
434 New York Avenue
Huntington, New York 11743
631-351-3501

CERTIFICATION OF SERVICE

I, Mark A. Cuthbertson, certify that a copy of this document, as submitted to the Board via electronic filing, was sent via first class mail to John D. Heffner, (counsel for U.S. Rail Corporation and Sills Road Realty, LLC).

LAW OFFICES OF MARK A. CUTHBERTSON

By: 

Mark A. Cuthbertson
Of Counsel to Robert Quinlan, Esq.
Town Attorney
Town of Brookhaven
Attorney for Respondents
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