

LAW OFFICES
JOHN D. HEFFNER, PLLC
1750 K STREET, N.W.
SUITE 200
WASHINGTON, D.C. 20006
PH: (202) 296-3333
FAX: (202) 296-3939

225700

May 12, 2009

Ms. Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

VIA ELECTRONIC FILING

Re: STB Finance Docket No. 35141
U S Rail Corporation – Construction and Operation Exemption –
Brookhaven Rail Terminal

Dear Ms. Quinlan,

Please accept Petitioner U S Rail Corporation's ("U S Rail") request for an additional extension of time in this matter.

U S Rail and the Town of Brookhaven, who are continuing to be actively engaged in framing an agreement in principle to resolve the Town's objections to U S Rail's petition, hereby jointly submit this request to extend time for filing their respective replies to the following pleadings:

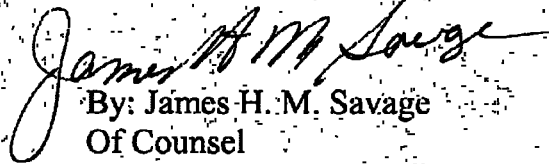
U S Rail requests an additional 30 day extension of time to reply to the Town of Brookhaven's pending motion to compel discovery from May 15, 2009 to **June 15, 2009**.

The Town of Brookhaven requests an additional 30 day extension of time to reply to U S Rail's supplemental petition from June 1, 2009 to **July 1, 2009**.

Each party consents to the other's request.

We thank the Board for its continuing indulgence while the parties progress toward resolution of this matter.

Respectfully submitted,
John D. Heffner, PLLC

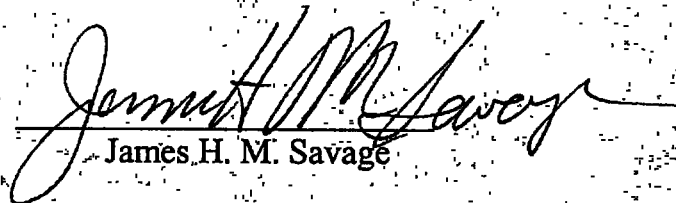

By: James H. M. Savage
Of Counsel

JHS/mhd

cc: Jessica Driscoll, Esq.
Robert A. Ryback

CERTIFICATION OF SERVICE

I, James H. M. Savage, an attorney-at-law of the District of Columbia, certify that I have served this day by electronic mail a true copy of the within pleading upon counsel for the Town of Brookhaven and by first class mail upon the New York State Department of Transportation.


James H. M. Savage

Dated: May 12, 2009

SERVICE LIST

Party of Record: Town of
Brookhaven

Mark A. Cuthbertson & Jessica P. Driscoll
Law Offices of Mark A. Cuthbertson
434 New York Avenue
Huntington, NY 11743

Party of Record: New York
State Department of
Transportation

Robert A. Rybak
50 Wolf Road
Albany, NY 12232