



EO-957

SURFACE TRANSPORTATION BOARD

Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

June 4, 2008

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

**Re: Finance Docket No. 35141, U.S. Rail Corporation Construction and
Operation of the Brookhaven Rail Terminal – Suffolk County, New York;
Approval of Third-Party Consultant**

Dear Mr. Heffner:

Thank you for your March 24, 2008 letter regarding the proposed construction and operation by U.S. Rail Corporation (applicant) of an approximately 11,000 feet (roughly 2 miles) of new rail line to serve proposed facility in Yaphank, NY, the Brookhaven Rail Terminal. In your letter, you request approval under 49 CFR 1105.10(d) for the retention of Gannett Fleming, Inc., (Gannett) as an independent third-party consultant for the above referenced project. Your request is approved and we ask that you follow the directions below to ensure that the third-party process is successful for all concerned.

On March 17, 2008, the Surface Transportation Board's Section of Environmental Analysis (SEA) met with the applicant regarding the proposed project. At the meeting, SEA was provided with an overview of the project and viewed maps of the area surround the proposal. SEA also presented an overview of the Board's environmental process, SEA's role in the process, and the use of third-party consultants.

As explained at the March 17 meeting, Gannett will prepare the appropriate environmental document on behalf of the Board. While Gannett's costs will be paid by the applicant U.S. Rail, Gannett will work under the **sole** direction, control, and supervision of SEA.

I have enclosed a disclosure statement and ask that you forward it to Gannett to complete. Once the statement is signed by Gannett, Gannett should return the signed disclosure statement to me at the following address:

Victoria Rutson
Section of Environmental Analysis
395 E. Street SW
Washington, DC 20423

I will ensure that the signed disclosure statement is posted on the Board's website. If you have questions or concerns, please do not hesitate to contact me or Troy Brady of my staff at (610) 793-4301 or Troy.Brady@stb.dot.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with the first name "Victoria" and last name "Rutson" clearly distinguishable.

Victoria Rutson
Chief, Section of Environmental Analysis

Enclosure

SURFACE TRANSPORTATION BOARD

DISCLOSURE STATEMENT

I, _____, certify
(name of contractor)

that I have no financial or other interest in the
outcome of the prospective application/petition of the

_____ to construct a rail
(name of applicant/petitioner)

line near _____.
(location)

Signed _____

Date _____