



Attached is a List of All Recipients.

EO-1069

SURFACE TRANSPORTATION BOARD

Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

October 14, 2008

New York & Atlantic Rail Company
Mr. Bruce Lieberman, President
68-01 Otto Road
Glendale, NY 11385

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

Dear Mr. Lieberman,

On August 7, 2008, U S Rail Corporation (U S Rail) filed a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10901 to construct and operate a line of railroad and related rail facilities at a 28-acre site to be known as the Brookhaven Rail Terminal (BRT), in Brookhaven, Suffolk County, NY. According to U S Rail, the total length of the track to be constructed is about 11,000 feet and it would connect with an existing rail line of the Long Island Rail Road, over which freight service is provided by the New York & Atlantic Railway Company. The purpose of the proposed construction is to enable U S Rail to serve the BRT as a common carrier and to service the rail freight requirements of Sills Road Realty, LLC (which owns the underlying property), and its affiliates and related companies. A map of the proposed project is enclosed for your reference.

The Board is the Federal agency responsible for granting authority for the construction and operation of the proposed new rail line. The Section of Environmental Analysis (SEA) is the office within the Board responsible for preparing the appropriate National Environmental Policy Act (NEPA) documentation for railroad construction and operation cases that come before the Board.

The purpose of this letter is to request your input to the scoping process. SEA has not yet determined the level of environmental analysis appropriate for this proposal. Before making that decision, we would like to have your thoughts regarding potential environmental impacts, both beneficial and adverse, that this proposed action could cause to resource areas of interest to your agency.

Description of the Proposed Project

The proposed rail line and BRT would be located in the Town of Brookhaven, Suffolk County, NY. The proposed site for the BRT is a vacant, 28-acre parcel¹ located immediately southeast of Exit 66 off Interstate 495 (the 'Long Island Expressway'). The proposed site is bounded by I-495 to the north, County Road 101 (Patchogue-Yaphank Road) to the west, the Long Island Rail Road (LIRR) to the south, and a utility easement and a vacant parcel to the east. This proposed site has existing highway access onto County Road 101 and is zoned for industrial and commercial purposes. The proposed site is included within the Town of Brookhaven's Empire Development Zone.

According to U S Rail, the proposed rail line would connect with the LIRR, over which freight service would be provided by the New York & Atlantic Railway (NY&A). The proposed rail line would connect with the LIRR mainline at approximately milepost 58 near the Village of Yaphank, NY. This places the location of this site approximately 58 miles east of Penn Station, New York City, NY and approximately 34 miles west of the LIRR mainline terminus at the City of Greenport in eastern Suffolk County. From the point of the proposed connection with the LIRR, the rail line would extend north approximately 200 feet into the proposed BRT that would also be constructed by U S Rail. From this point, the proposed rail line would branch out into a series of yard tracks which would total approximately 11,000 feet in length.

The proposed rail line and related rail facilities, if approved and constructed, would handle approximately 5,000 – 6,000 inbound railcars annually of aggregate crushed stone needed for road and building construction customers on eastern Long Island. U S Rail proposes to move an average of four trains per week. Two trains would be inbound and would consist of approximately 40 to 50 railcars delivering aggregate stone to the BRT twice per week. Two empty trains would be outbound, leaving the BRT twice per week.

Current Operations

Currently, the major sources of aggregate for Long Island are gravel quarries on the western side of the upper Hudson River Valley. Movements of aggregate by rail are typically carried via the Canadian Pacific (CP) rail corridor from Saratoga, NY, across the Hudson River to Castleton, NY. From this point, rail freight travels south on the CSX Hudson Line until it reaches the New York metropolitan area, where freight traffic is routed to the Fresh Pond Junction with the NY&A. Freight cars bound for Long Island are then classified by destination

¹ SEA notes that in 2002, this very 28-acre parcel was approved for the construction and operation of a proposed 580 mega-watt combined cycle power generation facility. However, the project did not move forward.

and dispatched by the LIRR, with all train movements performed by NY&A crews and locomotives.

Agency Consultation

We are requesting your preliminary comments regarding the proposed project. Any information you provide relating to the following issues will assist SEA in determining what environmental issues should be addressed in its environmental review:

The proposed rail line and related rail facilities.

The no-build alternative.

Other reasonable and feasible alternatives that may be identified.

Local and regional transportation systems, including safety of freight operations and effects on local and regional highway operations.

Local land use plans, including parks and refuges.

Air emissions and air quality impacts.

Noise impacts, including impacts to sensitive receptors and wildlife.

Historic, cultural and archaeological resources.

Native American populations, land, and cultures.

Impacts to prime, unique, and important farmland and soils.

Biological resources, including threatened or endangered species.

Water resources, including water quality and wetlands.

Impacts to environmental justice communities (low-income and minority populations).

Information on any additional issues or concerns that you consider appropriate would also be appreciated. Please respond by **November 18, 2008**, so that we can incorporate your response into the environmental review process, as appropriate, and schedule any meetings, site visits, survey, and conduct any necessary follow-up activities.

Please submit comments and responses to Gannett Fleming, Inc. (GF), SEA's independent third-party contractor in this case, at the following address:

Mr. William Plumpton
Gannett Fleming, Inc.
P.O. Box 67100
Harrisburg, PA 17106-7100
Attention: Finance Docket No. 35141 – Environmental Comments

SEA has retained GF to assist SEA in preparing the environmental document for this proposal. We have assigned an environmental team member from GF to provide any assistance you may need. The team member will contact you shortly to ensure your receipt of this letter and answer any questions you may have.

The environmental document will be either an environmental assessment (EA) or an environmental impact statement (EIS). SEA's decision on whether to prepare an EA or EIS will be based in part on comments received in response to this agency consultation letter. SEA will make the environmental document available for review by agencies and the public as required by NEPA and the Board's environmental rules (49 CFR 1105). In reaching its decision, the Board will take into account the environmental document and all environmental comments that are received.

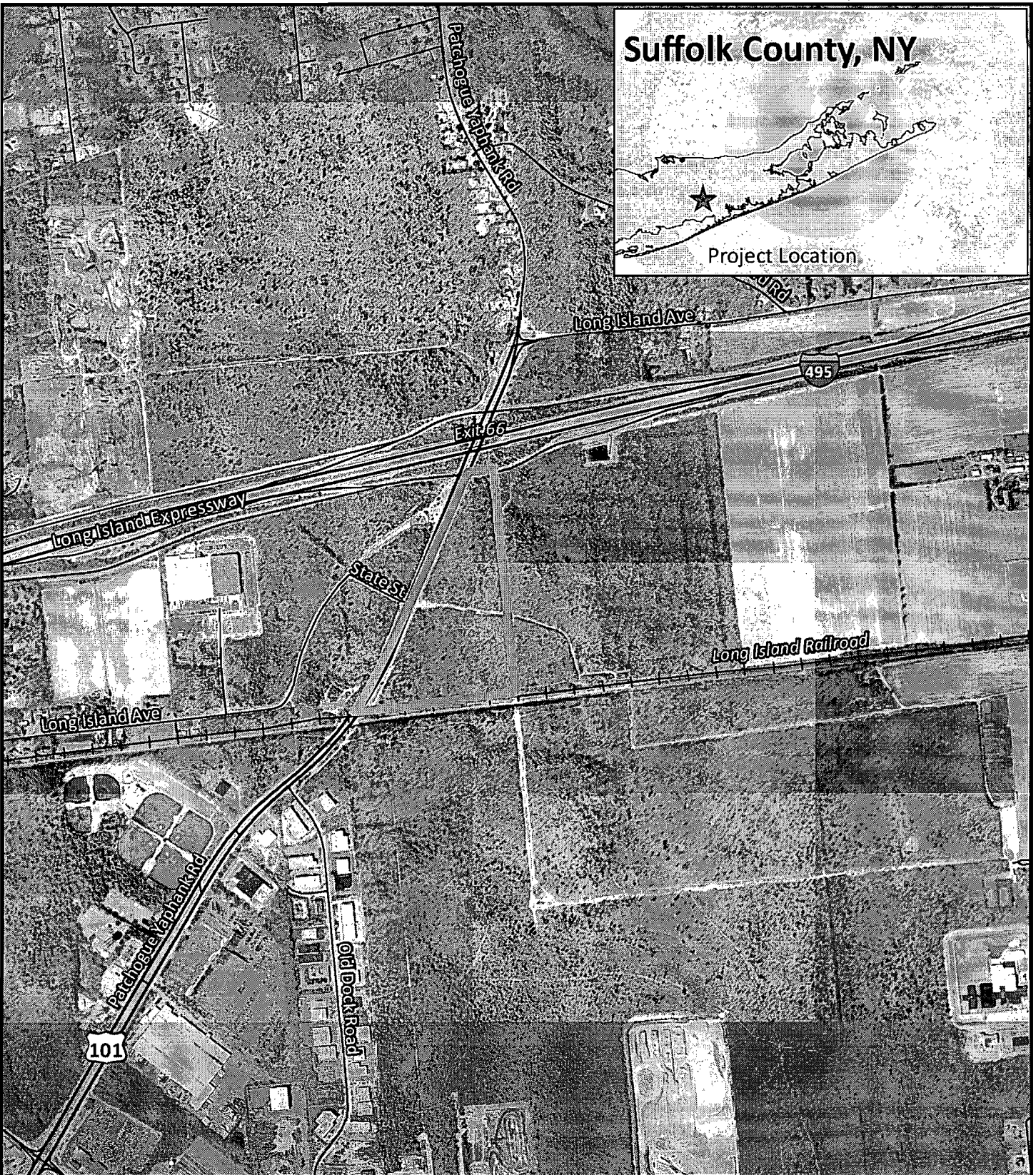
I appreciate your assistance on this project. If you have questions, please do not hesitate to contact Mr. Troy Brady, SEA's Environmental Project Manager, at (202) 245-0301 (email: Troy.Brady@STB.DOT.GOV) or William Plumpton of Gannett Fleming, Inc. at (717) 763-7211 (email: wplumpton@gfnet.com).

Sincerely,



Victoria Rutson
Chief, Section of Environmental Analysis

Enclosure



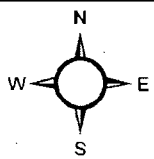
Suffolk County, NY

Project Location

U.S. Rail Corporation-Brookhaven Rail Terminal

Town of Brookhaven, Suffolk County, NY

Project Location



Sources

NYS CSCIC, Natural Color Orthoimagery, 2007

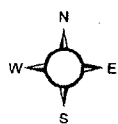
USGS Bellport, NY Quadrangle Map, National Geographic Society, 2008

0 405 810 1,620 2,430 3,240 Feet

10/14/2008



U.S. Rail Corporation-Brookhaven Rail Terminal
 Town of Brookhaven, Suffolk County, NY
 Project Location



Sources

NYS CSCIC, Natural Color Orthoimagery, 2007

USGS Bellport, NY Quadrangle Map, National Geographic Society, 2008

0 500 1,000 2,000 3,000 4,000 Feet

10/14/2008

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