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March 26, 2008

Ms. Troy Brady
Section of Environmental Analysis
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

**RE: STB Finance Docket No. _____, U S Rail Corporation,
Petition for waiver under 49 CFR 1105.10(a).**

Dear Mr. Brady:

Pursuant to 49 CFR 1105.10(c)(2) I am writing on behalf of U S Rail Corporation ("U S Rail"), to request a waiver of the six months pre-filing notice required by the Board's environmental regulations at 49 CFR 1105.10(a)(1). Within the next several weeks U S Rail plans to petition the Board for an individual exemption under 49 U.S.C. 10502 from the requirements of 49 U.S.C. 10901 to permit it to construct and operate a new rail-served facility ("the Brookhaven Rail Terminal" or "BRT") containing approximately 11,000 linear feet of track on a 28 acre site ("Site"), in the Town of Brookhaven in Suffolk County, NY. U S Rail submits that a waiver of the 6 months advance notice requirement is consistent with the regulations of the Section of Energy and Environment ("SEA") and the Board's policies. Because the owner of the Site, Sills Road Realty, LLC ("Sills Road"), requires rail service as soon as possible in order to continue receiving inbound shipments of stone aggregate and to meet ongoing, long term commitments, U S Rail asks the SEA to promptly consider and grant this waiver request.

For your information, U S Rail is an existing class III short line railroad that presently conducts operations under the name the Greater Miami & Scioto Railroad in the State of Ohio. I am enclosing with this letter a copy of

its Interstate Commerce Commission operating authority.

U S Rail has leased the Site for the BRT from Sills Road and will construct and operate the facility as a class III railroad. U S Rail will connect with the New York & Atlantic Railway ("NY&A") which is a class III rail carrier that provides freight service over the lines of the Long Island Rail Road. The traffic currently consists of stone aggregate originating at quarries near Saratoga Springs, NY, served by CP Rail, and delivered in a dedicated, private fleet. CP Rail moves this traffic to Long Island via CSX Transportation's Hudson Line and interchanges this traffic to the NY&A at the Fresh Ponds Yard. The current traffic has been delivered to a leased facility, which lease has not been renewed. Upon completion of the BRT once traffic bound for the BRT arrives at the facility's entrance, NY&A will interchange traffic to U S Rail which will then switch the train to the appropriate yard tracks for unloading. U S Rail will then turn the equipment and reassemble the empty cars for interchange back to the NY&A for movement off Long Island.

The waiver provisions of the Board's environmental rules require a party seeking a waiver to describe as completely as possible the environmental effects and timing of the proposed action and to show that all or part of the six month lead period is not appropriate. Moreover, the regulations require a party seeking a waiver to indicate (1) whether the area affected is a nonattainment area, (2) the number of trains per day that would be involved and the commodities and tonnage that would be handled, and (3) the impacts, if any, on endangered species.

In response to these inquiries and as a result of prior, extensive environmental analyses of the Site and its surrounding communities, U S Rail anticipates that the environmental effects of the construction and operation of the BRT will be minimal. Regarding the questions identified above, the subject area is a nonattainment area. The BRT has been designed to handle about 5,000-6,000 carloads annually utilizing one train making a single daily roundtrip, at 40 carloads per trip. Inbound traffic will consist of stone aggregate required by entities related to Sills Road in their current businesses and other construction related products.

Regarding environmental impacts, movement of increased

volumes of stone aggregate made possible by construction of the BRT by rail instead of truck will be very beneficial due to reduced highway congestion and associated air and noise pollution and energy consumption impacts. The trackage at the BRT will not cross any public highways or navigable waterways. The BRT will be built on 28 acres of undeveloped land owned by Sills Road. The surrounding land uses are predominantly industrial and utility in nature. There are no residential parcels or community services of any type within 2,000 feet of the Site. The Town of Brookhaven's racial demographics will not trigger any "environmental justice" issues.

The Site has previously been analyzed in connection with a proposal to build a gas-fired electric power plant and by consulting engineers in connection with the design of the BRT. Based on these analyses, the following conclusions can be drawn:

- The soils on the Site consist mainly of sands and loamy sands.
- Depth to groundwater is approximately 66 to 77 feet and depth to bedrock is approximately 1,500 feet.
- Nassau and Suffolk Counties of Long Island have been designated by the US Environmental Protection Agency as a sole source aquifer. There are no surface waters or wetlands on the Site.
- There are no federally listed threatened or endangered animal or plant species that will be potentially affected by this project. While there are two rare state listed plants noted as occurring in the vicinity, none are known to occur on the Site.
- As to air quality, it is moderate attainment for 8-hour ozone and nonattainment for PM 2.5.
- As to noise, the existing daytime noises levels on the Site are 63 dBA and evening levels are 55 dBA.

As disclosed in the prior analyses, there are no past or current structures on the Site. Phase 1A and 1B archeological surveys have previously been conducted and no non-modern artifacts have been found.

Because the environmental effects of this project are

negligible, U S Rail believes that the six months lead time is unnecessary and should be waived.

Please date stamp and return one copy of this letter.

Sincerely yours,



John D. Heffner

Enclosure

cc: Ms. Vicki Rutson
Gerard Drumm
Andrew Kauffman
Gabriel Hall

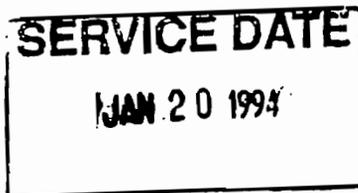
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FR-7035-01-P

INTERSTATE COMMERCE COMMISSION

NOTICE

[Finance Docket No. 32417



THE GREAT MIAMI & SCIOTO RAILWAY COMPANY--CHANGE IN
OPERATOR EXEMPTION--CERTAIN LINES OF THE CITY OF JACKSON, OH

The Great Miami & Scioto Railway Company (GMRy), a noncarrier, has filed a notice of exemption pursuant to 49 CFR 1150.31 for GMRy to operate approximately 60.36 miles of rail line presently owned by the City of Jackson, OH, from milepost 32.76, near Firebrick, OH, to milepost 0.00/127.0, near Hamden, OH; (2) from milepost 127.0, near Hamden, OH, to milepost 112.3, near West Junction, OH; (3) from milepost 112.3,² at West Junction, OH, to milepost 91.6 at RA Junction;³ and (4) from milepost 127-71, near

¹ This is the point where the GMRy's north-south line (formerly the old Portsmouth Subdivision of CSXT, the owner of the line prior to its acquisition by the City of Jackson) at milepost 0.00 and its intersection with the east-west line, also formerly owned by CSXT, at milepost 127.0.

² Also known as milepost 95.5

³ In City of Jackson, OH--Exemption Acquisition-- Certain Lines Baltimore and Ohio

Railroad

Cheapeake and Ohl. Finance Docket No.-
31020 (ICC served Apr. 24, 1987), the City of Jackson acquired 52.83 route miles of line from Firebrick, OH (milepost 32.76) to Hamden, OH (milepost 0.00/127.0) to West Junction (milepost 112.3/95.5) to RA Junction (milepost 91.6). This description for 52.83 route miles appears to match the 51-36 miles described in (1), (2), and (3) g.U@ra. There is no explanation for the 1.47-mile discrepancy.

Incidental trackage rights were also acquired over 5.9

stay the transaction.

Decided: January 13, 1994.

By the Commission, David M. Konschnik, Director,

Office

of Proceedings

Sidney L. Strickland, Jr

Secretary

(SEAL)