

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-556 (Sub-No. 2X)

RAILROAD VENTURES, INC.–ABANDONMENT EXEMPTION–BETWEEN
YOUNGSTOWN, OH, AND DARLINGTON, PA, IN MAHONING AND COLUMBIANA
COUNTIES, OH, AND BEAVER COUNTY, PA

Decided: December 22, 2005

In a decision served on December 15, 2005 (December 2005 Decision), the Board granted in part and denied in part the joint petition for reconsideration of a decision served on December 13, 2004 (December 2004 Decision) filed by Columbiana County Port Authority (CCPA) and the Central Columbiana & Pennsylvania Railway, Inc. In the December 2005 Decision, the Board reduced the amount of money that CCPA is required to refund to Railroad Ventures, Inc. (RVI), the previous owner of the rail line now owned by CCPA. Specifically, the Board ordered that the \$217,282 owed to RVI by CCPA be reduced by: a) \$8,531 for errors the Board made with regard to repair overhead; and b) \$149,872 for expenditures that were paid for with money provided by the Ohio Rail Development Commission (ORDC) but that CCPA showed would have been paid for out of the Board-created set-aside fund were it not for RVI's interference. See December 2005 Decision (providing a more detailed explanation of the set-aside fund).

However, because RVI did not have an opportunity to fully challenge whether the \$149,872 of ORDC-funded expenditures were proper (i.e., attributable to RVI's conduct), the Board also afforded RVI the opportunity to file a pleading to challenge these expenditures. Under the December 2005 Decision, RVI's pleading would be due on January 4, 2006. On December 20, 2005, RVI filed by facsimile a request for an extension until January 23, 2006, to file its pleading. In support of its extension request, RVI states that additional time is needed to compile documentary evidence and have it reviewed by its expert. Moreover, RVI notes that principals of RVI will be unavailable for several days due to the holidays.

On December 21, 2005, CCPA submitted by facsimile a letter to the Board, objecting to RVI's extension request. CCPA states that it is concerned about the accumulation of interest during the extension, and therefore asks that, if RVI's extension request is granted, the Board suspend any further accumulation of interest.

Despite CCPA's objection, RVI's request for an extension is reasonable and will be granted, particularly in light of the holiday season. Moreover, the length of RVI's requested extension is not so great as to unduly delay this proceeding.

Because CCPA is concerned about the accrual of interest, it may refund to RVI \$58,879 (plus interest) as soon as it wishes, rather than waiting for final disposition of the remaining \$149,872, since the propriety of the \$58,879 is no longer in dispute. If any additional amount is ultimately ordered to be refunded to RVI, interest would continue to accrue on that amount until it is paid. See December 2004 Decision at 16. CCPA has been aware since the decision served on January 11, 2005, that should the Board ultimately find that some portion of the set-aside fund must be refunded to RVI, CCPA would be responsible for paying interest on that amount.

It is ordered:

1. The due date for RVI's pleading is extended to January 23, 2006.
2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary