

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35316

ALLIED ERECTING AND DISMANTLING, INC.,
AND ALLIED INDUSTRIAL DEVELOPMENT CORPORATION
—PETITION FOR DECLARATORY ORDER—
RAIL EASEMENTS IN MAHONING COUNTY, OHIO

Decided: November 12, 2010

By petition filed on November 2, 2009, Allied Erecting and Dismantling, Inc., and Allied Industrial Development Corporation (collectively Allied) requested that the Board institute a declaratory order proceeding to resolve a dispute between Allied and Ohio Central Railroad System (Ohio Central)¹ regarding Ohio Central's use of 2 easements traversing Allied's property in eastern Ohio. In a decision served on June 23, 2010 (corrected on June 25, 2010), the Board instituted a declaratory order proceeding to resolve certain questions related to the dispute, and established a procedural schedule. On September 3, 2010, pursuant to a joint request of the parties, the Board extended the procedural schedule.

On November 9, 2010, Ohio Central filed a letter requesting a further extension of the procedural schedule. Ohio Central states that both parties require the extension because, due to the travel schedules of witnesses and lawyers and the upcoming Thanksgiving holiday, depositions will not be completed until the beginning of December. Under the proposed extension, Allied's opening statement would be due January 10, 2011, Ohio Central's reply and comments of Youngstown & Southern Railway Company would be due February 9, 2011, and Allied's rebuttal would be due February 24, 2011. Ohio Central states that it makes this request jointly with Allied.

The extension request is reasonable and will be granted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ According to Ohio Central, Ohio Central Railroad System is a trade name used for limited business purposes by certain commonly controlled railroads including the following named respondents in this matter: Ohio Central Railroad, Inc.; Ohio & Pennsylvania Railroad Company; Warren & Trumbull Railroad Company; Youngstown & Austintown Railroad, Inc.; Youngstown Belt Railroad Company; and Mahoning Valley Railway Company. These entities are collectively referred to as Ohio Central.

It is ordered:

1. The revised procedural schedule is as follows:

January 10, 2011	Allied's opening statement is due.
February 9, 2011	Ohio Central's reply and comments of Youngstown & Southern Railway Company are due.
February 24, 2011	Allied's rebuttal is due.

2. This decision is effective on the date of service.

3. A copy of this decision will be served on:

The Honorable Maureen Sweeney
Ohio Court of Common Pleas Judge
Court of Common Pleas—Mahoning County, Ohio
120 Market Street
Youngstown, OH 44503-1700

The Honorable Dennis Sarisky
Ohio Court of Common Pleas Magistrate
Court of Common Pleas—Mahoning County, Ohio
120 Market Street
Youngstown, OH 44503-1700

By the Board, Rachel D. Campbell, Director, Office of Proceedings.