

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: February 4, 2011

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. Subsequently, at the request of the parties, the Board extended the procedural schedule in decisions served on September 3, 2010, and November 12, 2010. Pursuant to the procedural schedule established in the November 12, 2010 decision, Allied filed its opening statement with the Board on January 10, 2011.

On January 31, 2011, Ohio Central filed a request for a further extension of the procedural schedule. Ohio Central states that the parties require the extension due to recent weather problems and the schedules of counsel. Under the proposed extension, Ohio Central's reply and the comments of Youngstown & Southern Railway Company (Y&SE) would be due February 21, 2011, and Allied's rebuttal would be due March 15, 2011. Ohio Central states that counsel for Allied and Y&SE join in this request.

The extension request is reasonable. However, because February 21 falls on the President's Day holiday, Ohio Central's reply and Y&SE's comments will be due the following day, February 22, 2011. Allied's rebuttal will be due on March 16, 2011.

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.

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

It is ordered:

1. The revised procedural schedule is as follows:

February 22, 2011 Ohio Central's reply and comments of Y&SE are due.
March 16, 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.