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Transportation Solutions for the 21st Century

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April 24, 2026

311181

VIA E-FILING

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

ENTERED
Office of Chief Counsel
April 24, 2026
Part of
Public Record

Re: Ohio Rail Development Commission – Petition for Declaratory Order, FD 36822


Pursuant to 49 C.F.R. § 1104.5(b), the Ohio Rail Development Commission (“ORDC”), as the successor to the Ohio Rail Transportation Authority, submits this Motion for Extension of Time to grant a sixty-day extension of time, until June 29, 2026, to comply with the Surface Transportation Board’s decision on its Petition for Declaratory Order, as well as for leave to file this motion within ten days of the date of the deadline sought to be extended. If there are any questions about this matter, don't hesitate to contact me directly, either by telephone at 202-663-7831 or by e-mail at czorbaugh@mullinslawgroup.net. Should you be unable to reach me, please feel free to contact John Edwards, either by telephone at 202-663-7853 or by email at jedwards@mullinslawgroup.net.

Sincerely,

Crystal M. Zorbaugh
Special Counsel for the Ohio Rail Development Commission

Enclosure

cc: Matt Dietrich

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|---|--|
|  GRANTED | DECISION ID NO.: <u>53025</u> |
| | DECIDED DATE: <u>4/28/2026</u> |
| | SERVED DATE: <u>4/28/2026</u> |
| | APPROVED: <u><i>Andrew C...</i></u> Chief Counsel |
| Office of Chief Counsel | <input type="checkbox"/> |

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 36822

OHIO RAIL DEVELOPMENT COMMISSION – PETITION FOR DECLARATORY ORDER

**OHIO RAIL DEVELOPMENT COMMISSION'S
MOTION FOR AN EXTENSION OF TIME IN WHICH TO COMPLY
WITH THE DIRECTIVE OF THE BOARD AND REQUEST LEAVE TO FILE FOR SAID
EXTENSION OUT OF TIME**

**DAVID YOST
ATTORNEY GENERAL OF OHIO**

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**Special Counsel for the Ohio Rail
Development Commission**

April 24, 2026

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SURFACE TRANSPORTATION BOARD**

FD 36822

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EXPEDITED ACTION REQUESTED

Ohio Rail Development Commission (“ORDC”),¹ pursuant to 49 C.F.R. 1104.7(b), hereby requests the Surface Transportation Board (“STB” or “Board”) to permit an additional sixty (60) days to comply with the Board’s directive to “seek after-the-fact authority for acquisition of the [subject] Line or explain why it believes such authority is not required....”² Ohio Rail Development Commission – Petition for Declaratory Order, F.D. 36822, slip op. at 9 (STB served March 30, 2026). ORDC acknowledges that, pursuant to the Board’s regulations, a request for extension of time must be filed not less than 10 days before the due date for the applicable action, 49 C.F.R. 1104.7(b), and further recognizes that this request for an extension of time is less than 10 days before the applicable due date. Therefore, ORDC respectfully requests leave to file this request for an extension of time at this late date.

¹ Terms and references not otherwise defined herein shall have the meaning ascribed thereto in ORDC’s Petition for Declaratory Order filed in this proceeding on December 3, 2024.

² Pursuant to the Board’s regulations, a request for extension of time must be filed not less than 10 days before the due date for the applicable action. 49 C.F.R. 1104.7(b).

Good cause exists to grant the relief requested. The Petition for Declaratory Order was based on several matters that ORDC, as an agency of the State of Ohio, believed to be true. Specifically, such matters included the understanding that the acquisition of the Line was progressed decades ago with all necessary Federal authority, that the Line had been authorized for abandonment decades ago pursuant to Federal law, and that the Line subsequently was railbanked, also decades ago and fully in compliance with Federal law. The Board's March 30, 2026, decision revealed that these understandings were inaccurate. Although the Board's decision further presented a well-defined roadmap to proceed to resolve those issues, each of those roadmap steps requires inter-agency state-level fact development, consultation, and requests for and the granting of requisite authority, none of which should be progressed until the entire roadmap can be advanced. That inter-agency state-level process has begun but not been completed.

Generally, requests for extensions of time are permitted when good cause exists and the granting of the extension will not prejudice any party.³ As detailed above, good cause exists for the granting of the requested extension. Compliance with state regulatory procedures and processes must be respected, but they often take time not necessarily required of those in the private sector. Further, no party will be prejudiced by the grant of the extension of time requested. The after-the-fact authority request is already several decades delayed – ORDC merely requests an additional 60 days to ensure full compliance not only on the Federal level but the state level as well.

Failure to grant the extension of time, however, may create issues and further delays in progressing the roadmap directions outlined by the Board to resolve the underlying issues in the matter, contrary to 49 U.S.C. 10101(15) (policy of the U.S. government to provide for the expeditious handling and resolution of all proceedings required or permitted to be brought before the Board).

³ CSX Transportation, Inc. – Abandonment Exemption – in Pinellas County, FLA., AB 55 (794X), STB served January 27, 2020).

ORDC did not and could not anticipate that what it had taken as fact (acquisition authority – abandonment authority – railbanking) was not.

Therefore, ORDC respectfully requests that the Board accept and grant this late-filed request for an extension of time in which to file an after-the-fact Notice of Exemption for the acquisition and operation of the Line.

Respectfully submitted,

/s/ Crystal M. Zorbaugh
Crystal M. Zorbaugh

Special Counsel for Ohio Rail Development
Commission

CERTIFICATE OF SERVICE

I certify that on April 24, 2026, pursuant to 49 C.F.R. 1180.4(c)(5), I have caused to be served a copy of the foregoing Motion for Extension of Time in Which to Comply with the Directive of the Board and Request Leave to File for Said Extension out of Time by first class mail, properly addressed with postage prepaid, or via more expeditious means of delivery, upon all parties of record.

/s/ Crystal M. Zorbaugh
Crystal M. Zorbaugh

Special Counsel for Ohio Rail Development
Commission