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 APPROVED: *Andr. G.*

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Transportation Solutions for the 21st Century

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June 17, 2026 311656

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
 June 17, 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 State of Ohio, as an interested party, submits this Motion for Extension of Time to grant a further sixty-day extension of time, until August 28, 2026, to comply with the Surface Transportation Board’s March 30, 2026, decision on the Ohio Rail Development Commission’s Petition for Declaratory Order. If there are any questions about this matter, please do not 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,

/s/ **Crystal M. Zorbaugh**

Crystal M. Zorbaugh
 Special Counsel for the State of Ohio

Enclosure

cc: Matt Dietrich, Ohio Rail Development Commission

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 36822

OHIO RAIL DEVELOPMENT COMMISSION – PETITION FOR DECLARATORY ORDER

**THE STATE OF OHIO'S
MOTION FOR AN EXTENSION OF TIME**

**D. ANDREW WILSON
ATTORNEY GENERAL OF OHIO**

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Special Counsel for the State of Ohio

June 17, 2026

**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**

EXPEDITED ACTION REQUESTED

The State of Ohio, 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...” Ohio Rail Development Commission – Petition for Declaratory Order, F.D. 36822, slip op. at 9 (STB served March 30, 2026).¹ The State of Ohio has obtained consent from the ORDC for the requested extension.

Good cause exists to grant the relief requested. At the outset of this matter, ORDC filed its Petition for Declaratory Order, which was based on an understanding that ORDC had obtained ownership of the Line as an agency of the State of Ohio, and submitted its Petition, which it believed to be based on an accurate understanding of the transfer of ownership of the Line. Specifically, ORDC believed that the acquisition of the Line had progressed decades ago, with all necessary Federal authority through its predecessor agency, the Ohio Rail Transportation Authority (“ORTA”), that the Line had been authorized for abandonment decades ago pursuant to Federal law, and that the Line

¹ On April 28, 2026, the Board, through the Office of the Chief Counsel, granted an initial extension of time until June 29, 2026, requested by the Ohio Rail Development Commission (“ORDC”). The additional extension of time presented herein is requested on behalf of the State of Ohio.

subsequently was railbanked, also decades ago, and in full compliance with Federal law. The Board's March 30, 2026, decision revealed that no federal regulatory authority had been received for the acquisition of the Line, that the Line had not been authorized for abandonment, and that the Line had not subsequently been railbanked. The STB directed these omissions to be corrected.

In pursuit of correcting these omissions, ORDC discovered that ORTA did not acquire ownership of the Line on behalf of the State of Ohio. Rather, the State of Ohio acquired ownership of the Line itself. The State of Ohio is working with ORDC to resolve the issues relating to the acquisition of the Line, as directed by the Board. Still, it needs additional time to gather facts and coordinate with state-level agencies to ensure the proper processes are satisfied. That inter-agency, state-level investigation and process has begun but has not yet been completed.

Generally, requests for extensions of time are permitted when good cause exists and granting the extension will not prejudice any party.² As detailed above, good cause exists to grant the requested extension. Compliance with state regulatory procedures and processes must be respected, but it often takes time and is not necessarily required of those in the private sector. Further, no party will be prejudiced by the granting of the requested extension of time. The after-the-fact authority request is already several decades delayed – the State of Ohio 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).

² CSX Transportation, Inc. – Abandonment Exemption – in Pinellas County, FLA., AB 55 (794X), STB served January 27, 2020).

Therefore, the State of Ohio 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 the State of Ohio

CERTIFICATE OF SERVICE

I certify that on June 17, 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 the State of Ohio