

Law Offices

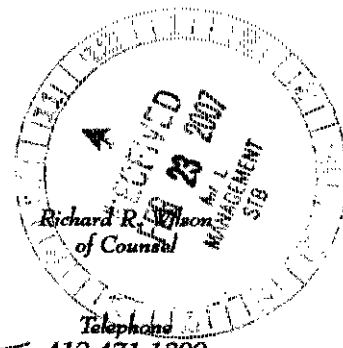
VUONO & GRAY, LLC

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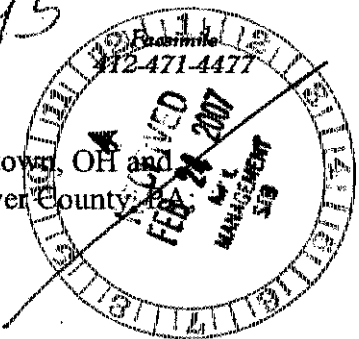
Pittsburgh, PA 15219-2383

February 22, 2007



218695

412-471-1800



Re: Railroad Ventures, Inc. – Abandonment Exemption Between Youngstown, OH and
Darlington, PA in Mahoning and Columbiana Counties, OH and Beaver County, PA
STB Docket No. AB 556 (Sub No. 2X)

Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

SENT VIA FEDERAL EXPRESS

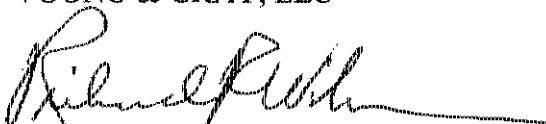
Dear Sir:

Enclosed for filing please find the original and ten copies of a Petition for Extension of Time and Supplementary Discovery in connection with the March 7, 2007 filing deadline imposed on Railroad Ventures, Inc. ("RVI") in the above captioned proceeding by the Board's decision of February 13, 2007.

RVI requests that the Board give expedited consideration to this Petition for Extension of Time for the reasons set forth in the enclosed pleading. Please date stamp and return the additional copy of this pleading in the enclosed self addressed, stamped envelope provided for that purpose. Copies of this Petition have been served on all parties of record.

Very truly yours,

VUONO & GRAY, LLC


Richard R. Wilson, Esq.

RRW/bab
Enclosure
xc: STB – Office of Proceedings
All Parties of Record
Railroad Ventures, Inc.
John A. Vuono, Esq.

ENTERED
Office of Proceedings

FEB 23 2007

Part of
Public Record

218695

Before the
SURFACE TRANSPORTATION BOARD

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

**PETITION FOR EXTENSION OF TIME
AND SUPPLEMENTARY DISCOVERY
EXPEDITED CONSIDERATION REQUESTED**

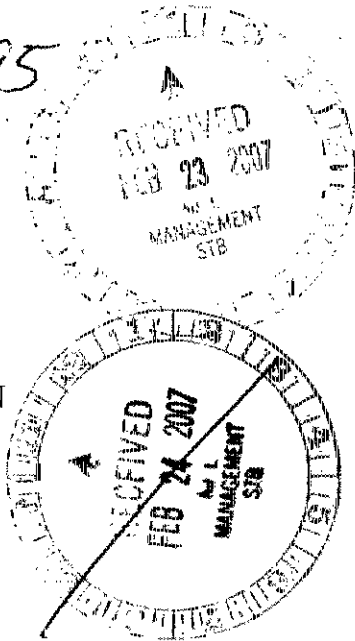
RICHARD R. WILSON, ESQ.
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(412) 471-1800

Dated: February 22, 2007

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Office of Proceedings

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Before the
SURFACE TRANSPORTATION BOARD

DOCKET NO: AB 556 (Sub No. 2X)

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

**PETITION FOR EXTENSION OF TIME
AND SUPPLEMENTARY DISCOVERY
EXPEDITED CONSIDERATION REQUESTED**

I. INTRODUCTION

On February 13, 2007, the Board issued a decision in the above captioned proceeding which reversed the Board's December 2005 decision which in turn reconsidered the Board's December 2004 decision granting Rail Ventures, Inc. ("RVI") a refund of \$217,282 plus interest from its escrow account because Columbiana County Port Authority ("CCPA") failed to account for and bid projects in accordance with Board ordered procedures. Thus, after three years of litigation, the Board's February 13, 2007 decision denies RVI any refund of its escrowed money and adopts an entirely different ground for that denial thereby obviating the procedures and protections which the Board itself established for the escrow fund at RVI's request.

In the February 13, 2007 decision, the Board ordered that RVI may submit a pleading no later than March 7, 2007 limited to addressing the signal restoration expenditures discussed in the Board's 2007 decision. Given that the Board itself raised the issue of signal restoration expenditures for the first time in its February 2007 decision, as a

basis for denying RVI any refund of its escrowed monies, RVI requests an extension of the March 7, 2007 filing date in order to obtain further information from CCPA and ORDC regarding the signal restoration expenditures. Specifically, RVI seeks to determine the extent to which crossing and signal restoration expenses identified in the Board's February 13, 2007 decision were paid for in whole or in part with federal funds provided by the Federal Highway Administration to ORDC or the Ohio Department of Transportation. In its June 15, 2005 Petition to Intervene at page 2, ORDC stated "ORDC distributes Federal Highway Administration funds allocated by the Ohio Department of Transportation to fund at-grade [crossing] safety improvements."¹

However, there is an explicit condition on the use of federal funds for railroad crossing improvements. Where federal funds have been used to fund crossing improvements, it is the responsibility of the state, and not the railroad companies, to improve the safety of highways and railroad crossings and Congress has endeavored to provide funding to the states, and not railroad companies for that purpose. Moreover, with respect to these grade crossing improvement projects, the U.S. Department of Transportation has promulgated regulations expressly stating that such projects "are deemed to be of no ascertainable net benefit to the railroads and there shall be no required railroad share of the cost". 23 C.F.R. §646.210, Hamilton v. Illinois Central Railroad Company, 894 F. Supp. 1014 (S.D. Mis. 1995).

If ORDC and/or CCPA have used federal funds in connection with crossing

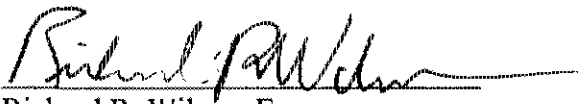
¹ On June 15, 2005, ORDC filed a Petition to Intervene or in the alternative to appear as Amicus Curae in support of CCPA. The Board granted ORDC's request to participate as amicus curae in support of CCPA in its December 15, 2005 decision making ORDC a party to this proceeding in accordance with 49 C.F.R. §1101.2(d). Moreover, in its Petition to Intervene, ORDC failed to inform the Board of the limitations imposed by 23 C.F.R. §646.210 on federally funded crossing improvements or the extent to which federal funds were used to pay for crossing safety improvements on the CCPA line.

improvements on the CCPA line, including signal restoration costs, then as a matter of federal law, the Board cannot directly or indirectly assign the costs of those crossing improvements to RVI's escrowed funds in violation of 49 C.F.R. §646.210. Accordingly, the requested extension of time is necessary to obtain this additional information which is directly relevant to the legal issue raised by the Board's February 13, 2007 decision as to whether it may offset crossing signal restoration expenses against RVI's escrow funds in this proceeding.

WHEREFORE, RVI respectfully requests that the Board grant it a sixty (60) day extension of time in order to obtain from CCPA and ORDC relevant information concerning federal funding of the crossing and signal restoration costs on the CCPA rail line and then file a response to the Board's February 2007 decision.

Respectfully submitted,

VUONO & GRAY, LLC

By: 
Richard R. Wilson, Esq.
Attorney for Railroad Ventures, Inc.

VUONO & GRAY, LLC
2310 Grant Building
Pittsburgh, PA 15219
412-471-1800

Dated: February 22, 2007

CERTIFICATE OF SERVICE

I hereby certify that I have this 22d day of February, 2007 served a copy of the Petition for Extension of Time and Supplemental Discovery upon the following by first class United States Mail, postage prepaid:

Keith G. O'Brien, Esq.
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