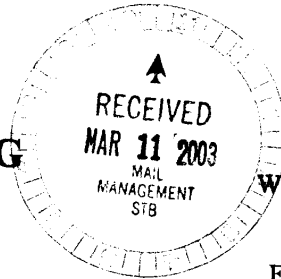


207370

BARNES & THORNBURG
Attorneys at Law



750 17th Street N.W.
Suite 900
Washington, D.C. 20006-4675
(202) 289-1313

Fax Number: (202) 289-1330

FAX COVER SHEET

	NAME	COMPANY NAME	TELECOPY NO.
TO:	David Konschnik, Esq.	Surface Transportation Board	565-9002

FROM: Richard H. Streeter

DIRECT DIAL: 202-408-6933

E-MAIL:

DATE: March 11, 2003

TIME SENDING: _____

NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 7

If you have difficulty receiving this Fax, please call Barnes & Thornburg at 202-408-6933 and ask for _____

Please take to David upon receipt. Thanks.

David, Here is the faxed version of the opposition of Central Columbiana & Pennsylvania Railway. I will have the copies delivered later today.

ENTERED
Office of Proceedings

MAR 11 2003

Part of
Public Record

Response once received: Call Once Received

CLIENT# 22783
MATTER# 1

- ☐ Original to follow by mail
☒ Original will not follow by mail

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-556 (Sub No. 2X)

RAILROAD VENTURES, INC.-ABANDONMENT EXEMPTION
BETWEEN YOUNGSTOWN, OHIO AND DARLINGTON, PA
IN MAHONING AND COLUMBIANA COUNTIES, OHIO
AND BEAVER COUNTY, PA

OPPOSITION TO MOTION FOR EXTENSION OF TIME

Comes now the Central Columbiana & Pennsylvania Railway, Inc. ("CCPR"), by its counsel of record, and files its objection to any further extension of time based on the alleged need for a consultant, hired by Railroad Ventures, Inc. ("RVI"), to conduct "field operations."¹ As the Board is aware, fraud is the sole basis for challenging the expenditure of funds from the escrow account that the Board established in order to ensure timely payment of funds by RVI for repairs to the line.²

Although RVI is now requesting a further extension of time in which to respond to the joint motion seeking final closure of the escrow account that was created by the Board in its decision served October 4, 2000, RVI has failed to show why, or how, a field inspection is necessary to demonstrate fraud. In the absence of such a showing, any field inspection would be wholly extraneous to the sole issue which may be raised concerning expenditures from the escrow account. Should RVI provide convincing reasons to show how a field inquiry would be relevant to any potential issue that needs to be resolved

¹ Aside from the reasons stated herein, it is also noted that the undersigned counsel was not contacted prior to the filing of the Motion for Extension. As a result, this is the first opportunity that CCPR has had in which to voice its concerns. Also, the Board's records will reflect that CCPR has previously agreed to an earlier request for an extension.

² See Slip Op. at 6.

within the narrow confines established by the Board in its Decision served November 9, 2001, CCPR would be willing to reconsider its opposition to this further extension.

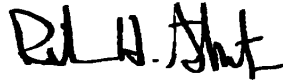
Furthermore, should the Board wish to have the repairs confirmed, CCPR would agree to have an inspection performed by the Federal Railroad Administration. It will not, however, agree to an inspection by a consultant who, because of his prior employment by David Handel and RVI, would not likely be impartial. In this regard, the Board's attention is invited to the Verified Statement filed in this proceeding by Mr. George D. Wehner, dated April 28, 1999.

In addition, even if CCPR were to agree to allow Mr. Wehner, or any other private individual, to inspect the track, it would have to insist that appropriate insurance be provided and that an indemnification agreement be in place to protect CCPR and the Columbiana County Port Authority ("CCPA") from any liability for any losses, damages, expenses, personal injury or death, which might be suffered by said individual. It is understood that CCPA has also raised this issue with RVI. In this respect, the Board's attention is invited to the attached letters authored by Mr. Handel in 1997. As those letters confirm, RVI and Mr. Handel are well aware of the potential liability issue. However, despite RVI's awareness and obvious sensitivity to the liability issue, it made no attempt to contact CCPR or CCPA to request permission to inspect the track.

Finally, the record conclusively demonstrates that RVI repeatedly frustrated the timely release of funds from the escrow account. Such tactics forced the Ohio Rail Development Commission and CCPA to assume the financial burden associated with certain expenses that would otherwise have been assessed against the escrow account. Simply stated, the time has come to bring this proceeding to an end. Nothing is to be

gained by granting a further extension in the absence of a convincing showing by RVI as to why any field inspection is required at this late date.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R.H. Streeter", written in a cursive style.

Richard H. Streeter
Barnes & Thornburg
750 17th Street, N.W.
Suite 900
Washington, D.C. 20006

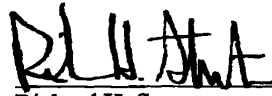
Dated: March 11, 2003

Certificate of Service

It is hereby certified that a true copy of the foregoing was served this 11th day of
March, 2003 by fax and by U.S. mail, postage prepaid, on the following:

Richard R. Wilson
Vuono & Gray, LLC
2310 Grant Building
Pittsburgh, PA 15291

Keith G. O'Brien
Rea, Cross & Auchincloss
1707 L Street, N.W.
Suite 570
Washington, D.C. 20036



Richard H. Streeter

03/11/2003 10:19 FAX
SENT BY: REACROSAUCHINCLOS6S;

202 659 4934;
101014-129-4320

MAR-10-03 2:37PM;
FEB 04 '97 11:00 No.004 P.04

006
PAGE 2



RAILROAD VENTURES, INC.

721 BOARDMAN - POLAND RD., SUITE 101, YOUNGSTOWN, OHIO 44512
PHONE (330) 758-2424 FAX (330) 758-5572

January 28, 1997

MR. LOUIS JANNAZO
CHIEF PLANNER
OHIO RAIL DEVELOPMENT COMMISSION
50 W. BROAD ST. - 15TH FLOOR
COLUMBUS, OH 43215

RE: RAILROAD VENTURES, INC.

Dear Mr. Jannazo:

I read with much interest the recent article in the Youngstown Vindicator regarding your intentions to repair our line.

We certainly appreciate your interest in this facility; however, we need to better understand the relationship before you or your representative enters the property.

Obviously, we will need to ensure that the appropriate insurances are provided for and that an indemnification is in place to the Owner by whoever is initiating these repairs. Railroad Ventures, Inc. must have no liability whatsoever relative to any activity not directly conducted by Railroad Ventures, Inc. or its agents.

Thank you.

Very truly yours,

DAVID L. HANDEL

DLH/yb

97FEB-3 PM 2:43

RECEIVED
0350

03/11/2003 10:19 FAX
SENT BY: REACROSAUCHINCLOSS;

202 859 4934;
210-758-2424

MAR-10-03 2:37PM;

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PAGE 3/5
P.1/1



RAILROAD VENTURES, INC.

721 BOARDMAN - POLAND ROAD, YOUNGSTOWN, OHIO 44512
PHONE (330) 758-2424 FAX (330) 758-5572

January 29, 1997

MR. JOHN L. MILLER
WINTROW CONSTRUCTION CORPORATION
673 NORTON AVENUE
BARBERTON, OH 44203

RE: RAILROAD VENTURES, INC.

Dear Mr. Miller:

Thank you very much for the recent notification relative to your proposed work on our property.

It is unclear to us at this time as to exactly who is initiating these improvements and will ultimately accept responsibility for your activities.

Until we have further information relative to this situation, we have no other alternative but to deny permission to enter our property.

Thank you very much.

Very truly yours,

DAVID L. HANDEL

cc: John L. Graubert, Esq.

Bill Strawn
622-8097

John Graubert
228-4520

It's up to you now.