

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34527

MAUMEE & WESTERN RAILROAD COMPANY AND RMW VENTURES LLC –
PETITION FOR DECLARATORY ORDER –
CSX TRANSPORTATION, INC. CROSSING RIGHTS AT DEFIANCE, OH

Decided: August 3, 2007

In a decision served on May 9, 2007, the Board granted in part a petition for declaratory order filed by Maumee & Western Railroad Company and RMW Ventures LLC (collectively, petitioners). The petition involved the removal of crossing diamonds at Defiance, OH, by CSX Transportation, Inc. (CSXT). In that decision, the Board found that CSXT was obligated to restore the crossing diamonds promptly unless the parties agreed to another crossing arrangement. The Board indicated that it believed that 60 days was a reasonable time period for the restoration. The Board also stated that the parties were to negotiate any compensation arrangements, such as maintenance for the crossing, and any other remaining disputed issues. By decision served on July 2, 2007, the Board granted the joint request of petitioners and CSXT for additional time to take necessary actions (August 7, 2007).

By a request filed on July 26, 2007, petitioners and CSXT state that they are continuing negotiations, and that CSXT has ordered new crossing diamonds. Petitioners and CSXT state that they believe the new diamonds will be installed by December 8, 2007, if the diamonds are delivered as expected and weather permits. They seek additional time, until December 8, 2007, to continue negotiations and construct and install the diamonds.

The joint request for additional time is reasonable and will be granted.

It is ordered:

1. The parties' joint request for additional time (until December 8, 2007) is granted.
2. This decision is effective on the date of its service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary