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SERVICE DATE - MARCH 10, 1998

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33565]

RMW Ventures, L.L.C.—Control Exemption—C&NC, L.L.C., Maumee & Western, L.L.C., and Wabash Central, L.L.C.

RMW Ventures, L.L.C. (RMW), a noncarrier, has filed a notice of exemption to control three carrier corporations: C&NC, L.L.C.; Maumee & Western, L.L.C.; and Wabash Central, L.L.C.¹

RMW was formed to be the parent holding company of the three simultaneously created Class III rail carriers: C&NC, L.L.C., which owns approximately 5.2 miles of rail line in the State of Indiana; Maumee & Western, L.L.C. which owns approximately 51 miles of rail line in the States of Indiana and Ohio; and Wabash Central, L.L.C., which owns approximately 26.4 miles of rail line in the State of Indiana. Common carrier rail service is provided on each line by three operating corporations.²

¹ See C & NC, L.L.C.—Acquisition Exemption—Indiana Hi Rail Corporation, STB Finance Docket No. 33476 (STB served Oct. 31, 1997); Maumee & Western, L.L.C.—Acquisition and Operation Exemption—Norfolk and Western Railway Company, STB Finance Docket No. 33478 (STB served Oct. 31, 1997); Wabash Central, L.L.C.—Acquisition and Operation Exemption—Norfolk and Western Railway Company, STB Finance Docket No. 33479 (STB served Oct. 31, 1997).

² See C&NC Railroad Corporation—Lease and Operation Exemption—Lines of the Norfolk and Western Railway Company and Indiana Hi Rail Corporation, STB Finance Docket No. 33475 (STB served Oct. 31, 1997); Maumee & Western Railroad Corporation—Operation Exemption—Maumee & Western, L.L.C., STB Finance Docket (continued...)

RMW states that its control of the three carrier entities actually occurred on or about December 15, 1997, upon the acquisition of three separate rail lines by its three subsidiary corporations. Due to an apparent oversight, RMW did not file its verified notice of exemption with the Board until February 26, 1998. Thus, the effective date of the exemption is March 5, 1998 (7 days after the exemption was filed).³

RMW states that: (i) the railroads do not connect with each other or any railroad in their corporate family; (ii) the acquisition of control is not part of a series of anticipated transactions that would connect the three railroads with each other or any railroad in their corporate family; and (iii) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

²(...continued)

No. 33535, (STB served Jan. 16, 1998); and Wabash Central Railroad Corporation—Operation Exemption—Wabash Central, L.L.C., STB Finance Docket No. 33536 (STB served Jan. 16, 1998).

³ The class exemption invoked by RMW does not provide for retroactive (or nunc pro tunc) effectiveness.

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If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33565, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Richard R. Wilson, Esq., 1126 Eighth Avenue, Suite 403, Altoona, PA 16602.

Decided: March 3, 1998.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams

Secretary