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October 11, 2023
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FLETCHER & SIPPEL LLC

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October 11, 2023

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20006

Re: **FD 36728**
New Era Railroad, LLC — Acquisition and Change in
Operator Exemption – RMW Ventures, LLC

Dear Ms. Brown:

A **Verified Acquisition and Change in Operators Notice of Exemption of the New Era Railroad, LLC** is attached for filing under 49 C.F.R. part 1150, subpart D. Payment of the filing fee has been tendered via Pay.gov.

If you have any questions regarding this filing, please contact me at either mbarron@fletcher-sippel.com or (312) 252-1511. Thank you for your assistance on this matter.

Yours truly,

/s/Michael J. Barron, Jr.
Michael J. Barron, Jr.
Attorney for New Era Railroad, LLC

Attachment

MJB:ah

FEE RECEIVED
October 11, 2023
Surface
Transportation Board

FILED
October 11, 2023
Surface
Transportation Board

BEFORE THE
SURFACE TRANSPORTATION BOARD

FD 36728

NEW ERA RAILROAD, LLC
— ACQUISITION AND CHANGE IN OPERATOR EXEMPTION —
RMW VENTURES, LLC

**VERIFIED NOTICE OF EXEMPTION OF
NEW ERA RAILROAD LLC
PURSUANT TO 49 C.F.R. PART 1150, SUBPART D**

Michael J. Barron, Jr.
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208
(312) 252-1500
mbarron@fletcher-sippel.com

ATTORNEY FOR NEW ERA RAILROAD, LLC

Dated: October 5, 2023

BEFORE THE
SURFACE TRANSPORTATION BOARD

FD 36728

NEW ERA RAILROAD, LLC
— ACQUISITION AND CHANGE IN OPERATOR EXEMPTION —
RMV VENTURES, LLC

**VERIFIED NOTICE OF EXEMPTION OF
NEW ERA RAILROAD, LLC
PURSUANT TO 49 C.F.R. PART 1150, SUBPART D**

New Era Railroad, LLC (“NER”), a non-carrier, files this Verified Notice of Exemption (“Notice”) under 49 C.F.R. part 1150 subpart D to acquire, and to conduct common carrier operations over, two non-connecting railroad lines (the “Line”) totaling approximately 26.46 miles and located in Indiana, as described more fully below.¹ Incidental to the transaction, NER also will acquire overhead trackage rights over an intermediate segment of railroad line owned by Norfolk Southern Railway Company (“NSR”).

Under the requirements of 49 C.F.R. § 1150.33, NER submits the following information:

¹ NER is an independent company that is not commonly controlled alongside any existing railroad common carriers.

Name and Address of Applicant: 49 C.F.R. § 1150.33(a)

The full name and address of the applicant is:

New Era Railroad, LLC
530 East Riverview
Napoleon, OH 43545

Applicant's Representative: 49 C.F.R. § 1150.33(b)

Correspondence should be sent to:

Michael J. Barron,
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, IL 60606-3208
(312) 252-1500
mbarron@fletcher-sippel.com

Statement Concerning Agreement: 49 C.F.R. § 1150.33(c)

NER and RMW Ventures, LLC ("RMW") have reached terms pursuant to which NER will acquire the below-described Line. The terms of the NER-RMW agreement provide that, upon closing of the railroad asset sale, RMW will terminate the lease agreement that it has with the Line's current operator, thereby permitting NER to become the sole and exclusive common carrier operator on the Line.

Operator of the Property: 49 C.F.R. § 1150.33(d)

NER will own, operate and provide rail common carrier service to shippers on the Line.

Background and Summary of the Transaction: 49 C.F.R. § 1150.33(e)

This transaction involves NER's proposed purchase of, and commencement of common carrier service over, approximately 26.46 route miles of RMW-owned railroad track (the Line) extending between milepost 117.0 in the vicinity of Curryville, Indiana, and milepost 123.0

at Bluffton, Indiana; and from milepost 123.8 at Bluffton to milepost 144.26 in the vicinity of Van Buren, Indiana. Incidental to the above-described Line purchase, NER also will acquire overhead trackage rights over approximately .8 miles of NSR-owned railroad line between mileposts 123.0 (corresponding NSR milepost 163.0) and milepost 123.8 (corresponding NSR milepost 162.2) (the “Trackage Rights Segment”), linking the two line segments that NER proposes to purchase from RMW. As part of the transaction, Wabash Central Railway, LLC (“WCR”), a short line controlled by RMW, shall end its leasehold operating rights over the Line and will relinquish its trackage rights over the Trackage Rights Segment to NER, and NER will thereby replace WCR as operator of the Lines, and as holder of incidental trackage rights over the Trackage Rights Segment. Attached as Exhibit A is a map of the Line.

NER intends to complete its acquisition of, and commence common carrier operations over, the Line in place of WCR on or after the anticipated effective date of this notice.

The name and address of the transferor entity is as follows:

RMW Ventures, LLC
300 East Walnut Street
Corydon, IN 47112

Map: 49 C.F.R. § 1150.33(f)

Attached as Exhibit A.

Certificate of Compliance: 49 C.F.R. § 1150.33(g)

The proposed transaction will not cause NER revenues to meet or exceed the Class I or II thresholds nor exceed \$5,000,000 in annual revenue. See attached Certification and Verification.

Interchange Commitments: 49 C.F.R. § 1150.33(h)

The agreement governing this transaction does not include any provision that may limit future interchange with a third-party connecting carrier. See attached Certification and Verification.

Shipper Notice: 49 C.F.R. § 1150.32(b)

The Board's rules require the proponent of a change in operator notice of exemption to notify customers of the proposed transaction. NER has served a copy of this notice of exemption herein to all customers on the Line.

Advance Notice: 49 C.F.R. § 1150.32(e)

NER does not anticipate its annual revenues will exceed \$5,000,000. Therefore, no labor notice is required.

Environmental and Historic Preservation Data: 49 C.F.R. § 1105

Under 49 C.F.R. § 1105.6(c)(1), a change in operator transaction such as this one is exempt from environmental reporting requirements. The proposed transaction will not result in significant changes in carrier operations, *i.e.*, changes that exceed the thresholds established in 49 C.F.R. § 1105.7(e)(4) or (5).

Under 49 C.F.R. § 1105.8(b)(3), the proposed change in operator transaction is also exempt from historic preservation reporting requirements. The proposed transaction is intended to facilitate common carrier rail service over the Line; it will not substantially change the maintenance of rail property. Additionally, a common carrier operator requires further Board approval to discontinue service, and there are no plans to dispose of or alter properties subject to Board jurisdiction that are fifty years old or older.

Caption Summary: 49 C.F.R. § 1150.32(a)

A Caption Summary is attached as Exhibit B.

Respectfully submitted,

By: /s/Michael J. Barron, Jr.
Michael J. Barron, Jr.
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208
(312) 252-1500

ATTORNEY FOR NEW ERA RAILROAD, LLC

Dated: October 11, 2023

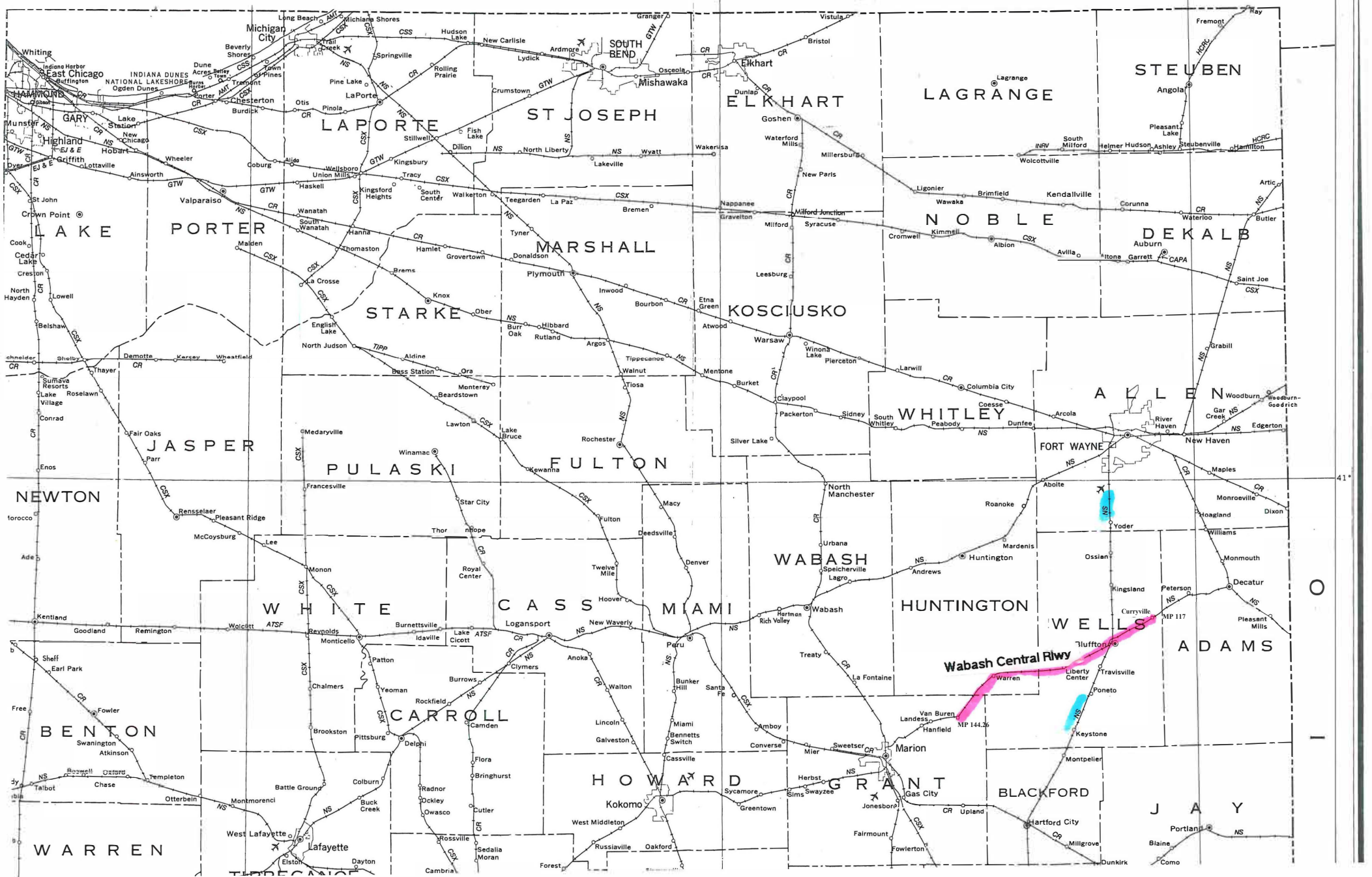
**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 36728

**NEW ERA RAILROAD, LLC
— ACQUISITION AND CHANGE IN OPERATOR EXEMPTION —
RMW VENTURES, LLC**

EXHIBIT A

MAP



Rail Map Northern Indiana
Wabash Central Rlwy

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 36728

**NEW ERA RAILROAD, LLC
— ACQUISITION AND CHANGE IN OPERATOR EXEMPTION —
RMW VENTURES, LLC**

EXHIBIT B

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

FD 36728

NEW ERA RAILROAD, LLC
— ACQUISITION AND CHANGE IN OPERATOR EXEMPTION —
RMW VENTURES, LLC

New Era Railroad, LLC (“NER”), a non-carrier, has filed a notice of exemption (“Notice”) to acquire and commence common carrier service over, approximately 26.46 route miles of RMW Ventures, LLC (“RMW”)-owned railroad track (the Line) extending between milepost 117.0 in the vicinity of Curryville, Indiana, and milepost 123.0 at Bluffton, Indiana; and from milepost 123.8 at Bluffton to milepost 144.26 in the vicinity of Van Buren, Indiana. Incidental to the above-described Line purchase, NER also will acquire overhead trackage rights over approximately .8 miles of NSR-owned railroad line between mileposts 123.0 (corresponding NSR milepost 163.0) and milepost 123.8 (corresponding NSR milepost 162.2) (the “Trackage Rights Segment”), linking the two line segments that NER proposes to purchase from RMW. As part of the transaction, Wabash Central Railway, LLC (“WCR”), a short line controlled by RMW, shall end its leasehold operating rights over the Line and will relinquish its trackage rights over the Trackage Rights Segment to NER, and NER will thereby replace WCR as operator of the Lines, and as holder of incidental trackage rights over the Trackage Rights Segment.

Comments must be filed with the Board and served on:

Michael J. Barron, Jr.
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, IL 60606-3208
(312) 252-1500

The notice is filed under 49 C.F.R. § 1150.31. 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.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 36728

**NEW ERA RAILROAD, LLC
— ACQUISITION AND CHANGE IN OPERATOR EXEMPTIONS —
RMW VENTURES, LLC**

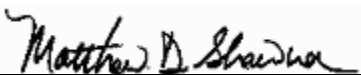
CERTIFICATION AND VERIFICATION

VERIFICATION AND CERTIFICATION

I, Matthew Shawver, Managing Member of the New Era Railroad, LLC (“NER”) verify under penalty of perjury that the foregoing notice of exemption is true and correct to the best of my information and belief.

Further, I certify that the agreement governing the proposed transaction does not have an interchange commitment; that NER’s expected annual revenues will not exceed \$5 million; and, thus, NER will not become a Class I or II rail carrier under the applicable thresholds set forth at 49 C.F.R. § 1201 (1-1).

Dated: September 29, 2023



Matthew Shawver