

# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
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**MICHAEL J. BARRON**  
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October 20, 2023

ENTERED  
Office of Proceedings  
October 20, 2023  
Part of  
Public Record

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

## 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: **Amended Notice of Exemption; FD 36728**  
**New Era Railroad, LLC — Acquisition and Change in**  
**Operator Exemption – RMW Ventures, LLC**

Dear Ms. Brown:

An **Amended Verified Acquisition and Change in Operators Notice of Exemption of the New Era Railroad, LLC** (“NER”) is attached for filing under 49 C.F.R. part 1150, subpart D. Payment of the filing fee has already been tendered previously in this docket via Pay.gov. In this Amended Notice NER is withdrawing the portions of the Notice that refer to Trackage Rights over Norfolk Southern Railway Company (“NSR”) and will instead make other and future arrangements for interchange and operations over NSR. Since the proposed Trackage Rights over NSR would have been only a small part of the transaction, NER requests that the Board keep the effective date as thirty days after the original filing in this docket, which effective date would be November 10, 2023.

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

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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FD 36728

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

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**AMENDED 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  
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**ATTORNEY FOR NEW ERA RAILROAD, LLC**

Dated: October 20, 2023

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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FD 36728

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

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**AMENDED 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.<sup>1</sup>

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

**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:

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

Michael J. Barron,  
Fletcher & Sippel LLC  
29 North Wacker Drive, Suite 800  
Chicago, IL 60606-3208  
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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. 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 NER will thereby replace WCR as operator of the Line. 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 November 10, 2023, which is thirty days after the filing date of the initial notice in this docket.

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 20, 2023

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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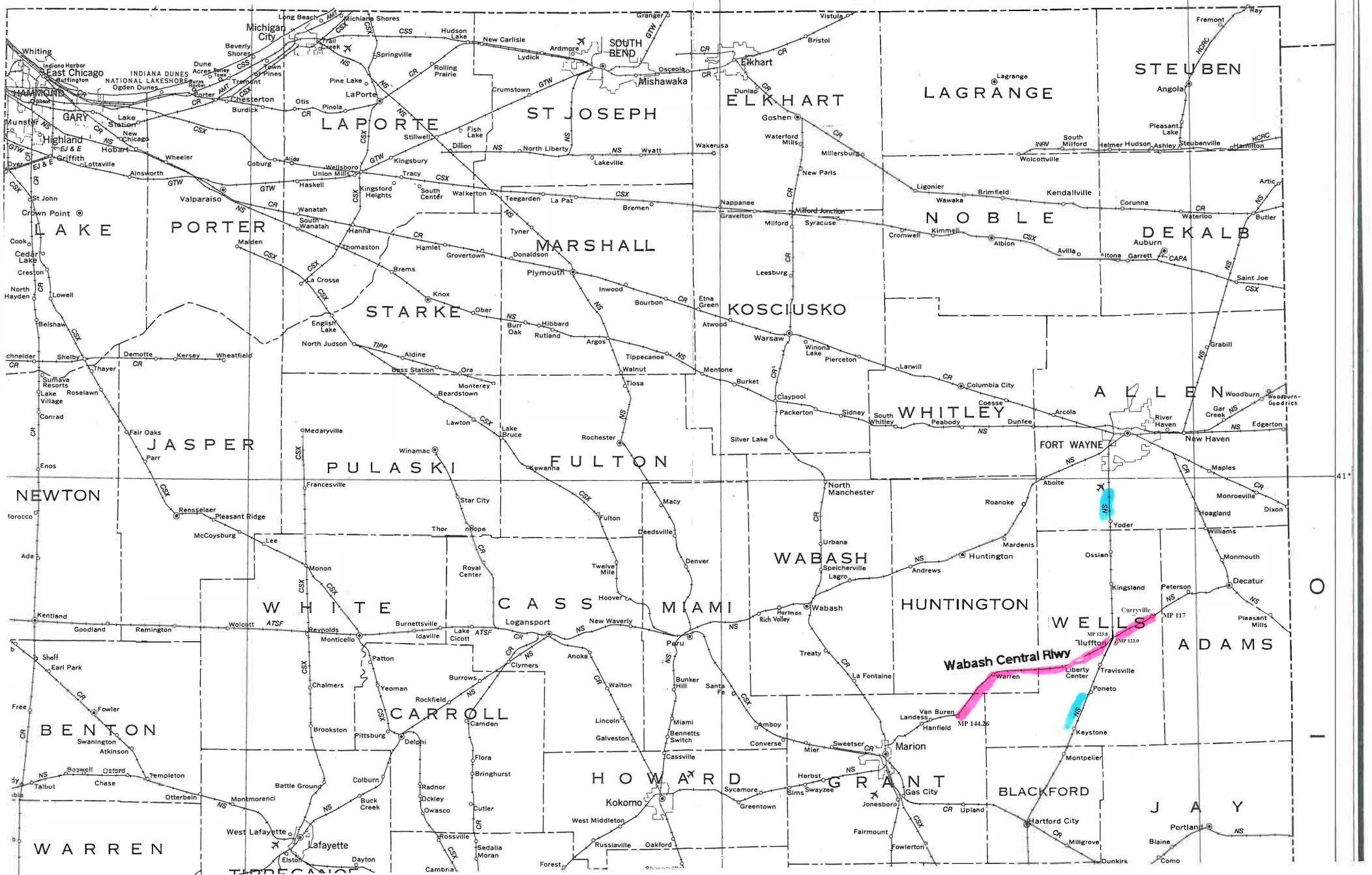
**FD 36728**

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

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**EXHIBIT A**

**MAP**



Rail Map Northern Indiana  
Wabash Central Rlwy

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**FD 36728**

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

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**EXHIBIT B**

**CAPTION SUMMARY**

SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

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FD 36728

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

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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. . As part of the transaction, Wabash Central Railway, LLC (“WCR”), a short line controlled by RMW, shall end its leasehold operating rights over the, and NER will thereby replace WCR as operator of the Line,.

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**

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**FD 36728**

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

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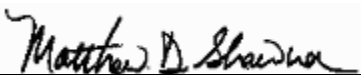
**CERTIFICATION AND VERIFICATION**

### **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

  
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Matthew Shawver