

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33561]

Port of Pend Oreille d/b/a Pend Oreille Valley Railroad—Acquisition and Operation Exemption—The Burlington Northern and Santa Fe Railway Co.

Port of Pend Oreille d/b/a Pend Oreille Valley Railroad (POVA),¹ a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire the exclusive rail freight easement and all track structures on a 24.9-mile rail line currently owned by The Burlington Northern and Santa Fe Railway Company (BNSF).² The rail line involved in the acquisition transaction is located between milepost 1433.0, at Newport, WA, and milepost 1408.1, at Dover, ID. In conjunction with the acquisition of the rail freight easement and track structures, POVA will acquire incidental overhead trackage rights over BNSF's 6.9-mile rail line between milepost 1408.1, at Dover, ID, and milepost 1401.2, at North Sandpoint, ID.

The transaction was scheduled to be consummated on or after March 1, 1998.

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 does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33561, 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 Karl Morell, Esq., BALL JANIK LLP, 1455 F Street, N.W., Suite 225, Washington, DC 20005.

Decided: March 3, 1998.

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

Vernon A. Williams,

Secretary.

[FR Doc. 98-6141 Filed 3-9-98; 8:45 am]

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¹ The Port of Pend Oreille is a municipal corporation of the State of Washington and operates, as the Pend Oreille Valley Railroad, a 61-mile rail line between Newport and Metaline Falls, WA.

² Applicant states that BNSF will retain ownership of the real estate underlying the rail line being acquired, and POVA will become the exclusive operator of the rail line.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33541]

RMW Ventures, L.L.C.—Corporate Family Transaction 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 holding corporation for C&NC, L.L.C., Maumee & Western, L.L.C., and Wabash Central, L.L.C.,¹ has filed a verified notice of exemption. The proposed exempt transaction is a merger of C&NC, L.L.C., Maumee & Western, L.L.C., and Wabash Central, L.L.C., into RMW.

The parties intended to consummate the transaction on or after February 20, 1998. However, the exemption in STB Finance Docket No. 33541 could not become effective until after the effective date of the transaction in 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.*²

The proposed merger will provide for unified management and development of the subject rail properties.

Upon consummation of the lawful control that is the subject of the exemption in STB Finance Docket No. 33565, this transaction will be one within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1180.2(d)(3). The parties state that the transaction will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family.

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.

If the verified notice contains false or misleading information, the exemption

¹ C&NC, L.L.C., Maumee & Western, L.L.C., and Wabash Central, L.L.C. are Class III railroads which own rail lines in the States of Indiana and Ohio.

² The exemption in STB Finance Docket No. 33565, which covers the transaction by which RMW would be authorized to control C&NC, L.L.C., Maumee & Western, L.L.C., and Wabash Central, L.L.C., is scheduled to become effective on March 5, 1998.

is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to reopen will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33541, 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 A. 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.

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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

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