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SERVICE DATE – DECEMBER 3, 2020

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36463

THE LOUISVILLE AND JEFFERSON COUNTY RIVERPORT AUTHORITY—
PETITION FOR DECLARATORY ORDER

Decided: December 3, 2020

On November 18, 2020, the Louisville and Jefferson County Riverport Authority, d/b/a Louisville Riverport Authority (LRA), filed a petition for declaratory order requesting that the Board determine that: (1) the New Albany Main Street Properties, LLC, d/b/a the Port of Louisville (Port of Louisville), has been improperly operating certain rail lines without the required authorization from the Board; (2) the Port of Louisville should cease rail operations immediately; and (3) LRA may seek authority from the Board to have another railroad operate on the rail lines. On November 30, 2020, the Port of Louisville filed a motion for an extension of time to file a reply. The Port of Louisville asserts that an extension is warranted because, among other things, it needs time to review several ongoing court and arbitration proceedings and agency actions and authority dating back over 30 years in order to reply. Thus, the Port of Louisville seeks a 45-day extension, up to and including January 22, 2021, to respond to LRA's petition. LRA opposes the extension request, stating that it seeks to resolve this matter in an expedited manner.

Under 49 C.F.R. § 1104.7(b), the Board may, in its discretion, grant extensions of time for good cause. The Board finds that an extension is warranted to ensure that the Port of Louisville has an opportunity to fully respond to the petition, and that granting an extension will not cause undue delay. The reply deadline will be extended until January 7, 2021.

It is ordered:

1. Replies to LRA's petition will be due January 7, 2021.
2. This decision is effective on the date of service.

By the Board, Allison C. Davis, Director, Office of Proceedings.