

SERVICE DATE – FEBRUARY 9, 2022

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36447

LAKE PROVIDENCE PORT COMMISSION—
FEEDER LINE APPLICATION—LINE OF DELTA SOUTHERN RAILROAD LOCATED IN
EAST CARROLL AND MADISON PARISHES, LA.

Decided: February 9, 2022

On January 15, 2021, the Board accepted the application of the Lake Providence Port Commission (LPPC) under 49 U.S.C. § 10907 to acquire a 20-mile rail line owned by Delta Southern Railroad, Inc. (DSR) through a Board-ordered sale.¹ On March 9, 2021, the procedural schedule was suspended pending further Board order in light of numerous filings made by NLA, DSR, and LPPC shortly before the then-impending deadline for submitting verified statements and comments addressing the application.

By decision served June 1, 2021, the Board resolved certain discovery matters, denied two motions to strike, and directed the parties to report the status of any remaining discovery issues and indicate whether they were amenable to mediation. Thereafter, the Board acknowledged the parties' reports that discovery issues had been resolved, ordered Board-sponsored mediation, and stated that it would address pending motions after the completion of mediation, if the parties were unable to fully resolve their disputes.² See October 2021 Decision, FD 36447, slip op. at 4.

¹ The application is related to an initiative by LPPC, in collaboration with the Southeast Arkansas Economic Development District, the North Louisiana & Arkansas Railroad (NLA), and the Madison Parish Port Commission (collectively, the Project Participants), to restore the 91.3-mile McGehee-Tallulah Railroad Corridor (the Corridor), which runs from milepost 408.9 in McGehee, Ark., to milepost 500.2 in Tallulah, La. DSR owns the segment between milepost 471.0 and milepost 500.2, and NLA currently operates all segments of the Corridor not owned by DSR. Further details on these matters are available in the Board's October 21, 2021 decision (October 2021 Decision), FD 36447, slip op. at 1-3.

² The pending motions are: DSR's motion to dismiss the proceeding and request to hold the proceeding in abeyance pending disposition (filed March 2, 2021); DSR's motion to strike LPPC's supplementary new evidence and legal argument (filed May 28, 2021); and Project Participants' motion to re-set a procedural schedule (filed September 7, 2021).

On January 19, 2022, the mediators informed the Board that mediation concluded without a settlement. Accordingly, as an initial matter, LPPC will be directed to file any reply it may wish to submit to DSR's May 28, 2021 motion to strike by February 22, 2022.

It is ordered:

1. LPPC's reply (if any) to DSR's May 28, 2021 motion to strike is due by February 22, 2022.
2. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.