

ENTERED
Office of Proceedings
June 13, 2025
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Public Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 36447

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

**LAKE PROVIDENCE PORT COMMISSION'S REPLY TO
DELTA SOUTHERN'S REQUEST FOR EXPEDITED CONSIDERATION AND
REQUEST FOR EXTENSION OF TIME TO REPLY SUBSTANTIVELY TO
DELTA SOUTHERN'S RENEWED MOTION TO DISMISS**

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Dated June 13, 2025

Lake Providence Port Commission ("LPPC), by and through its attorneys, respectfully replies to the Renewed Motion to Dismiss filed by Delta Southern Railroad Inc. ("DSRR") and its request that the Board remove this proceeding from abeyance and grant its pending motion to dismiss, with prejudice, LPPC's long-pending Feeder Line Application. Based on the following information, the Board should deny DSRR's request for expedited consideration and should grant LPPC's Request for an Extension.

As the record reflects, on May 27, 2025, DSRR initially filed its Motion to Dismiss LPPC's Feeder Line Application ("Motion"), including a request for expedited consideration. It thereafter filed corrected versions on May 28 and May 29. Accordingly, under the Board's Rules, LPPC's Reply is due to be filed with 20 days from May 29, or June 18, 2025.

As explained below, there is no basis for the request to provide expedited consideration of the Motion, and indeed, there are significant grounds for the Board not to expedite its consideration of the Motion and, instead, to grant LPPC's Request for an Extension of Time to Reply substantively to the Motion.

As DSRR is aware, because its representatives, including its counsel herein, appeared as witnesses before the House Ways and Means Committee on May 27, 2025, the Louisiana Legislature recently passed without opposition in either the House or the Senate a bill - denominated SB 146 - that would explicitly provide LPPC with unquestioned authority to acquire railroad

property outside East Carroll Parish.¹ This authority clearly includes the segment of the former Lake Providence Branch Line that extends beyond the East Carroll/Madison Parish boundary at milepost 488.61 to the termination of the Line at milepost 498.4.

Under the Louisiana Constitution, a bill that is passed by both houses of the Legislature is to be signed by the presiding officers of each house within three legislative days and then it is sent to the Governor. SB 146 was duly signed by the presiding officers of each house on June 8, 2025 and forwarded to the Governor for his signature on June 9, 2025. The Louisiana Constitution, Article 3 § 18, further provides that, after the Governor's receipt of a bill that is passed by the Legislature less than 10 days before adjournment of the Legislature, the Governor is entitled under the Louisiana Constitution to take up to 20 days after the bill is passed to decide whether to sign it (or allow it to become law without his signature). Because the Louisiana Legislature concluded the current session on June 12, 2025 (*Sine Die*), the 20-day period for the Governor to review SB 146 should expire by June 29 or, at the latest, by June 30, 2025.

Hence, there is no basis to provide expedited consideration of the Motion. After all, this proceeding was put into abeyance, in response to a motion filed

¹ See the attached vote-tally sheets in the Louisiana House and Senate, an enrolled version of SB 146 itself, and a listing of the chronological progress of the bill showing it was provided to the Governor on June 9, 2025.

by DSRR, over nine months ago, and there are no public-interest or other considerations that justify expedited consideration of the Motion to Dismiss.²

Accordingly, LPPC hereby moves for leave to file its Reply no later than July 7, 2025, seven days after the latest date for the Governor to decide whether to sign SB 146 (or allow it to become law without his signature). If the Governor signs SB 146 (or allows it to become law) earlier than June 30, 2025, LPPC will attempt to file its Reply as soon thereafter as possible, and no later than 7 days after the Governor completes his consideration on the bill. LPPC has every reason to have this proceeding removed from abeyance and put under active consideration by the Board, but the Board should not do so until the issue of LPPC's statutory authority is resolved by the Governor of Louisiana.

Respectfully submitted,

Richard H. Streeter

Michael F. McBride

/s/Richard H. Streeter

/s/Michael F. McBride

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² To be clear, if, as LPPC anticipates, the Governor signs SB 146, LPPC will seek to have the Board promptly lift the order putting this proceeding into abeyance, and proceed as expeditiously as possible with its consideration of the feeder line application, because LPPC considers that application to be in the public interest. The Board tentatively agreed with that conclusion, subject to determination of valuation, in its decisions issued on November 20, 2023 and December 11, 2023 herein.

Attachment 1

Vote Talley Sheets SB146

Louisiana Senate
Louisiana House of Representatives

2025 Regular Session

Sequence: 32

**SBS 3RD READING AND FINAL PASSAGE
SB 146 BY JACKSON-ANDREWS
LOCAL FINANCE
EG SEE FISC NOTE LF EX SEE NOTE
FINAL PASSAGE**

Date: 4/22/2025
Time: 5:16:58 PM

ROLL CALL

The roll was called with the following result:

	YEAS	
Mr. President	Edmonds	Mizell
Abraham	Fesi	Morris
Allain	Foil	Myers
Barrow	Harris	Owen
Bass	Hensgens	Pressly
Boudreaux	Hodges	Price
Bouie	Jackson-Andrews	Reese
Carter	Kleinpeter	Seabaugh
Cathey	Lambert	Stine
Cloud	McMath	Talbot
Connick	Miguez	Wheat
Duplessis	Miller	Womack
Total -- 36		
	NAYS	
Total -- 0		
	ABSENT	
Jenkins	Luneau	Selders
Total -- 3		

2025 Regular Session

Sequence: 836

**SBS FINAL PASSAGE
SB 146 BY JACKSON-ANDREWS
FINAL PASSAGE**

Date: 6/03/2025
Time: 5:17:15 PM

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker
Adams
Amedee
Bacala
Bagley
Bamburg
Beaullieu
Berault
Billings
Bourriaque
Boyd
Boyer
Brass
Braud
Brown
Bryant
Butler
Carlson
Carpenter
Carrier
Carter, R.
Carver
Chassion
Chenevert
Coates
Cox
Crews
Davis
Deshotel
Dewitt
Dickerson
Domangue
Echols

Edmonston
Egan
Emerson
Firmont
Fisher
Fontenot
Freeman
Freiberg
Gadberry
Galle
Glorioso
Hebert
Henry
Hilferty
Horton
Hughes
Illg
Jackson
Johnson, M.
Johnson, T.
Jordan
Kerner
Knox
LaFleur
Landry, J.
Landry, M.
Larvadain
Lyons
Mack
Marcelle
McCormick
McFarland
McMahan

McMakin
Melerine
Mena
Miller
Moore
Muscarello
Newell
Orgeron
Owen
Phelps
Riser
Romero
Schamerhorn
Schlegel
Spell
St. Blanc
Stagni
Taylor
Thomas
Thompson
Turner
Ventrella
Villio
Walters
Wilder
Wiley
Willard
Wright
Wyble
Young
Zeringue

Total -- 97

NAYS

Total -- 0

ABSENT

Bayham
Carter, W.
Farnum

Geymann
Green
LaCombe

Landry, T.
Tarver

Total -- 8

Attachment 2

Enrolled Version of SB 146

SENATE BILL NO. 146

BY SENATORS JACKSON-ANDREWS, BARROW, BOUDREAUX, CARTER,
CATHEY, MORRIS AND WOMACK AND REPRESENTATIVE
THOMPSON

AN ACT

To amend and reenact R.S. 34:1503(C) and 1504(C), relative to the Lake Providence Port Commission; to provide relative to the powers of the commission; to provide relative to the issuance of bonds by the commission; to provide relative to limitations; to provide relative to obligations of the commission; to provide for effectiveness; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 34:1503(C) and 1504(C) are hereby amended and reenacted to read as follows:

§1503. Rights and powers of the board

* * *

C. The commission shall regulate the commerce, and traffic, within such port area in such a manner as may, in its judgment, be for the best interests of the state. It shall have charge of and administer public wharves, docks, sheds and landings, and shall have authority to construct or acquire and equip wharves and landings, and other structures useful for the commerce of the port area, and provide mechanical facilities therefor; to erect sheds or other structures on said wharves and landings; to maintain proper depths of water at all such wharves and landings; to provide light, water, police protection and other services for its facilities as it may deem advisable; to construct or acquire, maintain and operate basins, locks, canals, warehouses and elevators; to charge for the use of all facilities administered by it, and for all services rendered by it, such fees, rates, tariffs, or other charges as it may establish; **and** to

1 establish harbor lines within the port area by agreement with the corps of engineers;
2 ~~and to~~ **Notwithstanding the provisions of Subsection A of this Section, the**
3 **commission is hereby authorized to acquire,** construct, own, operate and maintain
4 terminal rail facilities, and other common carrier rail facilities, **including rail**
5 **facilities that are physically located beyond the boundaries and limits of East**
6 **Carroll Parish,** for the purpose of rendering rail transportation to and from the **port**
7 **area.** ~~facilities to be erected, owned and operated by the commission in both~~
8 ~~intrastate and interstate commerce.~~ The legislature may confer additional powers
9 upon the commission not inconsistent with the provisions hereof; provided, however,
10 that it shall not impair any contracts lawfully entered into by the commission. Title
11 to all property and improvements thereon operated by the commission shall vest in
12 the state of Louisiana.

13 * * *

14 §1504. Authority for issuance of bonds; levy of taxes; election

15 * * *

16 C. The commission, with the approval of the State Bond Commission, is
17 authorized to incur debts for its lawful purposes, and to issue in its name, negotiable
18 bonds or notes therefor, and to pledge for the payment of the principal and interest
19 of such negotiable bonds or notes the revenues derived from the operation of
20 properties and facilities maintained and operated by it, or received by the
21 commission from any taxes authorized under this Section or from other sources;
22 ~~provided, however, that the amount of such bonds or notes outstanding at any one~~
23 ~~time shall not exceed fifteen million dollars. Such bonds, when authorized to be~~
24 ~~issued, shall constitute, first, a general obligation of the commission, and secondly,~~
25 ~~the full faith and credit of the parish of East Carroll and the state of Louisiana shall~~
26 ~~be and are hereby pledged.~~ In addition to the pledge of revenues to secure said bonds
27 and notes, the commission may further secure their payment by conventional
28 mortgage upon any or all of the properties constructed or acquired, or to be
29 constructed and acquired by it. The commission is further authorized to receive, by
30 gift, grant, donation or otherwise, any sum of money, aid or assistance from the

1 United States, the state of Louisiana, or any political subdivision thereof, and unless
2 otherwise provided by the terms of such gift, grant or donation, in its discretion, to
3 pledge all or any part of such monies for the further securing of the payment of the
4 principal and interest of its bonds or notes.

5 Section 2. This Act shall become effective upon signature by the governor or, if not
6 signed by the governor, upon expiration of the time for bills to become law without signature
7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
9 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

Attachment 3

Chronical List of Events Relative to SB146
including date sent to the Governor by the
Secretary of the Senate



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2025 REGULAR SESSION

SB146 by Senator Katrina Jackson-Andrews

LOCAL FINANCE: Provides relative to the issuance of bonds by the Lake Providence Port Commission and the powers of the commission. (gov sig) (EN SEE FISC NOTE LF EX See Not

Current Status: Sent to Governor

[Text](#) ▶ [Amendments](#) ▶ [Digests](#) ▶ [Notes](#) ▶ [Notices](#) ▶ [Votes](#) ▶ [Authors](#) ▶

Date	Chamber	Journal Page	Action	sort history by ascending dates
06/09	S	92	Sent to the Governor by the Secretary of the Senate.	
06/08	H	52	Signed by the Speaker of the House.	
06/08	S	111	Enrolled. Signed by the President of the Senate.	
06/08	S	3	Received from the House without amendments.	
06/03	H	58	Read third time by title, roll called on final passage, yeas 97, nays 0. Finally passed, ordered to the Senate.	
06/02	H		Scheduled for floor debate on 06/03/2025.	
05/29	H	16	Read by title, passed to 3rd reading.	
05/28	H	4	Reported without Legislative Bureau amendments.	
05/27	H	5	Reported favorably (14-0). Referred to the Legislative Bureau.	
04/23	H	11	Read by title, under the rules, referred to the Committee on Ways and Means.	
04/22	H	23	Received in the House from the Senate, read by title, lies over under the rules.	
04/22	S	13	Read by title, passed by a vote of 36 yeas and 0 nays, and sent to the House. Motion to reconsider tabled.	
04/16	S	6	Read by title. Ordered engrossed and passed to third reading and final passage.	
04/15	S	6	Reported favorably.	
04/14	S	18	Introduced in the Senate; read by title. Rules suspended. Read second time and referred to the Committee on Revenue and Fiscal Affairs.	
04/04	S		Prefiled and under the rules provisionally referred to the Committee on Revenue and Fiscal Affairs.	

Certificate of Service

I, Richard H. Streeter, do hereby certify that, on June 13, 2025, true copies of the foregoing with attachments were served on the following Parties of Record, via email:

Delta Southern Railroad, Inc. (the owning railroad)
c/o John M. Scheib scheib@gentrylocke.com. and
Noah P. Sullivan NSullivan@gentrylocke.com.

ALJ Judge McCarthy at ctolbert@fmshrc.gov.

Thomas D. Crowley at tc@lepeabody.com

In addition, true copies were served, consistent with 49 C.F.R. § 1152.1(a) on the following:

- (1) All rail patrons who originated or received traffic on the line during The 12-month period preceding the month in which the amended application was filed:

Jose Hernandez
Helena Chemical/South Delta Fertilizer
hernandezj@helenaagri.com

Dan Militaru
Rail Vehicle Services
dan.militaru@railcarco.com

Jerry J. Melton
Complex Chemical Co.
jmelton@complexchemical.com

Neil Martin
Terral River Service, Inc.
nmartin@terralriverservice.com

- (2) The designated State agency in the State where the property is located:

Louisiana Department of Transportation and Development
andrew.barry@la.gov

sanetttria.pleasant2@la.gov

(3) County governments where the line is located:

East Carroll Parish Police Jury
Kendall Thompson, President
ecpj400@att.net

Madison Parish Police Jury
Jane Sanders, President
msmith_mppj@bellsouth.net

Richard H. Streeter

/s/ Richard H. Streeter

Counsel to the Lake Providence
Port Commission