



2000 Pennsylvania Ave. NW
Suite 6000
Washington, DC 20006
202-298-1800

Michael F. McBride, Partner
202-298-1989
mfm@vnf.com

309816

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Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Re: FD 36809, Petition for Declaratory Order – Northeast Louisiana Multimodal District – Former Line of Railroad Between MP 498.44 and 501.15 in Madison Parish, Louisiana

Dear Ms. Brown:

The purpose of this letter is to provide supplemental authority for the position taken by Petitioner Northeast Louisiana Multimodal District (“NELMD”) in the above-pending proceeding.

In its Petition filed on August 22, 2024 (at 5-16), and in its Reply filed September 9, 2024 (at 6-15), NELMD argued that the abandonment of the railroad right-of-way and track at issue herein deprived the Board of jurisdiction over that property.

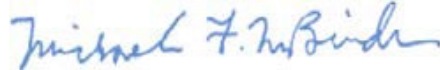
As supplemental authority for its arguments cited above, the Board, in its recent decision in AB No. 1339X, *Walkersville Southern Railroad, Inc. – Discontinuance of Service Exemption – Frederick County, MD* (served July 21, 2025) (slip op. at 7), held:

“As explained above, the May 2024 Decision, relying on Wisconsin Central Ltd. v. STB, 112 F.3d 881 (7th Cir. 1997), found that while the Board had jurisdiction over WSRR’s service, the prior abandonment of the Line stripped it of jurisdiction over the underlying right-of-way and therefore, the jurisdiction to issue a NITU. According to Appellants, the definition of ‘transportation’ precludes any separation of the Board’s jurisdiction over rail service from its jurisdiction over the property used to provide rail service. However, this argument cannot be reconciled with Wisconsin Central. In that case, the court held that the ICC did not have jurisdiction to impose a common carrier obligation on an owner of an abandoned line where rail service had been provided by another entity. The court reasoned that, although the Board had jurisdiction over the operator and its service, the Board lost its

jurisdiction over the underlying right-of-way and its owner when the line was abandoned, and the act of leasing the line to another entity to provide service did not reestablish such jurisdiction. Wis. Cent. Ltd. v. STB, 112 F.3d at 892. Thus, Wisconsin Central clearly establishes that jurisdiction over rail service can be separated from jurisdiction over the underlying right-of-way [footnote omitted].”

Accordingly, for the reasons set forth in its Petition and Reply filed herein, and based on the above-quoted decision of the Board in AB No. 1339X, NELMD continues to request that the Board issue the declaratory order sought herein.

Respectfully submitted,



/s/ Richard H. Streeter
Richard H. Streeter
Law Office Richard H. Streeter
5255 Partridge Lane, N.W.
Washington, D.C. 20016

Michael F. McBride
Partner
Van Ness Feldman, LLP
2000 Pennsylvania Ave., N.W.
Suite 6000
Washington, D.C. 20006

cc: Counsel for Delta Southern Railroad, Inc.
John Scheib, Esq.
scheib@gentrylocke.com