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Via Electronic Filing

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:

Northeast Louisiana Multimodal District submitted a letter to the Board on July 24, 2025, that purported to provide supplemental authority. However, the case provided – *Walkersville Southern Railroad, Inc. – Discontinuance of Service Exemption – Frederick County, MD*, AB-1399X, (served July 21, 2025) (hereinafter “*Walkersville*”) – has no relevance to this matter.

First, *Walkersville* did not involve actively used track that is classified as 49 U.S.C. 10906 track. See Delta South. R.R. Inc.’s Reply, *Northeast Louisiana Multimodal District – Petition for Declaratory Order*, Docket No. 36809 (STB filed September 5, 2024) (Exhibit C – Court decision holding that the track at issue here is 10906 track) (hereinafter “DSRR Reply”); *Northeast Louisiana Multimodal District – Petition for Declaratory Order*, Docket No. 36809 at 1-2 & n.4 (STB filed September 12, 2024) (hereinafter “DSRR Rebuttal”). Similarly, the case discussed in the quote from *Walkersville* to which NLMD points – *Wisconsin Central Ltd. v. STB*, 112 F.3d 881 (7th Cir. 1997) – did not involve 10906 track.

Second, *Walkersville* did not hold that the Board may overrule the holding of a district court that track is 10906 track within the Board’s jurisdiction after a party fails to appeal that court’s ruling to the proper court of appeals. See DSRR Reply at 7; DSRR Rebuttal at 2-3 & n.3.

Accordingly, for the reasons set forth in the DSRR Reply and the DSRR Rebuttal, DSRR continues to request that the Board decline to issue the declaratory order sought herein.

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Respectfully submitted,

/s/ John M. Scheib

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