



**Surface Transportation Board**  
Washington, D.C. 20423-0001

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ENTERED  
Office of Chief Counsel  
August 13 2025  
Part of  
Public Record

August 13, 2025

The Honorable Julia Letlow, Ph.D.  
142 Cannon House Office Building  
Washington, DC 20515

The Honorable Eric A. Crawford  
2422 Rayburn House Office Building  
Washington, DC 20515

The Honorable Bruce Westerman  
202 Cannon House Office Building  
Washington, DC 20515

Dear Representative Letlow, Representative Crawford, and Representative Westerman,

Thank you for your recent letter regarding Lake Providence Port Commission—Feeder Line Application—Line of Delta Southern Railroad Located in East Carroll and Madison, Parishes, Louisiana, Docket No. FD 36447. I appreciate hearing your views concerning this rail corridor and its potential impacts on freight transportation and economic revitalization in Louisiana and Arkansas. As you know, this case has a lengthy procedural history, including several court actions and action by the Louisiana State Legislature. I expect the Board to act expeditiously to move this matter forward, with the Board taking its next action by the end of September.

**Initial Application, Mediation, and Amended Application**

In late 2020, the Lake Providence Port Commission (LPPC) filed a feeder line application to acquire a portion of a rail line owned by Delta Southern Railroad (DSR) in East Carroll and Madison Parishes, Louisiana. The Board required LPPC to submit additional information to complete its application and, in January of 2021, the Board accepted a completed application from LPPC. For much of 2021, the parties engaged in discovery, followed by Board-sponsored mediation, which concluded unsuccessfully in January of 2022. Thereafter, the Board granted a request from LPPC to file an amended application, and in January of 2023, LPPC filed an amended application seeking to acquire DSR's entire line. Following an unsuccessful challenge by DSR to the amended application's completeness, the Board conditionally accepted LPPC's application in December of 2023 and allowed the parties to engage in certain additional discovery, which they did through early 2024.

**Court Actions**

In June of 2024, DSR moved to dismiss the proceeding with prejudice, asserting that a Louisiana state court had ruled that LPPC lacked authority to dispossess DSR of property located outside East Carroll Parish, Louisiana. In response, LPPC stated that it had appealed the state court's judgment and also filed a petition for declaratory judgment in a separate state court proceeding seeking a determination that LPPC had authority to pursue a feeder line application pursuant to

the Northeast Louisiana Multimodal District's (NELMMD's) authority to acquire property. In August of 2024, the Board held the proceeding before it in abeyance and deferred ruling on DSR's motion to dismiss pending resolution of the issues raised in the state court litigation.

In March of 2025, LPPC informed the Board that Louisiana's Second Circuit Court of Appeal issued a decision affirming the trial court's decision, but that LPPC intended to seek rehearing. In April of 2025, DSR filed a notice that the Court of Appeal had denied LPPC's application for rehearing, and LPPC indicated that it intended to file an application for a writ to the Louisiana Supreme Court. LPPC requested that the Board continue to hold the proceeding before the Board in abeyance until the Louisiana Supreme Court ruled.

On May 29, 2025, DSR filed a renewed motion to dismiss the proceeding with prejudice and explained that, on May 27, 2025, the Louisiana Supreme Court granted a motion to dismiss LPPC's application to that court. DSR requested that the Board remove the proceeding from abeyance and expeditiously grant its motion to dismiss with prejudice.

### **Louisiana State Legislature's Passage of SB 146**

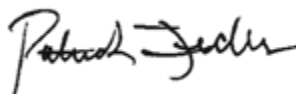
On June 13, 2025, LPPC filed a reply to DSR's request for expedited consideration and asked the Board to extend the due date for LPPC's reply to DSR's motion to dismiss. LPPC stated that the Louisiana State Legislature had recently passed a bill (SB 146) that would provide LPPC with authority to acquire railroad property outside East Carroll Parish, including a segment of the line at issue. LPPC explained that SB 146 was sent to the governor of Louisiana on June 9, 2025, and that, under Louisiana law, the period for action by the governor would expire on June 30, 2025.

### **Current Procedural Status**

LPPC sought leave to file its reply no later than July 7, 2025, seven days after the last date by which the governor could sign the bill, and stated that, if the bill was signed sooner, LPPC would attempt to file its reply as soon thereafter as possible. On June 17, 2025, the Board granted LPPC's request for extension because the state legislation appeared relevant to the Board's analysis of DSR's motion to dismiss. LPPC filed its reply on June 18, 2025, following the governor's signing of the bill into law on June 11, 2025. On June 20, 2025, DSR sought leave to file a rebuttal to the reply, which LPPC opposed in a filing submitted on June 23, 2025. As noted above, I committed to ensuring that the Board moves expeditiously, and I expect the Board will next act by the end of September. Because this matter is pending, I cannot comment further; however, I again thank you for sharing your views.

A copy of your letter and this reply have been placed in the docket on the Board's website. If you or your staff have any questions, please contact Ms. Janie Sheng, Director of the Board's Office of Public Assistance, Governmental Affairs, and Compliance, at 202-245-0238.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick J. Fuchs".

Patrick J. Fuchs  
Chairman