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VIA E-FILING

311340

May 13, 2026

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

ENTERED
Office of Chief Counsel
May 13, 2026
Part of
Public Record

Re: FD 36447, Lake Providence Port Commission –
Feeder Line Application – Line of Delta Southern
Railroad, Inc. Located in East Carroll and Madison
Parishes, Louisiana; Status Report

Dear Chief of Case Administration:

Attached for filing in the above-captioned proceeding is the **Corrected** Joint Response of the Lake Providence Port Commission and Southeast Arkansas Economic Development District to Delta Southern Railroad Inc.'s Omnibus Brief In Support of Motions for Issuance of Subpoenas to Mr. Bryant Killen and Ms. Patrecia Hargrove. After the filing was posted this morning as Document 311338, it was discovered that pages 10 through 13 had been accidentally omitted. This Corrected Joint Response is being simultaneously served on ALJ Soulikias and on all required entities.

If you have any questions, please give me a call.

Regards,

Richard H. Streeter

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.

JOINT REPLY OF LAKE PROVIDENCE PORT COMMISSION AND SOUTHEAST
ARKANSAS ECONOMIC DEVELOPMENT DISTRICT TO DELTA SOUTHERN
RAILROAD, INC.'S OMNIBUS BRIEF IN SUPPORT OF MOTIONS FOR
ISSUANCE OF SUBPOENAS TO APPLICANT AND TO A PARTY TO THE
PROCEEDING, AND TO MOTIONS FOR ISSUANCE OF SUBPOENAS TO MR.
BRYANT KILLEN, ON BEHALF OF LAKE PROVIDENCE PORT COMMISSION,
AND TO MS. PATRECIA HARGROVE, ON BEHALF OF SOUTHEASTERN
ARKANSAS ECONOMIC DEVELOPMENT DISTRICT

Introduction

Lake Providence Port Commission (“LPPC”), the Applicant, and Southeast Arkansas Economic Development District (“SEAEDD”), a party herein, recognize that Delta Southern Railroad, Inc. (“DSRR”) had the right to seek discovery that appears reasonably calculated to lead to the discovery of admissible evidence. However, after years of such discovery, including more than 200 days of additional discovery since the Board’s September 25, 2025 decision, LPPC and SEAEDD both believe that DSRR’s Motions and Omnibus Brief do not and will not lead to any admissible new evidence but will merely cause the incurrence of costs in needless additional discovery.¹

¹ In a Status Report filed herein on May 5, 2026 LPPC, SEAEDD, and Northeast Louisiana and Arkansas Railroad (“NLA”) summarized the circumstances that began with the Board’s September 25, 2025 Decision removing this proceeding from abeyance and providing (at 1-2 n. 4) for a “reasonable period of time for DSR to complete discovery” and requiring LPPC and DSRR to file a joint or separate procedural schedule(s) for the completion of this proceeding. We respectfully refer the Board and Administrative Law Judge Soulikias on behalf of the Board for a complete summary of what has transpired since that time and will not repeat the arguments set forth therein. Instead, LPPC, SEAEDD and NLA will focus on key facts that demonstrate the frivolous claims that DSRR has made in its latest effort to forestall the issuance of a new procedural

I.

DSRR's MOTIONS ARE UNTIMELY BECAUSE DSRR'S DEADLINE FOR SEEKING SUBPOENAS TO TAKE DEPOSITIONS EXPIRED MONTHS AGO.

In its September 25, 2025 Decision, the Board directed the parties to seek to establish a procedural schedule that “should take into account a reasonable time for DSR to complete discovery and the general timeline for record-building contemplated by the Board’s regulations” at 49 C.F.R. § 1151.2(c), (e), (f) (which contemplate a total time of 110 days for remaining substantive filings). In her decision, served December 31, 2025 (at 2 n.2), ALJ Soulikias determined that DSRR had a duty to identify “**now**” whom it wished to depose (ALJ Soulikias enforced her prior order by concluding that DSRR could not “reserve its rights” to seek the right to take such depositions at a later time because DSRR had missed the deadline for deposing Mr. Melton, President of Complex Chemical had passed. February 27, 2026 Decision at 5 n. 6. The Board affirmed the ALJ’s February 27, 2026 Decision in its March 25, 2026 Decision. Accordingly, DSRR no longer has the right to seek to depose Mr. Melton. Given that DSRR was ordered to seek subpoenas for such depositions months ago, and did not comply with that deadline for Mr. Melton, we respectfully submit that DSRR also should be precluded from belatedly seeking to depose Bryant Killen and Patrecia Hargrove or any other witnesses.

There is no excuse for DSRR’s failure to request ALJ Soulikias to issue a subpoena in February 2026 that would have allowed DSRR to take the depositions of Patrecia Hargrove and Bryant Killen in June 2026 (if ALJ Soulikias would even have considered such depositions to be timely). Both Mr. Killen and Ms. Hargrove were known by DSRR long before September 25, 2025 to have played significant roles in this proceeding and identified them as potential witnesses in its January 5, 2026 response (at 8) to ALJ Soulikias’s December 31, 2025 order. Instead, DSRR chose in February 2026 to seek to depose the retired Executive Director of the Lake Providence Port, Mr. Wylie Gilfoil, and it did so by agreement of LPPC’s and Mr. Gilfoil’s counsel on February 24, 2026. Accordingly, DSRR also could have sought deposition subpoenas for Mr. Killen and Ms. Hargrove in February 2026 when it sought

schedule that would finally require DSRR for the first time to provide a substantive Response to the Amended Application with sworn testimony to attempt to demonstrate that it has provided adequate rail service to all shippers who have sought rail in the past decade and who will seek rail service in the future.

and obtained six deposition subpoenas in ALJ Soulikias's February 13, 2026 Decision, but it did not. Just as DSRR was not entitled to "reserve its rights" to depose Mr. Melton (February 27, 2026 Decision at 5. n.6), neither should it be determined to be entitled now to have a right to obtain deposition subpoenas for the other potential witnesses for which DSRR purported to "reserve its rights," including Mr. Killen and Ms. Hargrove.

Accordingly, for that reason alone, the Motions for Issuance of Subpoenas should be denied.

II.

DSRR HAS HAD MORE THAN A "REASONABLE PERIOD OF TIME TO COMPLETE DISCOVERY."

DSRR began taking discovery herein in 2021. In June 2021, through its previous counsel, DSRR informed the Board that its discovery had been completed.²

Nonetheless, in January 2023, through its new counsel, DSRR stated that it "regrets that will likely have to depose many, if not all, of those who submitted verified statement [sic] with LPPC's Amended Application."³ After the Board denied DSRR's Motion to Reject the Amended Application in its November 20, 2023 and December 11, 2023 Decisions, DSRR's new counsel, in January 2024, propounded extensive additional discovery (interrogatories and requests for production of documents) to LPPC, NLA, and SEAEDD, but did not seek depositions of any witnesses at that time. Responses to those extensive additional discovery requests were completed by mid-2024. Soon thereafter, on July 5, 2024, LPPC submitted the expert valuation testimony that the Board's November 20, 2023 and December 11, 2023 Decisions contemplated it could submit if it so chose.

But, without relying on the extensive discovery responses LPPC, NLA, and SEAEDD had provided, in 2024 DSRR filed a Motion to Dismiss the Amended Application, based on an assertion that LPPC lacked statutory authority under Louisiana law to take property outside of East Carroll Parish (where the Lake Providence Port is located), even though title would be taken in the name of the State of Louisiana. As a result of related state-court litigation that was then ongoing, the Board ordered that this proceeding should be put

² June 15, 2021 Letter from DSRR (at 2).

³ DSRR's January 13, 2023 "Motion to Reject the ... Amended Application" at PDF page 13 n.5.

into abeyance until that litigation was completed. That state-court litigation became moot when the Louisiana Legislature enacted legislation, signed by the Governor in June 2025, providing LPPC that statutory authority⁴ and, as a result, the Board removed this proceeding from abeyance in its September 25, 2025 Decision.

As stated above, in its November 19, 2025 Motion in response to the September 25, 2025 Decision requiring submission of proposed procedural schedules, DSRR informed the Board that it would need 90-120 days to conduct its remaining discovery. More than 220 days have transpired since the Board's September 25, 2025 Decision stating (at 8) that DSRR would have a "reasonable period of time ... to complete discovery," more than 200 days have transpired since October 12, 2025 when DSRR commenced its next round of discovery after issuance of the September 25, 2025 Decision, and more than *three years* have transpired since DSRR announced in January 2023 that it would need additional discovery, including depositions of at least some of LPPC's witnesses. As also stated above, all responses to those discovery requests, whether they be interrogatories, requests for production of documents, or depositions, have now been completed.

Therefore, by any measure, DSRR has had far more than an adequate "period of time ... to complete discovery." For that reason, DSRR's Motions for Issuance of Subpoenas should be denied.⁵

III.

⁴ Being that Mr. Killen was Deputy Director of the Lake Providence Port when Mr. Gilfoil was its Director, and that Mr. Killen, after becoming Director when Mr. Gilfoil retired in January 2025, presented LPPC's position in June of 2025 that caused the Legislature to explicitly expand LPPC's statutory authority to acquire the segment of the Line in Madison Parish, DSRR has long had personal knowledge of the fact that Mr. Killen has been actively engaged for some time in LPPC's efforts to acquire the Line.

⁵ DSRR asserts (Omnibus Brief at 3-4) that it has a right to take discovery until the very day it is required to submit its Response to the Amended Application, but that is inconsistent with the Board's determination (at 8) in its September 25, 2025 Decision that DSRR have a "reasonable period of time ... to complete discovery," and with what we infer is the Board's apparent determination to allow that "reasonable period of time" to proceed before issuance of a procedural schedule herein. In the May 5, 2026 Status Report filed on behalf of LPPC, NLA, and SEAEDD, we have again requested that the Board issue a procedural schedule for the remainder of this proceeding.

DSRR'S ARGUMENT THAT THE BOARD SHOULD COMPEL LPPC'S PORT
DIRECTOR TO PROVIDE DEPOSITION TESTIMONY TO SHOW THAT LPPC IS A
"FINANCIALLY RESPONSIBLE PERSON" IS FRIVOLOUS AND SHOULD BE
SUMMARILY REJECTED.

There is no question that the State of Louisiana is a financially responsible entity. Following LPPC's acquisition of the segment of the Line that is located in Madison Parish, title to the Line will vest in the State of Louisiana. DSRR's arguments regarding LPPC's financial ability to satisfy the requirements of 49 U.S.C. § 10907(a) should also be rejected. As the record reflects, the Louisiana Legislature in June of 2025 unanimously eliminated any basis for DSRR to argue that LPPC lacks authority to acquire the segment of the Line that is located in Madison Parish. As reflected in Louisiana RS 34:53 (a copy of which is attached as Exhibit 1), "the commission is hereby authorized to acquire, construct, own, operate and maintain terminal rail facilities, and other common carrier rail facilities, including rail facilities that are physically located beyond the boundaries and limits of East Carroll Parish, for the purpose of rendering rail transportation to and from the port area. ... Title to all property and improvements thereon operated by the commission shall vest in the State of Louisiana."

Because title to DSRR's portion of the Lake Providence Branch Line ("Line") would be taken in the name of the State of Louisiana, the bond application, and issuance of the bond by the State of Louisiana (which is contingent on the STB granting LPPC's Amended Application herein), proves that the State of Louisiana fully supports LPCC's acquisition and rehabilitation of the mainline of railroad that would connect Lake Providence Port (MP 471.0) to the Meridian Speedway at the interchange with CPKC (formerly KCS) in Tallula, LA (MP 498.44). In any event, there is nothing to support DSRR's baseless suggestion that the Board should disregard the presumption that the State of Louisiana and LPPC are financially responsible.

Plainly, the argument advanced in DSRR's Omnibus Brief (at 5-6) regarding LPPC's alleged lack of financial responsibility lacks any merit. The Board clearly reached a correct conclusion in its November 20, 2023 Decision at 5 n.11 that "[a]s a governmental entity, LPPC is presumed to be financially responsible." The 2025 expansion of RS34:1504, which specifically authorizes LPPC to incur debt for its lawful purposes with the approval of the State Bond Commission, is attached hereto as Exhibit 2. Assuming that LPPC will be authorized to acquire the segment of the Line for the State of Louisiana that is the subject of this proceeding, LPPC will be able not only to cover the costs of

rehabilitation, but also it will be able to assure that adequate transportation will be provided for the following three years (as 49 U.S.C. § 10907(a) contemplates).

While it is true that Mr. Gilfoil, who retired a year before his deposition was taken in February of this year, did not recall the details of the bond application during his deposition, there is no need for DSRR to take the deposition of his successor, Bryant Killen, who worked with Mr. Gilfoil in preparing the bond application.

DSRR attached to its Omnibus Brief a couple of the bond-related documents (apparently obtained from a State of Louisiana public website) about which Mr. Gilfoil testified. Subsequently, on May 5, 2026, DSRR was served by counsel for LPPC with true copies of ***all*** documents that relate to the bond application. These documents, along with LPPC's bond application itself, clearly show that the amount of rail revenues that will be generated following the rehabilitation of the track that will be acquired from DSRR "will generate approximately \$1.4M per year, which is sufficient for payment of the outstanding and proposed maximum annual debt service of \$1.2 M" Omnibus Brief, Exhibit D (at 1); see State Bond Commission, April 18, 2024, Agenda Item #15, attached hereto as Exhibit 3. See also, *Second Amended Railway Lease Agreement*, By and Between Lake Providence Port Commission and North Louisiana & Arkansas Railroad, Inc., which was Exhibit 10 to Mr. Gilfoil's deposition (a copy of which was filed with the Board on November 30, 2023 in this proceeding and provided to DSRR in Discovery at LPPC_000995-001039). The Lease, at Section 3 (at p. 3), explains that NLA will pay LPPC, "10% of the freight revenue for traffic originated or terminated on the Leased Premises" and 5% of freight revenue for bridged traffic crossing the line.

These documents clearly show that operations over the Line, when combined with other income, will cover the cost of acquiring the Line and rehabilitating it. By expanding LPPC's authority to acquire rail lines outside of East Carroll Parish and by authorizing LPPC to issue bonds, the government of the State of Louisiana has unequivocally confirmed that LPPC and the State, unlike DSRR, are focused on the *present and future* "public convenience and necessity" (49 U.S.C. § 10907(c)(1)).

Plainly, there is no need at this late date for DSRR to depose Mr. Killen, who replaced Wyly Gilfoil as the Lake Providence Port's Executive Director in January 2025. In any event, if DSRR intended to seek his deposition, it should have sought, in February 2026, a subpoena from ALJ Soulikias to schedule it

along with that of Mr. Gilfoil. As the record shows (January 5, 2026 DSRR Response at 8), DSRR was aware that Mr. Killen had been promoted in 2024 and had taken charge of this proceeding and other matters, including representing LPPC before the Louisiana Legislature, in 2025. To allow DSRR to take his deposition at this stage of the proceeding would further delay this proceeding, is unnecessary, and would involve a further wasteful demand on the public and impose a substantial imposition on LPP's Executive Director (who is also Director of two other Louisiana Ports and Executive Director of a Louisiana Multimodal District). The attached documents address DSRR's professed concerns and speak for themselves.⁶

Similarly, there is no need or justifiable reason to depose Ms. Hargrove, Executive Director of SEAEDD. Her role in this process was to act as the point person for the public-private partnership ("PPP") composed of SEAEDD, LPPC, the Madison Parish Port, DSRR and NLA. Following the issuance of the 2019 INFRA Grant Agreement to that PPP by the U.S. Department of Transportation ("DOT"),⁷ she has also been responsible for reviewing and accepting the bids submitted by contractors. However, the only entity that can authorize the release of the Grant funds is the Federal Rail Administration ("FRA"), a part of DOT, which oversees every request for funds that Ms. Hargrove submits.

DSRR, which chose to withdraw from the PPP in 2020, by doing so forfeited any rights that it may have had to influence the distribution of INFRA Grant funds. As a result, DSRR has no say in the disposition of the funds. Neither does the Board, which has no jurisdiction over the designation of rehabilitation projects or their partial funding by FRA. That being the case, there is no reason to believe that any information that DSRR could hope to acquire from Mrs. Hargrove could be reasonably calculated to lead to the discovery of admissible evidence that would be material to the Board's determinations herein.

The ALJ and the Board should also note that the funds that have been used thus far are well in excess of the \$10,516,259 that was granted by DOT. Over \$23 million in recent years has been spent on track rehabilitation on the

⁶ If, despite our strenuous objections, a deposition of Mr. Killen is ordered, it should be limited to one-half of a day, not an entire day as DSRR is seeking, because Mr. Gilfoil already spent an entire day testifying about the same subjects.

⁷ The August 2019 US DOT Grant Agreement, was included in LPPC's Amended Application filed herein on January 4, 2023 as Exhibit A, beginning at p. 106 of 865).

rail line between McGehee, Arkansas and the Lake Providence Port. While DSRR asserts that NLA has failed to completely rehabilitate all of NLA's segment of the Line located between McGehee, Arkansas and Lake Village, Arkansas to FRA Class 2 status (but which will be completed in the next few months, and then reclassified to Class 2), instead of "excepted track" that is the classification of DSRR's segment of 20-mile stretch of track between MP 471.0 and MP 491.0 and NLA's track for the moment,⁸ it fails to acknowledge that the record unequivocally reflects the fact that it was DSRR's prior owner who allowed the northern segments now owned by NLA, SEAEDD, and LPPC to totally deteriorate.

The ALJ and the Board should also reject DSRR's claim that the costs that have been incurred to rehabilitate the entire Line validates DSRR's "original concerns about the scope of the proposed project, its costs, and the stewardship of taxpayer dollars." Omnibus Brief at 7. DSRR's "original concerns" have no bearing on the ultimate issue of whether DSRR's service is inadequate for a majority of shippers, and other issues involved in this proceeding.

As the record reflects, this claim mirrors DSRR's earlier comments that "[a]lthough DSR has engaged in discussions concerning renovation of the Line, DSR thus far has concluded that the desired track renovations to the long-dormant Line are unjustified and unwarranted." DSRR's March 2, 2021 Motion to Dismiss Proceeding and Request to Hold the Proceeding in Abeyance (at p. 2). DSRR's "concerns" about the cost of rehabilitating the segment of the Line (i.e., the segment owned by DSRR between Lake Providence Port (MP 471.0) and Madison Parish Port (MP 491.0) which it uses to justify its decision to not restore what it has acknowledged to be "an inactive railroad line" and "a long-out-of- service railroad line,"⁹ support LPPC's position that DSRR has refused

⁸ DSRR's Omnibus Brief states (at 7): "Despite spending nearly the entire grant amount, Mr. Danny Robbins testified in his deposition that that line segment has not improved its Federal Railroad Administration track classification to any higher level than the current status of DSRR's track." Note the word "nearly:" Mr. Robbins testified that, while most of the funds that have been expended to date on NLA's segment have not as yet led to that segment of track being re-categorized as FRA Class 2 track, the remainder of the funds, when they are expended and the resulting work is completed, would lead to the NLA segment of the Line being re-classified as FRA Class 2 track. Tr. 124, 188. Thus, DSRR's Omnibus Brief is highly misleading on this point.

⁹ DSRR's February 26, 2021 "Reply in Opposition to Motion Seeking Entry of Protective Order" at 1.

within a reasonable time to make the necessary efforts to provide adequate service to the shippers that support LPPC's acquisition of that segment of the Line that is owned by DSRR. Just because DSRR might not realize an immediate return on the necessary investment, and because its owner Patriot Rail is hoping to recoup its purchase price for DSRR by insisting that LPPC pay far more than the "constitutional minimum value" that Congress has established and that has been set forth in detail in LPPC's expert testimony filed herein on July 5, 2024, are not reasons to further prolong the discovery herein.

It is crystal clear that LPPC, the States of Louisiana and Arkansas (through SEAEDD), and NLA do not have any such concerns about their ability to recover all the costs of acquiring and rehabilitating the segment of the Line that is necessary to provide efficient and economical service to all existing and future shippers. There is absolutely no justification for prolonging this proceeding on unnecessary depositions and thereby wasting several thousands of dollars of public funds that should be put to productive uses, including the need to satisfy FRA's requirements regarding the expenditure of INFRA Grant funds.

Finally, while there is nothing to prevent DSRR from continuing its quixotic probe of how the INFRA grant funds have been expended, there is no reason to place any further burdens on SEAEDD or LPPC (or NLA, for that matter, which has now been served by DSRR on May 5, 2026 with yet additional interrogatories and requests for production of documents) to waste any further time or money to provide DSRR any assistance in such efforts. FRA is the sole entity that determines whether any grant funds can be used for any purpose. The Board has no role to play with regard to any expenditure of grant funds. Nor does DSRR have any right to contest FRA's decisions regarding any expenditure of funds for the rehabilitation of any segment of the Line.

As FRA's records reflect, and as NLA's President Mr. Daniel Robbins testified in his deposition, LPPC's segment in Louisiana is classified as FRA Class 2, SEAEDD's segment is classified at Class 1 (and may get reclassified as Class 2), and NLA's segment will be Class 2 when the remaining grant funds are expended. Therefore, it is respectfully submitted that DSRR's pleadings and repeated rounds of discovery have ignored the substantial improvement in track condition and FRA classification of the portion of the Line between McGehee, AR (MP 408.9) and Lake Providence, LA (MP 471.0) due to the expenditure of public and private funds. This is another reason to bring DSRR's discovery to an end.

Without question, the monies obtained under such grants have been expended by NLA, SEAEDD, and LPPC, each for their respective segments of the Line from McGehee, AR to Lake Providence Port. Given that DSRR acknowledges (Omnibus Brief at 7) that it has already learned through the Freedom of Information Act where the grant funds have been spent with FRA's approval, and because those expenditures are thus sunk, the contents of the grant applications, and the grants themselves, for which DSRR has all applicable documents as produced by SEAEDD and LPPC in discovery, are not in dispute. So, what would deposing Ms. Hargrove about those applications, and those grants, prove at this point? The only thing that is relevant here is that the grant monies were invested in the Line, as they were, and that those funds have substantially improved the Line, as they indisputably have.

Accordingly, no deposition testimony will change those facts. In any event, it is completely unreasonable to schedule Ms. Hargrove's deposition for two days (June 17-18, 2026). After all, depositions of CEOs of Class I railroad Applicants in major rail-merger proceedings are generally limited to one day. If a deposition of Ms. Hargrove is allowed, despite our strenuous opposition, it should be limited to two hours.

Conclusion

For all of the foregoing reasons, and those set forth in the May 5, 2026 Status Report filed herein by LPPC, NLA, and SEAEDD, DSRR's Motions for Issuance of Subpoenas to Mr. Bryant Killen, on behalf of Lake Providence Port Commission, and Ms. Patrecia Hargrove, on behalf of Southeast Arkansas Economic Development District and recipients of INFRA Grant funds authorized by FRA, are frivolous and should be denied.

Respectfully submitted,

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Exhibit 1

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RS 34:1503

**§1503. Rights and powers of the board**

A. The commission shall exercise the powers herein conferred upon it, within the port area, consisting of the entire parish of East Carroll as the boundaries and limits of said parish are presently fixed by law.

B. The commission may authorize a reasonable travel allowance for its members in the performance of their official duties, and it may employ such officers, or agents, and employees, as it may find necessary in the performance of its duties, and may prescribe their duties, powers and compensation of such officers, agents, and employees. The commission may, upon such terms as it may agree upon, contract for legal, financial, engineering and other professional services necessary or expedient in the conduct of its affairs, and may upon terms and conditions mutually agreeable, utilize the services of the other executive departments of the state.

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

D. The commission may charge a reasonable fee to each vessel arriving in the port area in ballast or carrying cargo of any kind. It may also charge for each copy of any certificate issued by it, or by any of its officers or employees for inspecting hatches, surveying cargo, or making other surveys or inspections of vessels in the port area, but shall furnish, without charge, to the master of each such vessel, one copy of all surveys upon his vessel or cargo.

E. The commission shall have authority to make and enter into contracts, leases, and other agreements with railroads, trucking companies, barge lines, and with any and all companies interested in the transportation, storage and shipping of goods and other products, whether by rail, truck line, barge line, ocean going vessels, or otherwise for the use of facilities administered by the commission or any part or portion thereof for a period of time not exceeding forty years. No exclusive franchise, however, shall be granted to any carrier.

Added by Acts 1958, No. 450, §1; Acts 2025, No. 334, §1, eff. June 11, 2025.

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Exhibit 2

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< RS 34:1504 >



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

A. The commission shall have authority, when authorized so to do by a vote of a majority in number and amount of the property of taxpayers of the port area qualified to vote at an election for the purpose and in accordance with law, to levy annually on all property situated within the port area, subject to taxation, an ad valorem tax not to exceed seven and one-half mills on the dollar. The commission may, upon its own initiative, call a special election and submit to the qualified taxpaying voters of the port area the question of authorizing the levy of such a tax. The commission shall call such a special election when requested so to do by petition in writing signed by one-fourth of the property taxpayers in number eligible to vote at such election. These special taxes shall be levied, assessed and collected on the property within the port area under the same methods, terms and conditions and at the same time as state and parish taxes are levied, assessed and collected; these taxes shall be secured by the same liens upon the property subject to taxation within the port area as taxes for state and parish purposes; and the property subject to any taxes within said port area shall be sold for failure to pay the same in the manner as property is sold for delinquent state, parish and other taxes under the laws of the state.

B. The provisions of the constitution and all laws regulating the collection of taxes, the creating of tax liens and mortgages, tax penalties and tax sales also shall apply to the collection of all taxes authorized by this Section. The sheriff and ex-officio tax collector for the parish of East Carroll shall make a monthly settlement with the treasurer of the commission and receive from him a receipt for the amount of the taxes paid over in the same manner as tax collectors are required to settle with the auditor of the state. The tax collector shall receive from the treasurer the same quietus for a full settlement of taxes due and exigible in any given year and account for the delinquents or deductions in the same manner as though accounting to the auditor of the state for state taxes. The sheriff and ex-officio tax collector shall retain from all taxes collected by him for the port area the same commission allowed thereon to him by law on special taxes and shall deposit the amount thereof with the parish treasurer to the credit of the sheriff's salary fund. Upon the failure of the tax collector to comply with the provisions of this Section, the commission shall proceed against him and the sureties on his official bond for the collection of whatever money may be owing to the commission for such special taxes.

C. The commission, with the approval of the State Bond Commission, is authorized to incur debts for its lawful purposes, and to issue in its name, negotiable bonds or notes therefor, and to pledge for the payment of the principal and interest of such negotiable bonds or notes the revenues derived from the operation of properties and facilities maintained and operated by it, or received by the commission from any taxes authorized under this Section or from other sources. In addition to the pledge of revenues to secure said bonds and notes, the commission may further secure their payment by conventional mortgage upon any or all of the properties constructed or acquired, or to be constructed and acquired by it. The commission is further authorized to receive, by gift, grant, donation or otherwise, any sum of money, aid or assistance from the United States, the state of Louisiana, or any political subdivision thereof, and unless otherwise provided by the terms of such gift, grant or donation, in its discretion, to pledge all or any part of such monies for the further securing of the payment of the principal and interest of its bonds or notes.

Added by Acts 1958, No. 450, §1. Amended by Acts 1960, No. 295, §1; Acts 1976, No. 325, §1; Acts 2025, No. 334, §1, eff. June 11, 2025.

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P.O. Box 94062 (900 North Third Street) Baton Rouge, Louisiana 70804-9062

Exhibit 3

**STATE BOND COMMISSION**

April 18, 2024

Port, Harbor and/or Terminal Districts - Bonds - Final Approval

ANALYSIS SUMMARY

APPLICATION NO: L24-115
ENTITY: East Carroll Parish, Lake Providence Port Commission
TYPE OF REQUEST: \$10,000,000 Revenue Bonds
ANALYST: Brandon Rinaudo

PARAMETERS:

Not exceeding \$10,000,000 Revenue Bonds, not exceeding 6.75%, not exceeding 25 years, acquiring, constructing, repairing, rehabilitating or extending rail lines.

Bond proceeds will be used to acquire and rehabilitate 28-miles of additional railway at the Lake Providence Port. The railway will be leased to and operated and maintained by North Louisiana & Arkansas Railroad, Inc. (NLA). Acquisition of the railway is contingent upon approval from the Surface Transportation Board (STB), an independent federal agency that is charged with the economic regulation of various modes of surface transportation, primarily freight rail. Therefore, the proposed debt will not be issued until such approval is obtained.

NLA is a corporation organized and existing under the laws of Arkansas for which the principal officer is Timothy Robbins, president. NLA operates over 62 miles of line from McGehee, AR to Lake Providence, LA, formerly known as the Delta Southern Railroad.

The proposed debt may be issued as taxable due to private use of the railway.

Maximum Interest Cost	6.75%
Maximum Debt Service	\$918,350

Calculation of Coverage Ratio:

Excess Revenues Excluding Debt Service and One-Time Expenses*	\$ 496,326
Rail Revenues **	\$ 1,438,650
Revenue Available for Debt Service	\$ 1,934,976
Maximum Combined New Debt Service	\$ 1,154,881
Coverage Ratio	1.68

* Excess revenues are based upon unaudited financial statements for FYE December 31, 2023, excluding debt service and one-time expenses for professional fees related to the acquisition of the railway, and a one-time incurred costs of repairs and maintenance of an outdated dock that was completed in FY2023.

** Additional expected revenues under the Lease Agreement with NLA after acquisition and rehabilitation of the additional 28 miles of railway.

As stated above, the Commission does not intend to issue the proposed debt until approval for acquisition of the railway is obtained from STB, which is hoped to occur in FY 2024. The proposed debt will be structured as a draw down debt. The Commission intends to first draw the amount needed for the acquisition and immediately begin to rehabilitate the rail and draw funds as needed to the extent that the Commission can support debt service. As rehabilitation is being completed, additional rail revenues will begin to generate pursuant to the Lease Agreement. Once rehabilitation is complete, under the Lease Agreement, the rail will generate approximately \$1.4M per year which is sufficient for payment of the outstanding and proposed maximum annual debt service of \$1.2M.

Certificate of Service

I, Richard H. Streeter, do hereby certify that, on May 12, 2026, a true copy of the foregoing was served on the following Parties of Record, via email:

Delta Southern Railroad, Inc.

c/o John M. Scheib scheig@gentrylocke.com.

Noah P. Sullivan NSullivan@gentrylocke.com.

William L. Spotswood Spotswood@gentrylocke.com

ALJ Jenifer Soulikias: alj.soulikias.inbox@stb.gov

Timothy Crowley at tim@lepeabody.com

Thomas D. Crowley at tc@lepeabody.com

In addition, true copies were served, consistent with 49 C.F.R. § 1151.2(a) and the Decision of the Board, dated November 20, 2020, on the following:

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

mark.marionneaux@keanmiller.com

bryant.bremer@keanmiller.com

Counsel for Helena Chemical/South Delta Fertilizer

Dan Militaru

Rail Vehicle Services

dan.militaru@railcarco.com

Jerry J. Melton

Complex Chemical.com

jmelton@complexchemical.com

Neil Martin

Terral River Service, Inc.

nmartin@terralriverservice.com

- (2) The designated State agency on 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

William L. Mencer

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Ernesto Andre Silva Cruz

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Richard H. Streeter

/s/ Richard H. Streeter