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SERVICE DATE – OCTOBER 3, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-384 (Sub-No. 1X)

DELTA SOUTHERN RAILROAD, INC.—ABANDONMENT EXEMPTION—BETWEEN
LAKE VILLAGE, AR, AND SHELburn, LA

Decided: October 2, 2008

Delta Southern Railroad, Inc. (DSR), filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 30.0-mile portion of its Lake Providence Line, between milepost 433.0, near Lake Village, AR, and milepost 463.0, near Shelburn, LA. Notice of the exemption was served and published in the Federal Register on June 10, 2004 (69 FR 32657-58).¹ In a decision served on October 7, 2004 (October 2004 decision), the Board stated that, if consummation had not been effected by DSR's filing of a notice of consummation by October 7, 2005, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.²

At the request of DSR, the deadline for filing a notice of consummation for an 8.2-mile portion of the right-of-way between milepost 454.8, at the Arkansas-Louisiana state line, and milepost 463.0, at or near Shelburn, was extended several times, most recently by decision served on April 3, 2008. The latest extension is scheduled to expire on October 5, 2008.

By letter received on September 29, 2008, DSR requests a further extension of the deadline for filing its notice of consummation for the 8.2-mile segment, until April 5, 2009. DSR states that the portion of rail line between Lake Village and the state line (mileposts 433.0 and 454.8) has been sold for continued rail service, and that it is continuing to attempt to sell the remaining 8.2-mile portion of the line for continued rail service as well.³ According to DSR, the extension request is necessary to permit it to do so.

¹ The exemption was subject to employee protective conditions.

² An environmental and a historic preservation condition were imposed in the October 2004 decision.

³ DSR and any past or future purchasers of its lines are reminded that sales for continued rail service prior to consummation of abandonment require Board authorization.

Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings. DSR has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. The extension request will therefore be granted.

This decision will not significantly affect either the quality of the human environment or conservation of energy resources.

It is ordered:

1. DSR's request for an extension of time to consummate the abandonment is granted.
2. The authority to abandon the 8.2-mile portion of the line between mileposts 454.8 and 463.0 must be exercised, and the notice of consummation must be filed, on or before April 5, 2009.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan
Acting Secretary