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SERVICE DATE – LATE RELEASE JANUARY 11, 2011

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: January 11, 2011

Delta Southern Railroad, Inc. (DSR), filed a notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon a 30.0-mile portion of its Lake Providence Line between milepost 433.0, near Lake Village, Ark., and milepost 463.0, near Shelburn, La. Notice of the exemption was served and published in the Federal Register on June 10, 2004 (69 Fed. Reg. 32,657-58).

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.<sup>1</sup> Most recently, on October 4, 2010, DSR filed a request to extend further the deadline for filing its notice of consummation for an additional 180 days. In a decision served on October 25, 2010 (October 25 decision), the Board granted DSR an extension of time to consummate the abandonment on or before March 31, 2011 (180 days after October 2, 2010). On December 8, 2010, DSR filed a notice advising the Board that it has consummated abandonment of the 8.2-mile segment as of December 6, 2010.

On December 23, 2010, the Lake Providence Port Commission (LPPC) filed a petition to strike the notice of consummation and to reopen and reconsider the October 25 decision that extended the time to consummate the abandonment.<sup>2</sup>

On January 3, 2011, DSR filed a request to extend the deadline for filing a reply to LPPC's petition to January 21, 2011. According to DSR, the request is justified because of the difficulty in preparing its reply by the current due date as a result of the intervening Christmas and New Year holidays. DSR also states that LPPC does not object to the requested extension.

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<sup>1</sup> Under 49 C.F.R. § 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.

<sup>2</sup> LPPC's petition to strike the notice of consummation and to reopen and reconsider will be addressed in a separate decision.

Good cause exists for granting DSR's request. Therefore, DSR's reply will be due on or before January 21, 2011.

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

It is ordered:

1. DSR's request to extend the deadline for filing a reply to LPPC's petition is granted.
2. DSR's reply to LPPC's petition is due on or before January 21, 2011.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.