

BEFORE THE SURFACE TRANSPORTATION BOARD
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C. 20423

ENTERED
Office of Proceedings
September 20, 2012
Part of Public Record

FINANCE DOCKET NO. 35610

NORTH LOUISIANA & ARKANSAS RAILROAD, INC.—ACQUISITION OF
TRackage RIGHTS EXEMPTION--
LAKE PROVIDENCE PORT COMMISSION

VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 C.F.R. § 1150.41

Pursuant to 49 U.S.C. § 10902 and 49 C.F.R. § 1150.31(b), et seq., North Louisiana & Arkansas Railroad, Inc. ("NLA"), a Class III common carrier by rail, hereby files this Verified Notice of Exemption to acquire by assignment certain overhead trackage rights between MP 471 and MP 472.25 from Lake Providence Port Commission, a political subdivision of the State of Louisiana ("LPPC"), which is a non-operating carrier with respect to the 8.0-mile segment between MP 463 and MP 471.

INFORMATION REQUIRED BY 49 C.F.R. § 1150.43

(a) The full name and address of the applicant:

North Louisiana & Arkansas Railroad, Inc.
4416 South Arkansas Ave.
Russellville, Arkansas 72802

(b) The name, address, and telephone number of the representative of the applicant who should receive correspondence:

Richard H. Streeter
Law Office of Richard H. Streeter
5255 Partridge Lane, N.W.
Washington, D.C. 20016

(c) A statement that an agreement has been reached or details about when an agreement will be reached:

FEE RECEIVED
September 20, 2012
SURFACE

NLA has reached an agreement with LPPC whereby NLA will lease a line of railroad between MP 454.8, at or near the Louisiana/Arkansas border, to MP 471.0, at or near East Carroll Parish, Louisiana. A copy of the Lease Agreement is filed as Exhibit 1 in STB Docket No. FD 35609, *North Louisiana & Arkansas Railroad, Inc.—Lease and Operation of Lines of Lake Providence Port Commission*, which is being filed concurrently. Confidential financial information has been redacted.

In addition to leasing the line to NLA, LPPC has agreed to assign certain overhead trackage rights that it previously acquired from and Delta Southern Railroad, Inc. (“DSR”). See *Lake Providence Port Commission—Trackage Rights Exemption—Delta Southern Railroad, Inc.* FD 35531 (STB served June 24, 2011). As has been noted, “[t]he purpose of the transaction [was] to allow Lake Providence to connect its private tracks at the Port with a line it [has acquired] from DSR” via an OFA. See *Delta Southern R.R.—Aban. Exemption—in E. Carroll Parish, La.*, AB 384 (Sub-No. 2X)(STB served June 7, 2011). Consistent with the foregoing purpose, assignment of the trackage rights will allow NLA to connect with LPPC’s private tracks.

(d) The operator of the property:

NLA is a Class III common carrier by rail. Following completion of the needed rehabilitation, NLA will conduct rail freight operations over the trackage. NLA will interchange traffic with Union Pacific Railroad, Arkansas Midland Railroad Company and DSR. The Lease Agreement does not contain

any provision that may limit future interchange with any third-party connecting carrier.

(e) A brief summary of the proposed transaction, including:

- (1) The name and address of the railroad transferring the subject property,
 - (2) The proposed time schedule for consummation of the transaction,
 - (3) The mile-posts of the subject property, including any branch lines,
- and
- (4) The total route miles being acquired.

The trackage rights are being assigned by LPPC, which is a non-operating carrier with respect to the 8.0-mile segment between MP 463 and MP 471. Its address is 409 Port Road, Lake Providence, Louisiana 71254. The initial term of the Trackage Rights Agreement is for a twenty (20) year period, beginning July 10, 2011. The overhead trackage rights extend between Mileposts Nos. 471 and 472.25, a distance of 1.25 miles.

(f) A map that clearly indicates the area to be served, including origins, termini, stations, cities, counties, and States.

See Exhibit 2 attached hereto.

(g) A certificate that applicant's projected revenues do not exceed those that would qualify it as a Class III carrier.

NLA hereby certifies that its projected revenues do not exceed those that would qualify it as a Class III carrier. NLA further certifies that its projected revenues are less than \$5 million. Therefore, no notice is required pursuant to the provisions of 49 C.F.R. § 1150.42(e).

(h) Transactions imposing interchange commitments.

The proposed transaction does not involve a provision or agreement limiting future interchange with a third-party connecting carrier as described in 49 C.F.R. § 1150.43(h).

A caption summary as required by 49 C.F.R. § 1150.44 is filed herewith.

Respectfully submitted,



Richard H. Streeter
Law Office of Richard H. Streeter
5255 Partridge Lane, N.W.
Washington, D.C. 20016
(202) 363-2011

Dated: September 20, 2012

VERIFICATION

I, Daniel B. Robbins, Vice President of North Louisiana & Arkansas Railroad, Inc., verify under penalty of perjury that the information contained in the foregoing Verified Notice of Exemption is true and correct to the best of my knowledge, information and belief. I further certify that I am qualified and authorized to file this Verified Notice of Exemption.



Daniel B. Robbins

F.D. No. 35610

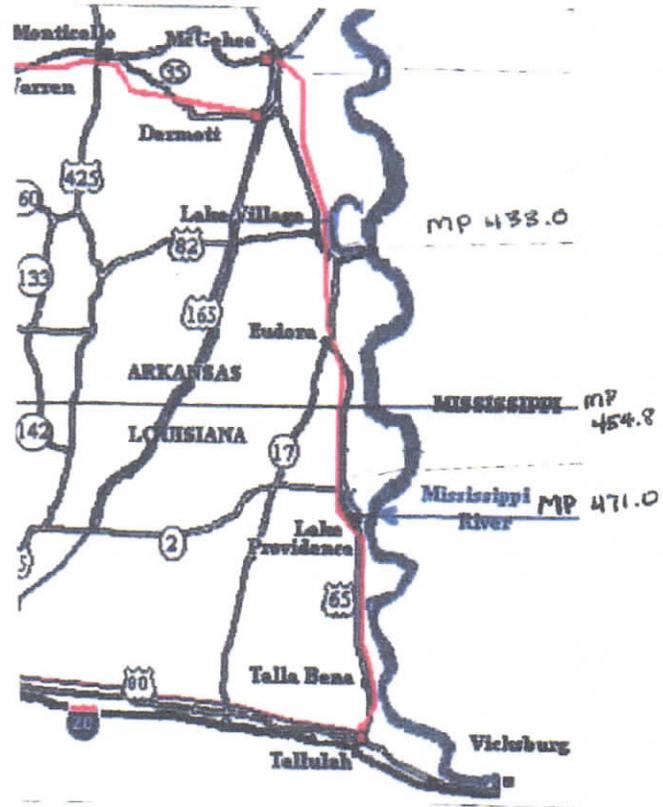
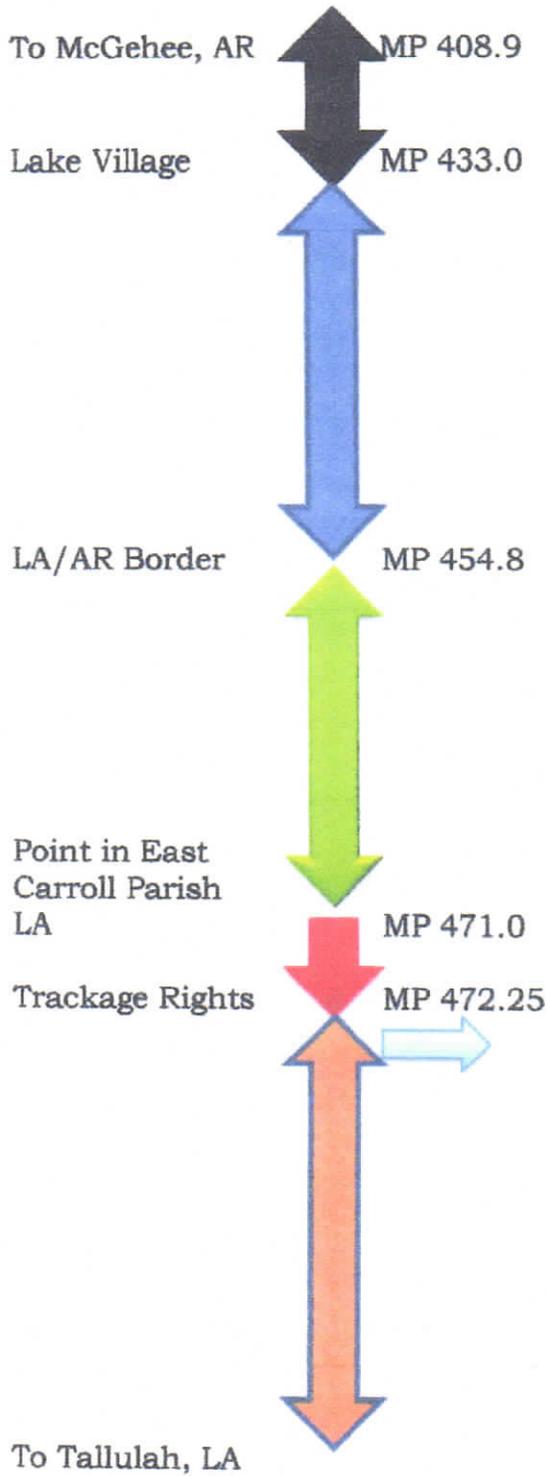
North Louisiana & Arkansas Railroad, Inc.—Acquisition of
Trackage Rights Exemption--Lake Provident Port Commission

Exhibit 2

MAP

STB DOCKET NOS. FD 35608, 35609, AND 35610

MAPS (NOT TO SCALE)



- FD 35608
- FD 35609
- FD 35610
- Delta Southern Track
- NLA Track
- LPPC LEAD Track