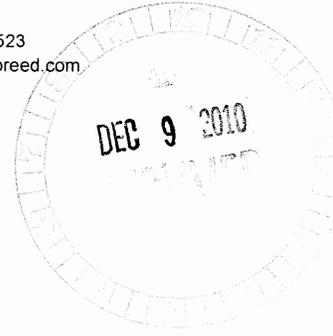




Eric M. Hocky
Direct Dial 215 640 8523
Email: ehocky@thorpreed.com

228398



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ATTORNEYS AT LAW SINCE 1895

VIA FEDEX

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

December 8, 2010

Re: Delta Southern Railroad, Inc. –
Abandonment Exemption – in East Carroll Parish, LA
STB Docket No. AB-384 (Sub-No. 2 X)
Petition for Interim Trail Use and Rail Banking

Dear Ms. Brown:

Enclosed for filing in the above-referenced proceeding are the original and 10 copies of the Petition of Lake Providence Port Commission for Interim Trail Use and Rail Banking Condition.

As set forth in the Petition, the Port Commission is a “government entity” that proposes to acquire the right of way, not as a carrier, but as the interim trail user. The filing fee should therefore be waived in accordance with the Board’s policy as set forth in 49 CFR 1002.2(e)(1). Although the Port Commission believes that it is entitled to a waiver of the filing fee, it is enclosing a check in the amount of \$250 representing the filing fee that would otherwise be due. The Port Commission requests that the Board promptly determine whether the fee is waived, and either send back the check or promptly refund the amount paid.

Please time stamp the extra copy of this letter to indicate receipt and return it to me in the self addressed envelope provided for your convenience.

Pittsburgh

Philadelphia

Princeton

Wheeling

Thorp Reed & Armstrong, LLP
One Commerce Square
2005 Market Street
Suite 1000
Philadelphia, PA 19103-7041
215 640 8500
215 640 8501 Fax



Cynthia T. Brown
Page 2

December 8, 2010

Please let me know if there are any questions regarding this filing.

Respectfully,



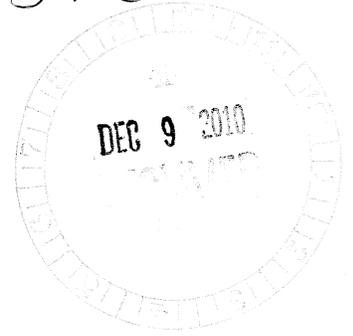
Eric M. Hocky

*Counsel for Lake Providence Port
Commission*

EMH/e
Enclosure
cc (via email):

Thomas F. McFarland, Esq.
Wyly Gilfoil

228398



Before the

SURFACE TRANSPORTATION BOARD

STB Docket No. AB 384 (Sub-No. 2X)

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**DELTA SOUTHERN RAILROAD, INC.
--ABANDONMENT EXEMPTION--
IN EAST CARROLL PARISH, LA**

**PETITION OF LAKE PROVIDENCE PORT COMMISSION
FOR INTERIM TRAIL USE AND RAIL BANKING CONDITION**

Eric M. Hocky
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Attorneys for Lake Providence Port
Commission

Dated: December 8, 2010

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 384 (Sub-No. 2X)

DELTA SOUTHERN RAILROAD, INC.
--ABANDONMENT EXEMPTION--
IN EAST CARROLL PARISH, LA

**PETITION OF LAKE PROVIDENCE PORT COMMISSION
FOR INTERIM TRAIL USE AND RAIL BANKING CONDITION**

Delta Southern Railroad, Inc. (“DSR”) filed a notice of exemption in this proceeding seeking authority to abandon the line of railroad between milepost 463.0 near Shelburn and milepost 471.0, approximately one mile south of Lake Providence in East Carroll Parish, Louisiana (the “Subject Line”). Lake Providence Port Commission, a governmental agency created by Act 450 (R.S. 1501 et seq.) of the 1958 regular session of the Louisiana Legislature (the “Port Commission”), hereby petitions the Board, in accordance with 49 C.F.R. §1152.29, to impose a condition on the abandonment of the Subject Line to allow the Port Commission to acquire the Subject Line for interim trail use and rail banking.¹ In acquiring the Subject Line, the Port Commission would be interested in acquiring the entire line of railroad including the right-of-way, track, track materials and other rail facilities in order that it can be held for future rail service.

¹ The Port Commission is also considering acquiring the Subject Line under an offer of financial assistance under 49 C.F.R. §1152.27, and has filed the required notice of intent to do so. The Port Commission is also willing to pursue all options through voluntary negotiations with DSR.

In accordance with 49 C.F.R. §1152.29(a), the Port Commission states as follows:

(1) The Port Commission proposes to acquire the entire Subject Line. A map depicting the right-of-way proposed to be acquired is attached to DSR's notice of exemption as Appendix 1.

(2),(3) A statement of willingness to assume financial responsibility and acknowledgment in the form required by 49 C.F.R. §1152.29 is attached hereto.

This petition is being filed within the time set by the Board in its decision in this proceeding served November 29, 2010.

Respectfully submitted,



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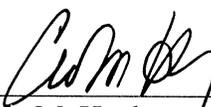
Attorneys for Lake Providence Port
Commission

Dated: December 8, 2010

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing document was served on the following person by e-mail:

Thomas F. McFarland
208 South LaSalle Street
Suite 1890
Chicago, IL 60604-1112
mcfarland@aol.com


Eric M. Hocky

Dated: December 8, 2010

**STATEMENT OF WILLINGNESS TO ASSUME
FINANCIAL RESPONSIBILITY**

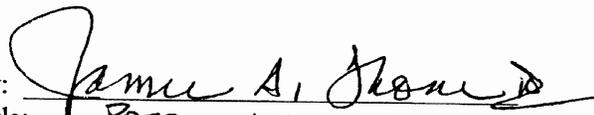
STB Docket No. AB 384 (Sub-No. 2X)

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29, Lake Providence Port Commission ("Interim Trail User") is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (except to the extent user is immune from liability, and to the extent user is immune from liability, it will only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by Delta Southern Railroad, Inc. ("Railroad"). The property extends between milepost 463.0 near Shelburn and milepost 471.0, approximately one mile south of Lake Providence in East Carroll Parish, Louisiana, a distance of 8.0 miles. The right-of-way is all of the right of way proposed for abandonment in STB Docket No. AB 384 (Sub-No. 2X).

A map of the property depicting the right-of-way is attached to the Railroad's notice of exemption.

Interim Trail User acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the Railroad on the same date it is being served on the Board.

LAKE PROVIDENCE PORT COMMISSION

By: 
Title: PRESIDENT
Dated: December 8, 2010