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March 23, 2021

VIA ELECTRONIC FILING

301807

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street S.W., Room 1034
Washington, DC 20423-0001

ENTERED
Office of Proceedings
March 23, 2021
Part of
Public Record

Re: **FD 36291**

Dakota Southern Railway Company – Modified Rail Certificate

Notice of Intent to Terminate Service

Dear Ms. Brown:

Pursuant to 49 C.F.R. § 1150.24, Dakota Southern Railway Company (“DSRC”) hereby gives notice of its intent to terminate service under its modified certificate authority, as obtained pursuant to the above-referenced proceeding, over a segment of a rail line extending from milepost 374.57 at Mitchell, SD, to milepost 562.53 at Kadoka, SD, a distance of approximately 187.96 miles.¹ The line segment is currently owned by the State of South Dakota (the “State”), leased by the State to the MRC Regional Rail Authority (“MRCA”), and, in turn, is subleased to by MRCA to DSRC. The line segment is part of a longer line (the “MRC Line”) extending from milepost 374.57 at Mitchell SD, to milepost 600.0 at Rapid City, SD.²

DSRC’s authorization to terminate its modified certificate operations will become effective 60 days from the filing date of this notice, but DSRC will not effectuate service termination until the consummation of a transaction under which, among other things, Ringneck & Western Railroad, L.L.C., currently a non-carrier, will purchase the MRC Line from the State

¹ See *Dakota Southern Railway Company – Modified Rail Certificate*, FD 36291 (STB served Jun. 21, 2019). DSRC notes that upon further review it has determined the line segment in question starts at milepost 374.57, not the milepost 374.44, as DSRC previously informed the Board in this docket.

² The portion of the MRC Line between milepost 562.53 and milepost 659.6 in Rapid City is rail-banked.

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and commence common carrier operations over the segment between Mitchell and Kadoka.³ DSRC anticipates that it will consummate the termination of its modified certificate authority effective as of the closing date of the transaction encompassed by FD 36494, currently expected to take place as of May 25, 2021.

The undersigned counsel hereby certifies that, under 49 C.F.R. § 1150.24(a)-(b), copies of this notice of intent have been filed with the State of South Dakota and sent by mail (and by email where possible) to all persons that have used the Line within the past 6 months. The full list of entities supplied with a copy of this notice of intent to terminate is appended hereto.

Respectfully submitted,

/s/ *R. A. Wimbish*

Robert A. Wimbish
Attorney for Dakota Southern Railway Company

Attachment

cc: All parties of record

³ See *Ringneck & Western Railroad, L.L.C. – Acquisition and Operation Exemption – Railroad Line in Davison, Aurora, Brule, Lyman, Jones, Jackson and Pennington Counties, S.D.*, FD 36494.

APPENDIX

State of South Dakota – Department of Transportation
ATTENTION: Karla Engle (via email)
Karla.Engle@state.sd.us

State of South Dakota – Department of Transportation
ATTENTION: John LeSeur (via email)
jhl@sloverandloftus.com

Customers

Gavilon Grain
25035 367th Ave.
Kimball, SD 57355
Todd Yeaton, General Manager

Agtegra
115 N SD Hwy 273
Kennebec, SD 57544
Todd Longville, General Manager

Dakota Mill and Grain
30744 241st St.
Presho, SD 57568
Dave Cole, Location Manager

Graphic Packaging
1700 W Ash Ave.
Mitchell, SD 57301
Andy Lacara, Plant Manager

H&R Salvage
25351 405th Ave.
Mitchell, SD 57301