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March 25, 2021

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VIA ELECTRONIC FILING

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 25, 2021
Part of
Public Record

Re: **Docket No. FD 36494**
Ringneck & Western Railroad, L.L.C. — Acquisition and Operation
Exemption — Railroad Line in Davison, Aurora, Brule, Lyman, Jones,
Jackson, and Pennington Counties, S.D.

Dear Ms. Brown:

Pursuant to 49 C.F.R. § 1150.32(e), Ringneck & Western Railroad, L.L.C. (“RWRR”) certifies that on March 24, 2021, the attached Notice was posted at the following workplace(s) of employees of the Dakota Southern Railway Company (DSRC”) in connection with a proposed transaction involving RWRR’s acquisition and operation of a railroad line, commonly referred to as the “MRC Line,” located in Davison, Aurora, Brule, Lyman, Jones, Jackson, and Pennington Counties, SD, as that transaction is detailed in the Notice:

420 N Lawler Street
Mitchell, SD 57301

408 E Prospect Street
Chamberlain, SD 57325

Also, on March 25, 2021, the same notice was posted at the following locations in order to advise the member counties of the MRC Regional Rail Authority (“MRCRA”) – which possesses certain leasehold and haulage rights interests in the Line, but which is not an active carrier, and has no employees).¹

¹ RWRR is coordinating on the posting of notice at the listed county courthouse locations strictly out of an abundance of caution, as it would appear that the Board’s posting

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Davison County Courthouse
200 E. 4th Ave.
Mitchell, SD 57301

Aurora County Courthouse
401 N. Main St.
Plankinton, SD 57368

Brule County Courthouse
300 S. Courtland St # 111
Chamberlain, SD 57325

Lyman County Courthouse
300 Main St.
Kennebec, SD 57544

Jones County Courthouse
404 Main St.
Murdo, SD 57559

The potentially affected employees of DSRC are not represented by a labor union. (RWRR understands that MCRA does not have any employees, and thus has no employees involved in the provision of common carrier service on the Lines.) Accordingly, the service provisions at 49 C.F.R. § 1150.32(e) (service of notice on the national offices of labor unions with employees on the affected lines) is inapplicable here.

If you have any questions regarding this filing, please feel free to contact me.
Thank you for your assistance on this matter.

Respectfully submitted,

/s/ *R. A. Wimbish*

Robert A. Wimbish
Attorney for Ringneck & Western Railroad, L.L.C.

Attachment

RAW/ah

requirements would not extend to an entity, such as MRCRRA, that does not have any employees “on the affected lines” pursuant to 49 C.F.R. 1150.32(e).

NOTICE

Ringneck & Western Railroad, L.L.C. (“RWRR”) provides notice of intent pursuant to 49 C.F.R. § 1150.32(e) to acquire from the State of South Dakota (“State”) a line of railroad in South Dakota, known as the MRC Line (“Line”), which extends between milepost 374.57 at Mitchell, SD to milepost 660 in Rapid City, SD, a distance of 285.43 miles and its intent to obtain other rights set forth below in connection with its Line purchase.

1. RWRR intends to obtain authority to operate over that portion of the Line extending between milepost 374.57 at Mitchell, SD, and milepost 562.53 at Kadoka, SD (“MK Segment”). The State currently leases the MK Segment to the MRC Regional Railroad Authority (the “Authority”); the Authority currently subleases the MK Segment to Dakota Southern Railway Company (“DSRC”); and DSRC currently holds modified certificate rights to provide service over the MK Segment.¹ RWRR intends to acquire the MRC Line from the State concurrent with the termination of – (a) DSRC’s sublease of the MK Segment; (b) DSRC’s authority to operate the MK Segment and (c) the Authority’s leasehold interest in the MK Segment.²
2. Incidental to the Line purchase, RWRR intends to acquire by assignment DSRC’s and the Authority’s respective interests in overhead trackage rights over BNSF Railway Company’s (“BNSF”) lines between – (a) BNSF’s connection with the MRC Line at BNSF milepost 650.65 at Mitchell, and certain yard tracks in BNSF’s Mitchell Yard (DSRC currently leases a portion of BNSF’s Mitchell Yard trackage, and RWRR anticipates assuming this lease by way of an assignment from DSRC) at BNSF milepost 650.16; and (2) BNSF’s Mitchell Yard at milepost 650.16 and the Grain Shuttle Facility at Mitchell at Milepost 652.9.³
3. Incidental to the Line purchase, RWRR intends to acquire, by assignment from the State, common carrier service reactivation rights over the portion of the MRC Line extending from 562.53 in Kadoka to milepost 659.6 in Rapid City, SD that is currently inactive and subject to two interim trails use agreements.⁴

¹ *Dakota Southern Railway Company – Modified Rail Certificate*, FD 36291 (STB served Jun. 21, 2019).

² The Authority’s lease of the MRC Line from the State is not subject to any corresponding Surface Transportation Board (“STB”) authorization.

³ *Mitchell-Rapid City Regional Railroad Authority and Dakota Southern Railway Company – Trackage Rights Exemption – BNSF Railway Company*, FD 34788 (STB served Dec. 19, 2005).

⁴ *Sammamish Transp. Co. – Notice of Interim Trail Use & Termination of Modified Certificate*, FD 33398 (Sub-No. 1) (STB served Feb. 26, 1998); *Mitchell-Rapid City Reg’l R.R.*

4. Incidental to the Line purchase, RWRR intends to obtain, by assignment from the State and the Authority, specified haulage rights.

As a result of the proposed transaction, RWRR expects to have employment opportunities in Mitchell and Chamberlain, SD, in the following fields, and with the following minimum skills and/or qualifications:

General Manager:

1 position in Mitchell, SD. This position requires the following minimum skills and qualifications:

- Meet performance goals with optimum safety, economy, efficiency, and effectiveness ensuring profitability of all departments.
- Ensure compliance with and accountability for all company policies and procedures
- Perform interviews, performance appraisals and access discipline as needed for all personnel.
- Establish operating and capital budgets for all departments and assure those financial goal are met by increasing operational efficiencies and managing expenses.
- Possess sufficient experience or equivalent working knowledge and understanding of all railroad operations to insure a positive relationship between all customers, Class 1 partners, freight customers and other interchange partners.
- Minimum of 10 years in a related field or equivalent job-related experience.
- 3 years of experience in a senior management within the freight rail operations field.

Roadmaster:

1 position in Mitchell, SD. This position requires the following minimum skills and qualifications:

- Responsible for supervising a work group whose tasks include the inspection and maintenance of right-of-way, track, structures and bridges in accordance with FRA standards.
- Inspect railroad track structure for compliance with railroad policy and federal/state regulations.
- Oversee/direct production gang work.
- Must possess the ability to develop and understand budgeting process and work within the limits of a maintenance budget.
- Inspect completed work to verify compliance with government regulations.
- Prepare inspection reports for management and government compliance.
- Must possess 3 years supervisory experience in railroad track maintenance.

Conductor:

Approximately 2 positions in Mitchell, SD. These positions require the following minimum skills and/or qualifications:

- At least 1 year experience as a conductor/brakeman.

Auth. – Modified Rail Certificate – Between Caputa & Rapid City, SD, FD 35149 (STB served Apr. 28, 2009).

- Must have qualifications on the General Code of Operating Rules (GCOR) and have passed a written test in the past 18 months.
- Must have an understanding of air brake and mechanical systems of a train and locomotives, and pass a written test to verify competence.

Engineer:

Approximately 2 positions in Mitchell, SD. These positions require the following minimum skills and/or qualifications:

- At least 1 year experience as a locomotive engineer.
- Must possess a valid engineer's certificate issued by a program in compliance with 49 CFR Part 240.
- Must be able to meet all hearing and vision requirements of 49 CFR Part 240.
- Must have an understanding of air brake and mechanical systems of a train and locomotives, and pass a written test to verify competence.

Locomotive Mechanic/Supervisor:

1 position located in Mitchell, SD. This position requires the following minimum skills and/or qualifications:

- Responsible for inspecting, repairing and maintaining locomotives consistent with company policies and manufacturer's specifications.
- Must be well-versed in FRA locomotive maintenance and safety standards.
- Make repairs, and perform scheduled maintenance, to both inbound and outbound locomotives.
- Must possess a high school education or GED, and a minimum of 36 months of job-related experience, or an equivalent combination of education and experience.
- Background in technical training in diesel/electrical maintenance/repair preferred.
- Demonstrated experience with, and ability to use, required hand and power tools.

Track Inspector:

Approximately 1 position located in Mitchell, SD, and 1 position in Chamberlain, SD. This position requires the following minimum skills and/or qualifications:

- Responsible for supervising a work group whose tasks include inspecting and maintaining right-of-way, track, structures and bridges in accordance with FRA standards.
- Inspect railroad track structure for compliance with railroad policy and federal/state regulations.
- Implement remedial action on track and infrastructure defects pending repair.
- Oversee/direct production gang work.
- Inspect completed work to verify compliance with government regulations.
- Prepare inspection reports for management and government compliance.
- Must possess 3 years supervisory experience in railroad track maintenance.

Track Laborer:

Approximately 2 positions in Mitchell, SD, and 1 position in Chamberlain, SD. These positions require the following minimum skills and/or qualifications:

- Perform tasks associated with track work including, but not limited to, pulling and driving spikes, replacing ties, surfacing track, changing rail, bars, and other track material.
- Must be willing and able to learn and apply FRA rules and regulations, and demonstrate ability to perform track maintenance in a safe and timely manner.
- Must be willing to learn to operate in a safe and efficient manner all equipment and tools associated with track maintenance.
- Must possess a high school education or GED, and a minimum of 12 months job-related experience, or an equivalent combination of education and experience.

The positions listed in this notice will be expected to have the on-duty points outlined in this notice but may perform work on other areas of RWRR. The most qualified candidates will be selected from the available pool of applicants without regard to race, creed, color, religion, national origin, sex, age, marital status, disability or veteran status. The selection criteria will be job-related skills and attributes as outlined above. Successful candidates must have a stable work record and exhibit safe work practices. The ability to work in a team environment with a focus on customer service is critical. Applicants must be able to read and comprehend regulations and instructions in English, as well as possess good oral communication skills. Successful applicants will be required to pass a pre-employment drug and alcohol screen and complete a medical questionnaire. Every Team Member is an at-will employee. All Team Members are expected to know and abide by the standard code of Team Member Conduct.

All jobs will be posted at www.watco.com or information can be obtained by calling Human Resource department at (866) 479-2826.

Ringneck & Western Railroad, L.L.C.
315 W. 3rd Street
Pittsburg, Kansas 66762