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October 10, 2023

VIA E-FILING

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
365 E Street, SW
Washington, DC 20423

**Re: Docket No. FD 36697, The State of South Dakota Acting By and Through
Its Department of Transportation – Petition For Declaratory Order;
Decision and Notice of Interim Trail Use or Abandonment**

Dear Ms. Brown:

Pursuant to the decision (“Decision”) of the Surface Transportation Board (“Board”) served on August 21, 2023 in the above-referenced docket, and 49 C.F.R. § 1152.29(h), the State of South Dakota acting by and through its Department of Transportation (“State”) hereby notifies the Board that it is implementing interim trail use/rail banking on the State-owned rail line (“Tyndall-Ravinia Segment”) extending from milepost 20.9 at Tyndall, S.D. to milepost 54.5 at Ravinia S.D. A map of the Tyndall-Ravinia Segment is appended in Exhibit A.

In accordance with the requirements of 49 C.F.R. § 1152.29, the State, as the trail sponsor, executed a Statement of Willingness to Assume Financial Responsibility which is attached as Exhibit B. The State certifies that is required to fulfill the responsibilities described in 49 C.F.R. § 1152.29(a)(2).

Respectfully submitted,

/s/ Karla L. Engle

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Enclosures

cc: Parties of Record

EXHIBIT A

Map Showing the Tyndall-to-Ravinia Segment

[attached hereto]

Tyndall to Ravinia Line Segment (Napa Jct.-Platte Line)

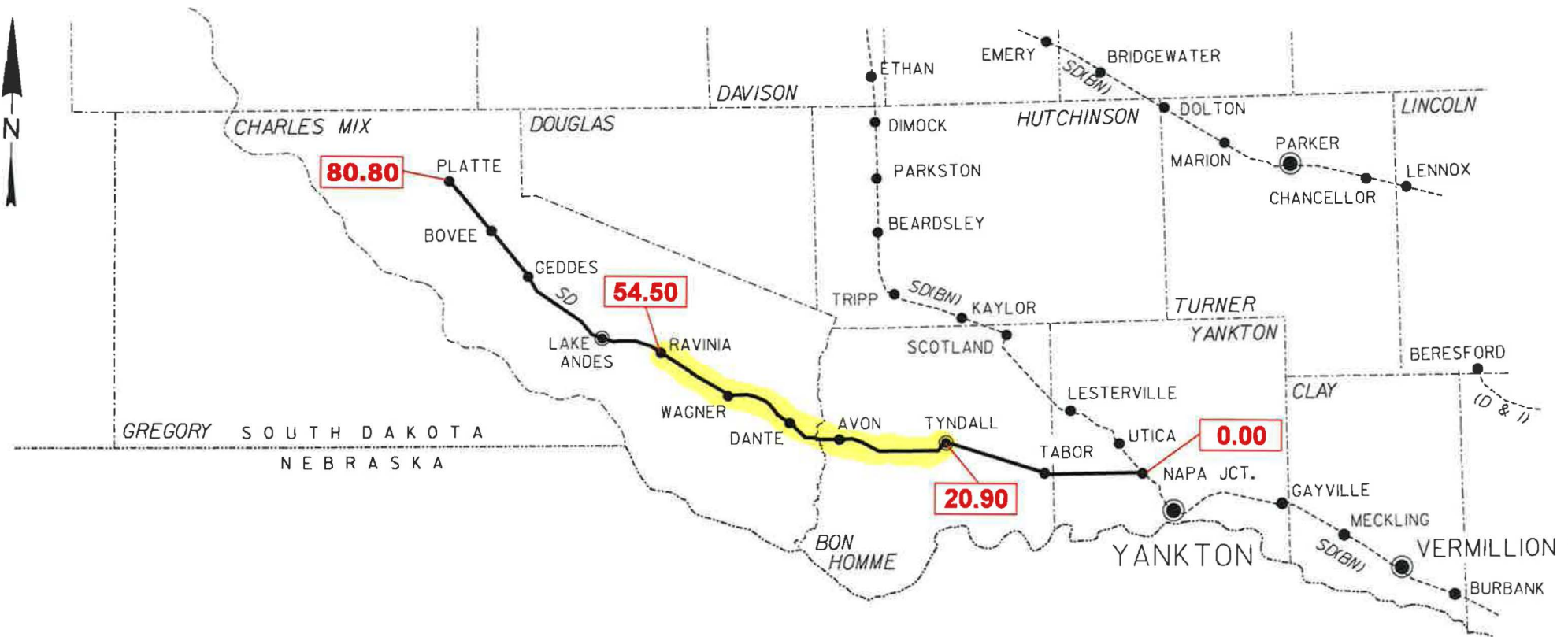


EXHIBIT B

Statement of Willingness to Assume Financial Responsibility

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29 with respect to the right-of-way owned by the State of South Dakota Acting By and Through its Department of Transportation ("SDDOT" or "State") and currently operated by Dakota Southern Railway Company ("DSRC"), SDDOT is willing to assume full responsibility for (1) managing the right-of-way, (2) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify the State against any potential liability), and (3) the payment of any and all taxes that may be levied or assessed against the right-of-way. The property, known as Tyndall-Ravinia Segment of the Napa-Platte Line, extends from railroad milepost 20.9, also known as Engineer's Survey Station 1103+32 near Tyndall, S.D., to railroad milepost 54.5, also known as Engineer's Survey Station 1707+17, near Ravinia, S.D., a distance of 33.6 miles in and through Bon Homme and Charles Mix Counties, S.D. The right-of-way is part of a line of railroad that was authorized for abandonment in 1980 by the United States District Court for the Northern District of Illinois following the issuance of a report by the Interstate Commerce Commission recommending abandonment. *See In re Chi., Milwaukee, St. Paul & Pac. R.R.*, No. 77 B 8999 (N.D. Ill. June 2, 1980, Order 342A); *Richard B. Ogilvie, Tr. of the Prop. of Chi., Milwaukee, St. Paul & Pac. R.R. - Aban. - in S.D., Iowa & Neb.*, AB-7 (Sub-No. 88) (ICC served May 14, 1980). Although authorized for abandonment, the entire line, including the Tyndall-to-Ravinia Segment, was not abandoned but instead

was acquired by the State in 1980 (a portion of the end segment of the line right-of-way located in the Platte, SD area was abandoned in 2022). A map of the property depicting the right-of-way is attached in Exhibit A. SDDOT acknowledges that use of the right-of-way is subject to the sponsor'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 DSRC on the same date it is being served on the Board.


Joel Jundt, Secretary
South Dakota Department of Transportation

Dated: April 17, 2023