

May 15, 2026

ENTERED
Office of Chief Counsel
May 15, 2026
Part of
Public Record

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

**Re: Docket No. FD 36086, Dakota Southern Railway Company – Modified
Certificate of Public Convenience and Necessity – Yankton, Bon Homme, and
Charles Mix Counties, S.D.**

Dear Chief of Case Administration:

Pursuant to the decision (“Decision”) of the Surface Transportation Board (“Board”) served on April 28, 2026 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 (“Napa-Tyndall Segment”) extending from milepost 0.00 at Napa Junction, S.D. to milepost 20.9 at Tyndall, S.D. A map of the Napa-Tyndall 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 Napa-to-Tyndall Segment

[attached hereto]

Napa to Tyndall Line Segment (Napa – Platte Line)

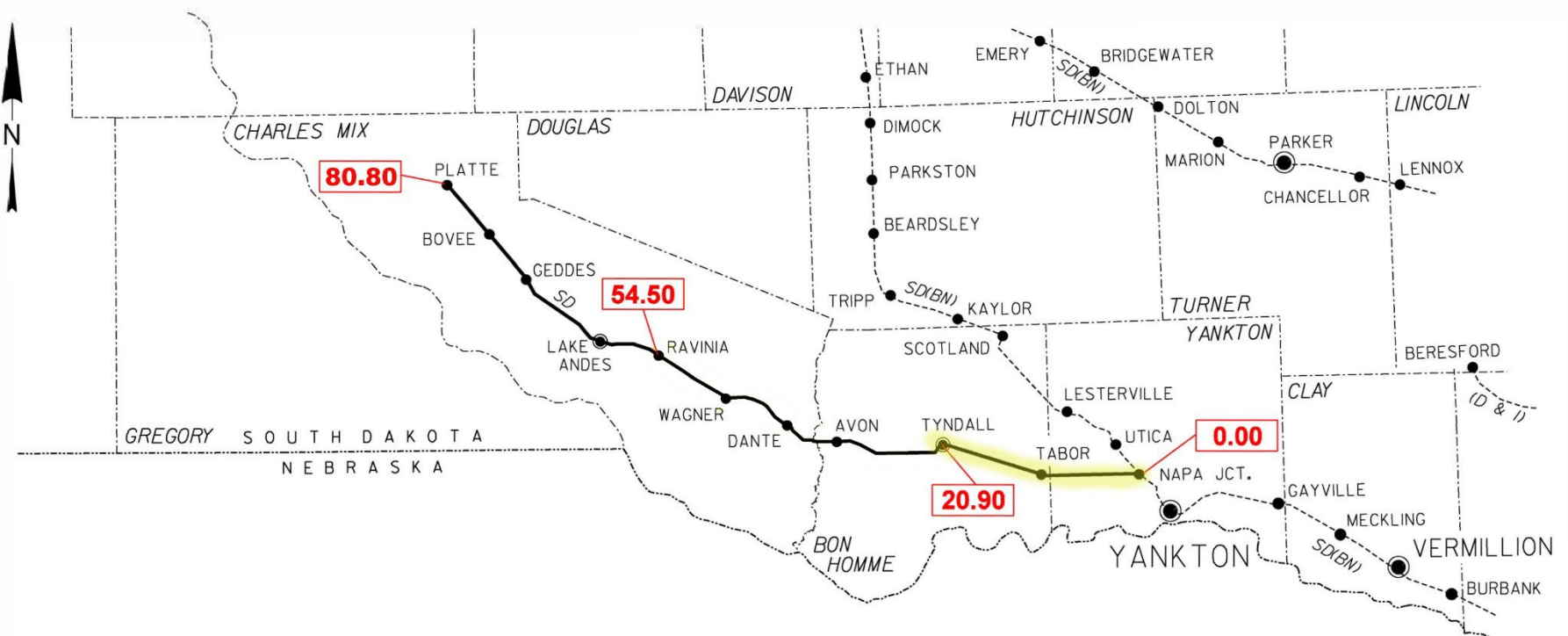


EXHIBIT B

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 previously operated by the 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 Napa-Tyndall Segment of the Napa-Platte Line, extends from railroad milepost 0.00, also known as Railroad Engineers Survey Station 00+00 near Napa Junction, S.D. to railroad milepost 20.9, also known as Railroad Engineers Survey Station 1103+32, near Tyndall, S.D., a distance of 20.9 miles in and through Yankton and Bon Homme 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

S.D., Iowa & Neb., AB-7 (Sub-No. 88) (ICC served May 14, 1980). Although authorized for abandonment, the entire line, including the Napa-to-Tyndall 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: March 20, 2026