

February 26, 2001

201635
This is item 1 of 2 for the SEA

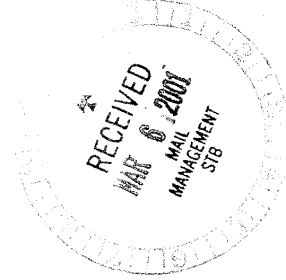
1800 Derdall Dr.
Brookings, SD 57006
[605.692.5567]

Office of the Secretary
Case Control Unit
STB Finance Docket No. 33407
Surface Transportation Board
1925 K Street, N.W.
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MAR -6 2001

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A response relating to the BROOKINGS ALTERNATIVES in SEA Decision No. 31335.

From: FRED R. SEYMOUR, 1800 Derdall Dr., Brookings, SD 57006 [605.692.5567]


This memo addresses four items relative to the Brookings-area Alternatives.

1. Failure to file for a Section 10, 404 permit on Alternatives B-3/B-4.
2. Inappropriate Pre(post)-construction Accident Summary time-references.
3. Missing data for Pre(post)-construction Accident Summary references.
4. Bifurcating Brookings Alternatives from Dc. 31225, for a separate DEIS.

The DM&E Failure to file for a Section 10, 404 permit on Alternatives B-3/B-4.

I request the SEA to require the DM&E, or representative, to:

1. file a 404 permit request on the Brookings B-4 alignment.
2. refile the DEIS for the B-2 alignment with more complete data.
3. file DEIS/404 permit requests on any new alternative alignments.

And these filings be followed with an appropriate study/comment period.

Within the context of the original Docket 33407, and the subsequent State of South Dakota's Brookings Bypass Proposal, a meaningful DEIS can only be done on a comparison basis for any and all proposed alignments.

The DM&E's failure to oversee filings for the B-2 vs B-4 alignments causes potential local confusion as to the issues and the nature of the problem. As an example I submit Ref. 1. This article shows confusion, on the part of a proposal-sponsoring Brookings County Commissioner, re relative environmental impacts between B-2 vs B-4 alignments. [And compounded confusion on the part of those opposing the B-4 alignment.]

Inappropriate Pre(Post)-construction Accident Summary base-line time-periods.

I request the STB require reference data for both DEIS and 404 safety studies be complete to the previous end-of-year for all new Brookings-area filings.

The extensive tables in Volume VII-B Ap. H are based on older data. Such data might be valid for more remote, lightly-traveled areas, but are inappropriate for a new comparison of the 16 miles of B-2/B-4 alignment. E. g., page 1 Table 4-SD-H37 accident-frequency predictions are based on 1993-97 reference data. I request new filings be based on data through 2000 (assuming a 2001 filing.)

Missing data for the Pre(Post)-construction Accident Summary references.

I request the SEA staff review the DEIS/404 filings for obviously missing data.

Current filings are missing data in at least two categories.

1. Simple, direct omission.
2. Omission by eliminating an obvious filing category.

Examples of direct omissions can be found in Vol. III-A, Chap. 4, 4.1-83 (Table 4.1-14.) The Elkton school (congruous on Brookings' east) reports about 30 school-bus crossings/ day. Sioux Valley (a unified district in Volga, congruous on Brookings' west) has no assigned bus crossings/day -- Volga Christian School also exists in this town. Volga's student enrollment (a city not supporting B-4) exceeds Elkton's. Based on Elkton's data, most rural Brookings/Volga area data are also missing.

[A curious event awaited the recent SEA group in Brookings, as (a) the Register on the newsstands [Ref. 2] had a front page story on the "lady and the train", and (b) the lady was hospitalized a few blocks from the meeting. (See if you can find the citation.) Rather than a simple Jest of the Gods, this is a cautionary tale on use of stale data. Since 1997 the Western-crossing area has boomed. The new Rainbow Play Systems has introduced hundreds of Dakota farmers-gone-redundant to an insatiable yuppie desire for industrial-strength kiddie play-stuff. Redwood timber arrives by the car load, acres are being roofed over, the ratio is a car per farmer, the plant exit is a block away. Other recent car/train accidents have occurred here.]

Most recent major train incidents are in omitted categories. Serious wrecks have recently occurred midway Volga/Brookings, and inside Brookings [Ref. 3.] -- none of these happened at the listed intersections of the DEIS tables.

To bifurcate the Brookings Alternatives from Decision 31225 for a separate DEIS

These issues, involving 16 miles of alignment, are of a magnitude equal to a typical independent project build/rebuild normally submitted to the STB. Such issues, possibly in parallel with similar issues involved re the Pierre SD and Rochester MN areas, should be bifurcated from Decision 31225 -- and subjected to a separate DEIS/EIS process.

References

1. Brookings Register, 2/7/00, page 1.
2. Brookings Register, 13/11/00, page 1.
3. Brookings Register, 9/28/00, page 1.

INSIDE ...

SPORTS



SIOUX VALLEY BEATS FLANDRAU 70-55 in a Central Valley Conference boys' basketball contest on Tuesday night. **Page B1**

STATE

A MEASURE TO BAN the use of cellular phones and other high-tech gadgets while driving was killed Tuesday by the state Senate Transportation Committee. **Page B6**

QUOTABLE

I fail to understand how people all over the world can live with railroads, some of which go a

A2

February 7, 2001

The Brookings Register

BYPASS: County decides against taking stance

continued from page A1

me it's because there were less property owners along the bypass route than there are along the other one.

"My personal opinion is that a bypass doesn't make a lot of sense. It's going to be expensive; it's not going to solve any problems that I can see."

Telkamp added that she thought it was time for the commission to take a stand on the bypass issue.

"I think the time for riding the fence is over. I think we've done that very well for 2 1/2 years," Telkamp said. "I fail to understand how people all over the world can live with railroads, some of which go a hundred-and-some miles an hour right through cities, and Brookings, S.D., can't live with one that might go 35 mph a few times through the town."

Santema said he was concerned mostly about the safety implications in the county, regardless of whether the bypass was built.

"I have a hard time making a decision whether this commission should say whether (the railroad) should go through town or go around town," Santema said.

Commission Chairman Don

Larson said a bypass could create expenses the county budget would not be able to handle. A bypass could lead to increased amounts of traffic and safety issues in the traffic, Larson said.

"What is the bottom line to us and our budget in the future?" Larson said. "No matter how much I want something, if I can't afford it, I can't have it."

Brookings resident Dorothy Butler read from a statement prepared by the Coal Train Issues Coalition asking the County Commission not to endorse the resolution.

Bob Foster, chairman of the Citizens against the Brookings Bypass, read a statement to the commission on behalf of CABB, which presented the commission with the 900-plus signatures.

The statement cited a greater risk for serious accidents in rural areas with more railroad crossings, an increased possibility of flooding, devaluation and loss of life style of rural landowners, and commuting delays as reasons for opposition of any bypass.

"The rail bypass is simply shifting the negative impacts on to the rural population and increasing safety risks," Foster read.

Commission Chairman Don

Three plead not guilty on drug charges

BY JERMO NIDEMWYER
The Brookings Register

All three people arrested in connection with a Brookings meth lab busted by police pleaded not guilty to the charges facing them.

Scott Schmidt, Myron Johnson, and April Schmidt were arraigned on the charges Tuesday in Brookings County

County decides not to oppose bypass

■ In a 3-2 vote, Brookings County commissioners elect not to endorse a proposed resolution.

By JERMO NIDEMWYER
The Brookings Register

The Brookings County Commission voted 3-2 Tuesday against opposing a bypass of the Dakota Minnesota and Eastern Railroad in a statement to the federal Surface Transportation Board.

Commissioners Sara Kreip, Ray Santema and Emil Kaveler voted against the measure.

The resolution was brought to the table in December by commissioner Barbara

Telkamp. That resolution would have put the County Commission on record in opposition to a bypass around the city, which has been endorsed by the Brookings City Council.

The Brookings-based DM&E plans to expand its line to haul coal from Wyoming to the Mississippi River. As is, the railroad runs through the heart of the city. A bypass would reroute the track around the north side of town.

In November, the commission was presented with more than 900 signatures from county residents in opposition to the proposed bypass. Telkamp said her resolution stemmed from that meeting.

The vote followed nearly an hour of public discussion in a packed commission chamber.

Kaveler, who served on the defunct City Commission, said he was not ready, as a commissioner, to send such a statement to the STB.

"We all realize there's going to be safety issues, there's going to be quality of life issues, there's going to be environmental issues," Kaveler said. "As a County Commissioner, I am here to represent the majority of the taxpayers of Brookings County, in town out of town."

See BYPASS, page A2

The Brookings Register

WEDNESDAY, FEBRUARY 7, 2001

50 CENTS
as low as 34¢ home delivered

OUR NEWS IS YOUR NEWS ...

For all the news that touches your life.

Snowing, blowing

Becoming windy tonight with blowing and drifting snow, lows

10 to 15. Windy

Thursday with occasional snow and blowing snow. **Page A2.**

Register



OUR NEWS
For all the

MONDAY, NOVEMBER 13, 2000

Snow blankets area

■ A weekend winter storm socked the state, with Arlington reporting 13 inches of snow.

By JERROD NIEDERMYER
The Brookings Register

With a hearty dose of scrapers, shovels, sleds and snowblowers, one thing became abundantly clear this weekend in Brookings: Old Man Winter had returned, in a big way.

Some children rolled gigantic snowballs, molding them into figures and forts; dozens of others found their way to Larson Hill, where they sled-d their way to an afternoon of bliss.

Adults cleared off sidewalks, driveways and vehicles that had been buried under the wet white stuff.

Cars splattered slush as they motored through the city's streets during the winter's first real storm.

In all, the Brookings area was socked with a total of six accumulated inches of snow. More snow fell, but much of it melted when it hit the ground.

Arlington, which is located 17 miles west of Brookings, reported one of the state's highest snowfall totals — 13 inches.

Temperatures that hovered near freezing, along with a very high percentage of water in the snow, allowed for less accumulations, said Jeff Chapman, a meteorologist at the Sioux Falls office of the National Weather Service.

However, Chapman said, when the temperature dropped Saturday and Sunday night, the snow started to accumulate. This week, air temperatures should range from lows near zero to highs in the 20s, meaning the snow won't melt anytime soon, Chapman said.

In fact, the area will be due for about 3 more inches Wednesday evening.

The winter storm caused countless schools around the state to cancel today's classes or start late.

The weather also created treacherous driving conditions that led to nine accidents in Brookings, one which resulted



Register photo by Jerrod Niedermyer Above, Jessica Laidlaw, 4, and neighbor Megan Wiemann, 14, roll massive snowballs while making a fort Sunday afternoon along Orchard Drive. About 6 inches of snow accumulated over the weekend in the Brookings area.

Register photo by John Kubal Right, Brian Vanliere and his children, Zachary, 5, and Jessica, 8, proudly show off the under-construction snowman in the yard of their house on 17th Avenue South, in Brookings.



in minor injuries for the driver after her vehicle slid into a train engine this morning at the Western Avenue crossing.

On Brookings County roads, several vehicles end up in ditches and a grain truck tipped over near Aurora.

Sunday afternoon on Interstate 29, a pick-up truck was reported as sitting on its

top. No report on the accident was available at press time.

This morning, the Interstate was 100 percent ice-packed, Brookings County Sheriff Marty Stanwick said.

Drivers, the sheriff said, needed to be extremely cautious when navigating in such conditions.

"They're overdriving the

road conditions," Stanwick said. "Everybody just needs to slow down."

In neighboring counties, the story was much the same.

Officials in Deuel, Moody and Hamlin counties reported several minor, non-injury accidents. Lake and Kingsbury counties reported very few accidents of any kind.

MONDAY, AUGUST 28, 2000

50 CENTS
as low as 34¢ home delivered

Deliberate derailment

■ The probe continues into criminal activity that caused Saturday's horrific DM&E rail disaster in Brookings.

By JOHN KUBAL
The Brookings Register

The FBI and other criminal investigative agencies are continuing their efforts to find who caused the early Saturday morning derailment of a DM&E train in Brookings.

David Heller, supervisor of Sioux Falls FBI office, reiterated Sunday afternoon in a telephone conversation with *The Brookings Register* that the 3:40 a.m. Saturday wreck was a criminal act.

That act killed conductor Brad Davis, severely hurt engineer Dennis Baum, and severely damaged a four-engine, 55-car train hauling corn to the west coast.

Heller said, "It has been determined that a criminal act occurred and a criminal investigation is continuing. There is certainty that a criminal act occurred. Someone or some party caused this. We're still collecting evidence. We're following up every lead. We're aggressively pursuing this. All logical leads are being followed."

He said the six FBI agents from his office were being assisted by the South Dakota Department of Criminal Investigation, Federal Railroad Administration, Brookings Police Department, and the South Dakota Highway Patrol.

And, Heller said, "We are requesting the cooperation of anyone that may have information pertaining to this tragedy."

Since crimes against railroad property come under federal statute, he said charges against whoever committed the crime would be made by the U.S. Attorney's office.

He concluded, "We really need to have a Brookings outcry against this."

Heller's comments came in the aftermath of comments earlier on Saturday by DM&E President Kevin Schieffer and later in the afternoon by Schieffer and himself about the possibility of criminal activity causing the derailment.

■ Man spotted in area near time of wreck

At a 3 p.m. Saturday press



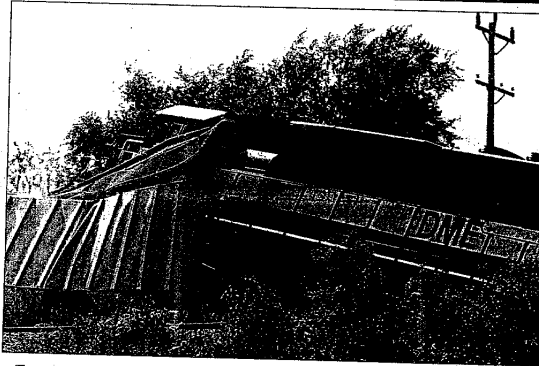
Above, DM&E workers and officials check out the site of Saturday morning's devastating train derailment in Brookings.

Register photo by John Kubal

Right, One of the DM&E train's engines buckled upon impact and was rammed by a car filled with corn, leaving the engine off the tracks and on top of the car.

Register photo by Andy Hoffman

Below right, a police sketch shows the man who is believed to have been leaving the area about the time of the crash. DM&E is offering a \$20,000 reward for information leading to contact with the man.



The man was seen walking away from the train wreck in a southeast direction.

Heller said anyone with information about the possible witness should contact the Brookings Police Department at (605) 692-2113 or the Minneapolis FBI office at (612) 376-3200.

He said a highway patrol officer had spotted the man near the area about the time the wreck occurred.

In fielding questions from reporters about the particulars of the derailment, Heller said, "Right now we're not at liberty

to discuss the events that actually led up to the collision."

And regarding the stage of the investigation of the wreck, he added, "Right now it's very preliminary and we're going to continue on to try to collect as much information and follow the evidence to try to identify exactly what had occurred here."

Heller and Schieffer both talked guardedly and stopped short of specifically making reference to criminal activity or sabotage.

See DERAILMENT, page A2



'Not here, not in Brookings'

Community reacts to DM&E tragedy with disbelief

A2

August 28, 2000

The
Register

HERE: Residents shocked and disgusted over crash

continued from page A1

I've learned to sleep through anything," Paul Lawrence said.

Paul Lawrence walked outside, saw that rescue personnel had arrived, and headed back inside to grab his camcorder, which he used to film the wreckage as it initially appeared.

Later, Paul Lawrence's footage appeared on KELO television, and then on some of its other CBS affiliates. Lawrence specified that any proceeds from using the tape would go to the victims' families.

The events that transpired prior to the early Saturday morning wreck have caused considerable speculation and rumors, which circulated throughout the weekend.

Some people had heard a man had turned himself in to authorities; some heard stories that someone broke into a switchbox and deliberately caused the train to run into the parked cars; others had heard someone had put a large object on the tracks that ultimately derailed the train.

Talk of sabotage has surrounded the wreck, but law enforcement officials have released little information to back up those claims.

As a derailment clean-up crew worked Saturday afternoon and evening, hundreds of onlookers lined the streets on both sides of the track.

Memorial flowers now hang on a fence south of the tracks. The bouquets offer prayers and remembrance for the victims.

Also a multi-colored wreath, signed, "From everyone at the DM&E family," reads, "In remembrance of Brad Davis. Our thoughts and prayers are with his family. Thinking of Dennis Baum, family and loved ones."

The spectators watched as the crew worked to remove the wreckage from the twisted and mangled remnants of rail left behind the collision.

Many stood silent, staring at the surreal scene unfolding before them. As the cars were pulled away, the jaws of massive shovels clamped down on chunks of twisted metal, pluck-

ing it from the railway.

"I think this part is amazing," said Learn Mangan, who had been watching the clean-up for about three hours.

The fact that the crash happened was disturbing enough, but that the wreck was deliberately caused by someone, it's worse, Mangan said.

"It's disgusting—especially if this was a prank," said Mangan, who was standing in the crowd Saturday night.

Myrna Brown, who lives about a block north of the tracks, echoed Mangan.

"It was a very malicious thing to do," Brown said. "It was a pretty major thing to pull. It was very distressing that somebody would do that."

Brown was awake when the collision occurred.

"I thought it sounded like a mild earthquake," said Brown, who heard the train coming down the track and then hitting the brakes. "My first impression was a train must have derailed."

When Brown went outside and saw what had happened, the grisly scene shocked her.

"You feel kind of sick to your stomach," she said.

Brown said she had heard the talk of criminal activity that has swirled around the wreck.

Brookings Mayor Virgil Herriott said he was distressed by the wreck.

"It's unbelievable that it would happen here," Herriott said.

"Obviously, this is a great tragedy. If it truly was sabotage, the tragedy was even greater."

Herriott, who lives along the tracks west of the crime scene, says he heard what sounded like couplings joining together at the time of the crash.

Herriott did not see the wreckage until later Saturday morning.

"I never dreamed there'd been this kind of incident down the track," he said.

The city, Herriott said, wholeheartedly felt the loss.

"Our hearts and sympathies go out to the man who lost his life and to the man who was injured," Herriott said.

DERAILMENT: Investigators seek clues to cause

continued from page A1

DM&E offering \$20,000 for information

Schieffer, unshaven and wearing a blue-striped shirt and jeans, looked distressed and choked up now and then as he talked.

Several times he stepped aside to check with FBI agents before continuing his statement.

Clearly visible behind him were the results of the derailment: the brutally battered yellow-and blue lead engine where conductor Davis, 38, of Huron received his fatal injuries and from which engineer Baum, also of Huron, was thrown and seriously injured.

Also to be seen were the three other locomotives, damaged and askew, with the last in line pointing skyward.

Schieffer said he would answer as many questions as he could without jeopardizing the integrity of the investigation. He also stressed that he wanted to focus on getting out information that would aid in the investigation.

He added that for its part, "DM&E is offering a \$20,000 reward that would lead to any conclusive information as to who or what caused this accident. We have done our own investigation and ... there's certainly evidence out there. We're certainly not going to get into discussing that."

"We're talking about causes, but it's very critical in this time period that we get as much information as we can about this."



ADM&E employee uses warning tape to mark off the area around the scene of the derailment in Brookings.

Details of the incidents preceding the wreck

Schieffer said an eastbound train had gone through the area about 2 a.m. Saturday. That train was followed by a track inspector, as is DM&E custom.

Schieffer said, "There was nothing out of the ordinary at that particular time; so sometime between the hour of 2 o'clock a.m. and 3:30 a.m., when this occurred, is the critical time period that we're looking for information, if anybody saw any kind of activity or anybody ... on or near our track ... between Main Avenue and Medary (Avenue)."

He said eight train cars loaded with soybeans were on a siding track, when a train of four

locomotives pulling 55 cars loaded with corn came from the east down the main line with no stops or switching activity scheduled for the Brookings area.

"Clearly, that train was diverted onto the siding," Schieffer said. The collision immediately demolished two soybean cars and knocked them off the track. Then, Schieffer continued, the second and third soybean cars decoupled, as is supposed to happen, and the six remaining bean cars rolled ahead undamaged.

The four locomotives stacked up and were damaged, the conductor was killed, the engineer severely injured and thrown from the train, and the train

Slight rise in gas prices ends nine-week decline

CAMARILLO, Calif. (AP) — Gas prices rose an average of 1.87 cents per gallon nationwide in the past two weeks, ending a nine-week decline, according to an industry analyst.

The average price for a gallon of gasoline climbed to \$1.55 per gallon, thanks to an increase in the cost of crude oil, analyst

Trilby Lundberg said Sunday.

"The rise in crude oil prices is stronger than the downward push from a plentiful supply," Lundberg said.

The nearly two-cent increase comes at the end of a nine-week decline, in which the average price dropped 18 cents per gallon due to refiners and mar-

keters maximizing delivery, Lundberg said.

Surveyed prices ranged from a low of \$1.34 in El Paso, Texas, to a high of \$1.86 in San Francisco.

Prices this year are 24 cents above this time last year, approaching the Labor Day weekend, Lundberg said.

BROOKINGS AREA FORECAST

Today: Fog diminishing, then turning partly sunny. A few scattered late day thunderstorms will be possible. Highs in lower to mid 80s. South winds 10 to 20 mph, shifting to the northwest by evening.

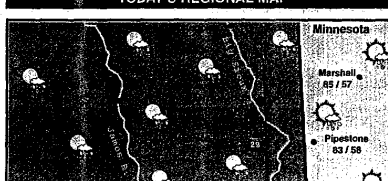
Tonight: Partly to mostly clear with northwest winds 5 to 15 mph. Lows in the 50s.

Tomorrow: Partly cloudy and a little cooler with a chance for an evening thunderstorm. Winds southeast 5 to 15 mph. Highs near 80.

BROOKINGS FIVE-DAY FORECAST

Today	Tuesday	Wednesday	Thursday	Friday

TODAY'S REGIONAL MAP



TODAY'S RECORD

Brookings County:	High
Brookings	86
Marshall	85
St. Paul	85
Minneapolis	84
Sioux Falls	86
White	86
South Dakota:	
Sioux Falls	87
Brookings	87
Sioux Falls	87
Sioux Falls	87

March 5, 2001

This is item 2 of 2 for the SEA

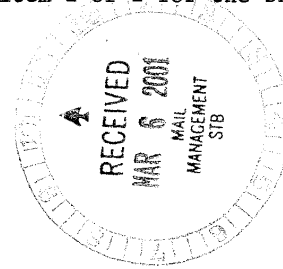
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A response relating to the Brookings Alternatives in SEA Decision No. 31335.

From: ~~FRED R.~~ SEYMOUR, 1800 Derdall Dr., Brookings, SD 57006 [605.692.5567]

This memo addresses a letter of February 27, 2001 submitted by Michael Williams on behalf of the City of Brookings (containing a set of City Resolutions and a Report of the same date from Banner Ass., Brookings, re "Supplemental Discussion and impact assessment of bypass variation at Brookings, SD" (Ref. 1) to the SEA/STB

This memo deals with three requests/observations.

1. That the current SEA preferred Alternative (and alignment) B-4 be retained.
2. The current alignment's ownership be changed if Ref. 1's B-4Aa is chosen.
3. Observations on Ref. 1's proposed new B-4A replacement alignment.

These items are followed by a general discussion of Ref. 1.

That the current SEA preferred Alternative (and alignment) B-4 be retained.

It is possible a major feature of Ref. 1 is substitution of a strong bypass proposal (B-4), submitted by an entity capable of defending its position vis a vis the DM&E (the State of SD), by weaker proposals submitted by a group with much less experience and understanding of the situation (City of Brookings.) The original position is shown in Ref. 2, as presented before the SEA's Brookings meeting. The final switch, to City submission, was first floated of Feb 20, 00 -- as shown in Ref. 3. The City, being encouraged to make this proposal by a vague entity, Railco, is being cast in the role of a straw man,

The current alignment's ownership should be changed if Ref. 1's B-4Aa is chosen

The description and analysis of Ref. 1 refers to the in-city line being "removed" (page 13 of central text). Removal of rails is superficial. If this option is chosen the STB should mandate ownership transfer of this alignment to the City of Brookings.

Observations on Ref. 1's proposed new B-4A replacement alignment.

The proposed alignment of B-4A, in contrast to that of B-4, has extensive curvature -- page 9 of Ref 1. describing these using 1.5 and 2 degree curves -- in clear violation of Docket 33407 criteria. Also B-4A adds a whole two miles to this area's section of alignment -- clearly in violation of the the tight placement of the meet segments of Docket 33707.

I close this cover page by noting that page 2 of ref. 1 refers to the proposal as having wide City support. In fact, this document was only made available to the public (and in total to the Council) after its submission. I also note my proposal (Ref. 4) of an independent area DEIS is now evermore valid.

And now to tie together a few thoughts to fit with this cover letter. A good source of materials for learning about the Brookings area situation, and much better than anyone sending in published items, is in the local daily -- the Brookings Register. This publication is covered by the micro film service of the State of SD. At present, issues through the end of 2000 are available. Try www.sdhistory.org/archive.htm for more info, or contact the source of the materials at Springfield State Prison, PO Box 801, Springfield, SD 57062.

The actual references cited on the cover page, and appended, are as follows:

1. The new bypass proposal, cited at the top of page 1.
2. The Brookings Register, 11/15/00.
3. The Brookings Register, 2/21/01.
4. And my comments to the SEA/STB which are item one of this two part series.

Now follows a few comments on hand when ^{tyh}Ref. 1 became available, this morning.

A response relating to the Brookings Alternatives in SEA Decision No. 31335.
From: Fred R. Seymour, 1800 Derald Dr., Brookings, SD 57006 [605.692.5567]
Re: A gloss on the screed of the City of Brookings DEIS Resolution to SEA.

In the context of the old Arab proverb, "A camel is a horse designed by a committee", this memo discusses the recent City of Brookings Resolution to the SEA/STB re Decision 31225.

Keen eyes will note the cited resolution's eccentric structure, with a preamble rather near the rear. It is, of course, a hybrid.

In essence the original said (a) the City submits a study to replace preferred Alternative B-4, and (b) no other route around the city will be supported.

A short historical digression explains the origins of the above. By amazing coincidence a day before Decision 31225 was issued our Mayor convened a special Council meeting to hear a pitch by an out-of-town fellow representing a group called Railco. He arrived with a concept map by Banner proposing a new shorter city bypass route. Actually, this was part of an earlier Banner Study, from about two years ago, which mercifully never reached the STB. [Depending on who's counting, Banner has now done three to five Brookings bypass studies.]

This rather vague "Railco" group proposed:

1. The City of Brookings would finance a route-study for yet another bypass.
 2. The City of Brookings would build this bypass line.
 3. The DM&E would retain, and rebuild, the current in-town alignment.
 4. A new rail authority, under City support, would operate this new bypass.
 5. Then, should the DM&E care to ship coal on the bypass, they could.
- [On closer inspection, Railco was just an "ideas group" -- no structure/money.]

The Mayor mobilized the City attorney and lawyer to meet this challenge. For five months the Council has kept authorizing piecemeal project-funding. Nothing was formally presented to council members until late on Feb. 24.

This was for a final approval for the SEA/STB -- scheduled for Feb. 26.
Alas, on Feb 26 none of the three components was finished.

Ergo, a another special council meeting was held at 4 PM on Feb. 27.

Meanwhile, adding/replacing resolutions were e-mailed in by council members.

[An example of this set is appended to these comments.]

Discussion ensued, and the Council resolved this situation after 10 PM.

A key to the process is that the Mayor has never had much council support.

This final resolution, supporting any route, was passed 6-1.

Significant money has been spent on this new bypass process -- possibly \$80 K.

Problems arose from an original RR consultant not supporting the concept.

A replacement team, with an expensive crash project, had to be rushed in.

Sorry about any ragged edges which might be in this final quickie job.

SEA evaluation might be helped by noting details emerging on this last day.

The Mayor's team had missed some concepts.

1. They didn't know there was a difference between the SEA and the STB.
They didn't know one was rather legal, and the other rather political.
Or that the SEA prepared positions, for defence before the STB.
2. They didn't realize there was a difference between the:
Alternatives (say B-4), which many see as a process of several items.
alignments in the various Alternatives -- which might be varied.
3. They, seemingly, failed to note that the SEA poised real, and really needed to be answered, questions on pages ES-61 and ES-62 of the DEIS.

Curing such deficiencies took time and work -- and left a ragged document.

A major reason for the City's Resolutions of Feb. 26 becoming but a fragment of themselves by Feb. 27 came from yet more conceptional breakthroughs.

1. This document had problems of origin.
 1. The "preferred Alternative" came from our Governor's bypass petition.
 2. If, as our Mayor wanted, it was City sponsored, was it still the same?
 3. If not the same, what now? What now with the STB going Republican?
[Shades of the apostasy of Alan Greenspan were invoked.]
2. Were Alternative B-4 jettisoned, would the SEA refuse all bypass support?

On Feb. 26 this document was touted as being assembled by leading Twin-Cities "wordsmiths" -- presumably in contrast to "cliche-mongers." By Feb. 27 our local B-team was tearing up the verbage.

Things got even stickier in examining the newly found resolutions [addendum 1]. At first all seemed anathema to the City staff. Five minutes were spent debating "thanks to the Governor." The Governor won. Another five minutes were spent on "thanks to Washington." Washington won. By then we were moving down the slippery slope of evermore acceptable items.

An interesting detail was the resolution --

"FURTHER BE IT RESOLVED that the City of Brookings expresses its intent to provide support, including financial to be negotiated, if an entity is needed to replace lost local rail service resulting from Alternative B-4."

Any suggestion of removal of DM&E authority from the in-city line elicits a profound DM&E management response -- and from any surrogate. City lawyer and manager were inexplicably deeply concerned. A new formula was finally agreed on (probably now the 3rd resolution from the end) which ended in "...which includes financial support to preserve access and service to local shippers."

Council members pushed hard for an explanation as to why (in concepts summed on DEIS pages ES-61/ES-62) in-city rail authority was not removed from the DM&E.

What was the replacement? They viewed it as a clear invitation for the City to respond. The City's manager/lawyer had a hard time following this reading. To paraphrase a collection of responses, they believe this lack of reference to final in-city line-control stems from inept STB in-house lawyering. I suggest if this be not the case, it is incumbent on a bunch of inner-beltway ambulance-chasers to hit the Council's counsel over the head with a heavier object.

However, the total experience did enlighten. After waiting three hours to give his dog-and-pony show, Banner's CEO demonstrated awareness, and wariness for the new reality of several entities at the K-Street address, by referring to a concept as coming from "the lovely little lady in town from Washington."

It was finally agreed: (a) all anti-Alternative B-4 language was to be out of the document, (b) it was to be clear the appended Banner report was a possible alternative alignment complementing the existing Alternative B-4, and (c) some of the final resolutions would be presented as petitions by "someone else."

Keep watching for future attractions.

And now to clean up some details on the City of Brookings response to the DEIS.

Between the Governor's submission of the Brookings Bypass proposal and issuing of Decision 21225, the total structure of government, representatives, and key staff changed for the City of Brookings. [Then Commissioner, now Council member, Sam Artz (reelected by 12 votes) remains.] This group's collective memory goes back nine months. Inept city dealing over a convention center (aka Agriplex, Multiplex, Mplex, Ice Arena) and train issues led to these changes.

Railco is elusive -- always described as "a group of business, civic, and educational leaders." It has participated in but one public meetings, and has presented its bypass proposal to the City -- always by out of town folks. It apparently includes the Mayor, former City commissioners, and the former City attorney -- in whose offices Railco meetings seem to occur.

[Ours is a small and chummy community. Railco meetings occur in the law offices of Glover (recently removed city counsel of 20 years) & Helsper (local DM&E counsel.) The Mayor, coming out of a fifteen year retirement, honed his effective administrative skills heading a local Rural Electrification Adm., and is a long-term, close friend of Glover. Banner Ass., is Brookings's sole engineering/architectal firm. The train business and the Multiplex building (a budget having moveing in three years from \$2.5 M to \$10.5 M of city subsidies) have essentially moved in tandem -- with rather the same cast of characters for lawyers, architects, etc.]

The purpose of the new 8.5-mile "Railco" bypass remains obscure -- possibly:

1. This bypass proposal was created to inject the Mayor's office, in place of the Governor's, as the sponsor of any Brookings bypass.
2. This bypass proposal was created as a vehicle to formally submit to the STB an Appendix detailing a floated, swiftly sunk, "community agreement" created and promoted by the DM&E -- submitted as an example of DM&E good will.
3. This bypass proposal was created to encourage the City to exchange a good, and SEA favored, Alternative for an essentially unworkable route.

4. This bypass propoal was created to draw attention from an implicit SEA position that removal of DM&E in-city line-control was necessary for a totally workable coal-train reroute around Brookings.

Just before the November arrival of SEA reps in Brookings the DM&E President made a dramatic, three-hour Council appearance -- complete with audio/video crew, and backed by top engineers. It was about as close as we get to real theater around here. The thesis was the DM&E still wanted to go through town, but would make some use of a bypass -- were it built/maintained by others.

An odd exchange occurred in this meeting. The Council asked Schieffer "how could the "Railco" bypass subsititue for the B-4 alignment." In Docket 33407 the design engineer (Daniels) made great issue of precise design, with fast trains passing at precisely placed meets. B-2 and B-4 alignments are of nearly equal length, and exchange then has little effect on the total project. In contrast, the Railco alignment, though described as a "short bypass", actually causes a significant length-change within our area's 22-mile repeat unit of line segments -- seemingly a very serious engineering problem.

Schieffer responded, "Lengthening a segment now makes no difference. Our basic project design has greatly changed. The design now has varying lengthed segments, up to 30 miles (his engineer-in-chief so confirmed.)" [This seems to violate Docket 33407's economic projections (Mann's) that even a precisely aligned system of 22-mile meets would not reach the needed 100 million tons of coal per year.] At this same meeting Schieffer vigorously argued for a DM&E/Brookings mitigation agreement locked into "m-t/y" and not into "trains/day."

The above fits Brian Brademeyer's argument [Addendum x]. In fact, I find Brademeyer's analysis to be extremely persusave -- it is the only workable business plan I have seen for this project which explains all events, and is seemingly contradicted by none.

And finally, do feel free to assume and all of the "Resglutions" in the following, not completely used set, are now formally submitted to the SEA/STB for consideration and application.

The end (of the day of March 5, 2001).

next page

Sejman

Page 6

(An example)

***** RESOLUTION NO. 01-__ *****

WHEREAS the Brookings City Council desires to do what is best for the City of Brookings.

NOW THEREFORE, BE IT RESOLVED that the City of Brookings thanks Governor William J. Janklow for developing and sponsoring the Brookings and Pierre Bypass Proposal.

FURTHER BE IT RESOLVED that the City of Brookings thanks the Section of Environmental Analysis (SEA) of the Surface Transportation Board (STB) for identifying the Brookings Alternative B-4 of the DEIS [Decision No. 31225] as the preferred alternative.

FURTHER BE IT RESOLVED that the City of Brookings will work to support this decision.

FURTHER BE IT RESOLVED that the City of Brookings expresses its intent to provide financial support, to be negotiated, for Alternative B-4.

FURTHER BE IT RESOLVED that the City of Brookings expresses its intent to provide support, including financial to be negotiated, if an entity is needed to replace lost local rail service resulting from Alternative B-4.

FURTHER BE IT RESOLVED that the City of Brookings requests no SEA/STB action be taken on any Brookings Alternative until permit applications under Section 404 of the Clean Water Act are submitted for the current alignment of Alternative B-4, and a DEIS process is finished -- similar to those now in process for Alternative B-2.

FURTHER BE IT RESOLVED that the City of Brookings shall prepare studies for submission to the SEA/STB on alternate alignment(s) for consideration in Alternative B-4.

FURTHER BE IT RESOLVED that should the SEA/STB consider an alternate alignment to have potential as a replacement in Alternative B-4, the City of Brookings then requests a Section 404 study and a subsequent DEIS process be done for this alignment.

FURTHER BE IT RESOLVED that the City of Brookings requests the SEA/STB to bifurcate the review issues of the Brookings Alternatives, for separate consideration from the total DEIS.

FURTHER BE IT RESOLVED that the City of Brookings seeks direction from the SEA/STB with regard to all appropriate issues raised above.

FURTHER BE IT RESOLVED that the City of Brookings requests the SEA/STB grant a review extension for the development of the above issues.

Passed and approved this __th day of February, 2001.

Mayor

Segment

Page 17

The Brookings Register



A few flurries
Mostly cloudy and
breezy tonight,
low 10 to 15.
Mostly cloudy
Thursday with a
chance of snow
High 15 to 20.

OUR NEWS IS YOUR NEWS
For all the news that touches your life.

WEDNESDAY, NOVEMBER 15, 2000 50 CENTS
as low as 34¢ home delivered

Friends and foes have their say



■ For seven hours Tuesday, proponents and opponents praised or damned the DM&E's Powder River Expansion Project.

By JOHN KUBAL
The Brookings Register

South Dakotans got their opportunity to speak out—in three-minute-
each presentations—on what they
thought of DM&E's proposed \$1.5
billion construction and rehabilitation
project that would give it access to
Wyoming Powder River Basin
coal, which the Brookings-based rail-
road would then move across South
Dakota and Minnesota to the
Mississippi River.

In keeping with the political dic-
tum that "where you sit determines
what you see," speakers lauded the
project, condemned it, called for
additional time to comment or

demanding the federal Surface
Transportation Board redo the Draft
Environmental Impact Statement and
give the public a less ponderous
product written in simple English.

Tuesday's two sessions, three
hours in the afternoon and four
hours in the evening at the
Brookings Inn gave elected officials
and the general public the opportu-
nity to tell STB officials, led by attor-
ney Victoria Rutson, what they
thought of the present DEIS, which
was released Sept. 27.

Similar meetings have been held
in two Wyoming cities, Rapid City
and Pierre, and meetings are sched-
uled for Mankato, Minn., and
Rochester, Minn.

The order of speaking provided
for elected federal and state officials
to speak first, followed by pro-regis-
tered speakers in order of their regis-
tration, with others who signed up at
the the meeting speaking as time
allowed.

South Dakota state Rep. Ron
Volesky, D-Huron, also

business, said the project would
open up new markets on the West
Coast for South Dakota's agricultural
commodities. He said if all products
had to be trucked, the state's roads
would not be able to hold up.

He asked for favorable considera-
tion of the project.

Rep. Ron Volesky, D-Huron, also
spoke in favor of the project, saying,
"South Dakota desperately needs the
DM&E railroad as an essential part
of its economic future."

■ In favor of a Brookings bypass

Dana Nelson, speaking on behalf
of South Dakota state government,
zeroed in on the controversial issue
of a bypass around Brookings.

He said Gov. William Janklow had
on Oct. 1 DM&E, the use of the state's
right of way along U.S. Highway 14
and its bypass as an alternate route.

Nelson explained that state and

Register photo by John Kubal
Victoria Rutson, an attorney with the federal Surface
Transportation Board, briefs the audience during a meet-
ing at the Brookings Inn on Tuesday afternoon, when gov-
ernment officials and others were given the opportunity to
comment on the Draft Environmental Impact Statement for
the DM&E \$1.5 billion reconstruction and building project.

A2 The Brookings Register

November 15, 2000

SAY: City prefers recently proposed 8.5-mile bypass

continued from page A1

local business people were trying
to fashion a bypass proposal and
DM&E President and Chief
Executive Officer Kevin Schieffer
had offered to help fund the
bypass.

And Nelson reiterated the
governor's offer "for the record"
to fund a grade-separation struc-
ture where the route would
cross Interstate 29.

Nelson called for a negotiated
agreement between DM&E, the
city of Brookings, Brookings
County, and Railco, a group of
Brookings area business, civic,
and educational leaders; that
agreement should then be sub-
mitted to the STB and made a
part of its final environmental
impact statement.

Finally, Nelson called for a
closer look at property values,
adding that the DEIS did an inad-
equate job of analyzing the
impact of the DM&E project on
property values.

Michael Williams, Brookings
City Manager, taking his turn as
a pre-registered speaker, present-
ed the city's preference for a
recently proposed 8.5-mile bypass
that would take advantage of the
others of Railco and Janklow.

The shorter bypass would

replace a nearly 16-mile bypass
that the former Brookings City
Commission submitted and that
was accepted for the DEIS as "the
environmentally preferred alter-
native" in the DM&E's call for
rebuilding its present rails
through the city.

Williams said the city had no
agreement with DM&E, so it had
"no option but to petition the STB
to impose mitigation on the
DM&E in the form of a shortened
bypass."

He added that the shorter
bypass was a more reasonable
and feasible alternative for
DM&E and would cause less
environmental consequences
than either the longer bypass or
the in-city route.

■ Present DEIS is unreadable

Lillias Jones Jarling, who said
she did not live near DM&E
tracks, called for 180 days to read
and study the DEIS. She said the
document was poorly arranged
and the CD version was virtually
unreadable.

Jarling said, "I used to teach
college. And the methodology in
this DEIS would have led to a
failing grade for any term paper
in my undergraduate classes."

Judy Kroll, a Brookings High
School debate teacher, called for a
rewritten DEIS to be followed by
a 180-day period for submission
of comments. To make a point of
the unreadability of the present
DEIS, she quoted excerpts from it
and drew chuckles from the
crowd.

"I rest my case. I don't know
what that says," Kroll added. "I
wouldn't accept work like that
from my students. I expect more
from my government."

■ For or against a bypass

For a variety of other area res-
idents, comments centered on
being for or against the bypass,
depending on how it would
affect their personal property.

Farmers Joel Foster and his
father Bob Foster, members of
Citizens Against the Brookings
Bypass, said their farmland
would be bisected if the railroad
was routed around the city and
through the county.

Bob Foster said city residents
were trying to shift their burden
to the county.

"They would infringe on our
life style," he said. "We have just
as much right to serenity as city
dwellers."

He also questioned the alleged
drop in value of trackside prop-
erty values.

"Those home are selling OK,"
he said.

But Dwight Adams, a track-
side resident and member of the
Coal Train Issues Coalition, said
which favors a bypass, said tax
notices received this year showed
reduced valuation of property
trackside by 10 percent and
across the street from the tracks
by 5 percent.

■ Grain shippers favor DM&E's approach

Local grain elevator operator
spoke in favor of the DM&E pro-
ject and cited how difficult it
would be to move grain by trucks
only.

Rodney Christianson, chief
executive officer of the South
Dakota Soybean Processors, said,
"DM&E has a tremendous
impact in the state. We are depen-
dent on an efficient, cost-effective
railroad."

He added that an STB decision
to force the bypass could bring
long delays and could kill the
project. He recommended
approval for DM&E to use the
present rail through Brookings.

Bush holds narrow lead in Florida, but battle's not over yet

By Dave Soren



SPORTS



DM&E rejects Rochester bypass

THE BP BOBCA non-con Sioux Falls Tuesday

ROCHESTER, Minn. (AP) — The president of the Dakota, Minnesota & Eastern Railroad rejected a city proposal to bypass high-speed coal trains around the southeastern Minnesota city.

Last week, Rochester officials announced they would support the railroad's \$1.4 billion expansion plan if the railroad agreed to reroute the track through farmland.

But DM&E President Kevin Schiefel told a Rochester crowd Tuesday that the city's bypass proposal would kill the rail expansion plan.

"Our project is not to build a new railroad through somebody else's property outside of Rochester," Schiefel said. "Our project is to fix our railroad, and you can't say, 'We support if you do a second project,' or you won't oppose if we do a second project. These are two different projects."

A Rochester bypass carries an estimated price tag of \$100 million and has angered rural residents fearful of losing farmland and homes.

The expansion project calls for hauling coal from Wyoming through South Dakota and Minnesota for use in eastern power plants.

1999 death of their daughter at the State Training School. Page A7

QUOTABLE

The Brookings Register

WEDNESDAY, FEBRUARY 21, 2001

50 CENTS us low as 34¢ home delivered

A little winter Mostly clear tonight, chance of light snow, lows near 10. Partly sunny Thursday, highs around 20. Page A2.

OUR NEWS IS YOUR NEWS ... For all the news that touches your life.

BYPASS: Number of trains per day still undetermined

He said the crossings included those at 17th Avenue, Medary Avenue, and possibly the Sixth Avenue underpass. In response to a councilor's question, Micko explained, "We would continue to serve the current shippers, but we would do it from both ends (of the bypass). We would come in from the west to serve the Coop and Rainbow. We would back in traffic from the DM&E would bring through the bypass proposal. City Attorney Steve Britzman said the city should submit its response independently. He added that the governor's office could be given a copy of the railroad transportation specialist with Parsons, though that number should be higher, but Dewese could not provide an exact number.

Another key issue raised by the mayor was the manner in which the city's response would go to the STB. He asked if the city's response would go via the office of South Dakota Gov. William Janklow, as Herritt said he understood had been done with the former City Commission's response. The number 37 had surfaced on several occasions, Micko said. Charles Dewese, a railroad transportation specialist with Parsons, thought that number should be higher, but Dewese could not provide an exact number.

lands, recreation areas, public service lands, and air quality; noise, vibrations; and socio-economic factors. Micko said the socio-economic section had been expanded to address the assessed value of property along the line and the tax issues related to that. One issue that came up Tuesday and to which a definition answer has yet to be given was how many coal trains a day the DM&E would bring through the bypass proposal. City Attorney Steve Britzman said the city should submit its response independently. He added that the governor's office could be given a copy of the railroad transportation specialist with Parsons, though that number should be higher, but Dewese could not provide an exact number.

He said the crossings included those at 17th Avenue, Medary Avenue, and possibly the Sixth Avenue underpass. In response to a councilor's question, Micko explained, "We would continue to serve the current shippers, but we would do it from both ends (of the bypass). We would come in from the west to serve the Coop and Rainbow. We would back in traffic from the DM&E would bring through the bypass proposal. City Attorney Steve Britzman said the city should submit its response independently. He added that the governor's office could be given a copy of the railroad transportation specialist with Parsons, though that number should be higher, but Dewese could not provide an exact number.

Bypass, 'Yes;' rails through city, 'No'

■ In its response to the DEIS, the Brookings City Council will push an 8.5-mile run around town and the elimination of in-city tracks.

By John Kuehl The Brookings Register

If the Brookings City Council prevails in its response to the federal Surface Transportation Board, DM&E coal trains will take an 8.5-mile bypass to the north of town; and no train traffic of any kind will roll through the city.

But shippers near and in the city would continue to be served by the Brookings-based railroad, at either end of the proposed bypass.

Those were two key points Dennis Micko, office manager for Banner Associates, a Brookings-based architectural and engineering firm, said would be in a 50-plus page document that will be the city's response to the STB's Draft Environmental Impact Statement on DM&E's proposed \$1.4 billion expansion and rehabilitation project.

A major piece of the DM&E's

proposal calls for hauling coal from Wyoming's Powder River Basin across South Dakota and Minnesota to the Mississippi River. As planned, the trains would run through the heart of Brookings.

Banner drafted the lion's share of the city's response. But to assist the firm with additional expertise, the city is paying \$20,000 to the St. Paul, Minn., law firm of Lindquist and Vennum and to Parsons Transportation Group, a Dallas independent transportation consultant.

As part of the city proposal, Micko told councilors at a Tuesday evening planning session, "We have severed the existing rail line coming through town. The thought being is if we're going to be bypassing all through rail-traffic on the bypass, there's no need to retain a through-line through the city, and we can eliminate up to three to five crossings."

"And when we're talking about our primary concern in the community being safety, that's a tough issue, the elimination of crossings, that's why we added that alternative, to speak to that issue."

See BYPASS, page A2

Separate Page 8

Summer

The Brookings Register

OUR NEWS IS YOUR NEWS ...
For all the news that touches your life.

Page 9
Sunny, still cold
Clear and cold
tonight, lows around
10 below zero. Sunny
on Wednesday, highs
10 to 15. Dry
Thursday, high
around 25. Page A2.

TUESDAY, FEBRUARY 27, 2001

50 CENTS
at 10¢ at 3¢ home delivered

Ice arena: Bucks and bids

■ Council OKs more money for project, gets look at contractors' proposals.

By JOHN KUBAL
The Brookings Register

By a 5-2 vote Monday evening, Brookings city councilors passed a resolution to spend an additional \$667,000 in second-penny tax revenues and \$200,000 from the general fund to build a multi-use facility housing two ice rinks and an animal holding barn.

Those funds will be added to \$5.3 million which had been originally budgeted for the project.

And the Brookings Ice Skating Association, which had already pledged \$150,000 to the project, upped that by an additional \$39,000 for a concession stand and \$110,000 for dasher boards.

Councilors Bill Davidson and Tom Bozied opposed spending more city dollars. And following council approval, Davidson immediately made a motion that would have referred the issue to voters for their approval or disapproval. However, his move failed for lack of a second.

In the discussion that preceded the vote Monday evening, Davidson explained his opposition.

"There's the assumption we can't build for what we budgeted," he said. "At some point we have to take courage and say, 'No more.' This is not the right decision."

Explaining his "no" vote this morning, Bozied said, "I'm not satisfied in doing projects that come in over budget."

And while she voted in favor of the extra expenditures, Councilor Keri Weems said she did not like the trend of the council's approving projects that

exceeded original planned costs.

"We're going to need accountability," she said. "It's not here yet, but we'll look for it on future projects."

Speaking for BISA and explaining its additional offer, president Jim Skyberg said, "We think we can handle that. We've basically doubled our ante."

"We want to see this get built. We're willing to do our part. We're willing to step up to the plate."

And Councilor Nate Bibby said if the council did not opt for spending additional dollars on the project, funds already spent would be wasted.

He added, "We don't have a lot of choice but to talk seriously about going forward. We have to talk about stepping up our end of it, too."

Councilor Sam Artz said, "I want this to be something when it's done. Therefore, I support the extra funding."

Prior to the council passing the resolution that ponied up more money for the project, Rick Salonen, an engineer assigned to the project for Banner Associates, a Brookings-based architectural and engineering firm, walked the council through the seven

See ARENA, page A2

A2

February 27, 2001

The Brookings Register

DECISION: Deadline to respond to DEIS is March 6

continued from page A1

■ An 8.5-mile bypass to the north of town; and

■ No train traffic of any kind to roll through the city, in effect severing DM&E's present through-town rail artery.

But shippers near and in the city would continue to be served at either end of the proposed bypass.

At the council's meeting Monday evening, Dennis Micko, office manager for Banner Associates, the Brookings-based architectural and engineering firm that did most of the work on the city's response, marched councilors through the proposed city document — a process he had previously done.

Banner was aided in its efforts by the St. Paul, Minn., law firm of Lindquist and Vennum and Parsons Transportation Group, a Dallas independent transportation consultant. The city paid \$20,000 for the two companies to beef up the Banner document with expert advice.

Other issues the city's DEIS

response will address include environmental impacts on agricultural land, surface water, wetlands, recreation areas, public service lands, and air quality; noise; vibrations; and socio-economic factors.

Brookings Mayor Virgil Herriott said he had read the entire draft document. He said DM&E's original proposed mitigated plan as addressed in the draft showed a cost of \$33 million while either of the two bypass proposals, the original nearly 16-mile route recommended by the former City Commission and the shorter 8.5 mile route, both fully mitigated, looked to cost about \$26 million each.

Herriott said, "The widespread belief in the community is that the bypass plan, either one or the other, would call for additional cost to the overall project."

"I think your numbers show the opposite. The bypass plans, at \$26 million each, are about \$7 million or \$8 million less than the plan that runs through town, with mitigation costs included."

"Is my analysis basically correct?"

Micko replied, "I think that's right on the money, mayor."

Councilor Tom Bozied said he had not yet read the entire draft document and the proposed resolution that would accompany it and wanted the council to have the opportunity to provide input.

He said, "Obviously we're not the experts, but we're the ones who are going to be putting our name on it, if I was going to get input or blame."

Two members of the Coal Train Issues Coalition spoke out in favor of a bypass, which the group has long lobbied for.

Eugene T. Butler, Jr., said he was disturbed that while mitigation discussions had addressed noise and vibration, there had never been any mention of "fugitive coal dust." He said the dust would come off both loaded and empty coal cars and coat areas up to 656 feet on either side of the train tracks the cars traveled on.

Micko said the dust was not addressed in the proposed response to the STB, because,

"My problem is to put a cost to it."

A second CTIC member, Dwight Adams, said a survey done more than two years ago showed that 82 percent of Brookings city residents did not want coal trains rolling through the city on the present DM&E rail system.

He added, "Seventy percent of Brookings County residents live in the city."

The DEIS, released by the STB on Sept. 27, 2000, blessed a nearly 16-mile bypass plan submitted by the former Brookings City Commission as the environmentally preferred alternative to the run through town. But the STB also suggested the city or Brookings might have to help pay any bypass bill.

However, that plan was followed by a proposal from Railco, a group of Brookings business, civic, and educational leaders, for a less intrusive 8.5 mile bypass to take coal trains north around Brookings and through Brookings County.

The council favors the Railco

Day of decision

■ Councilors hold a special meeting today to put the final touches on response to STB's DEIS.

By JOHN KUBAL
The Brookings Register

With the March 6 deadline looming, the Brookings City Council is pushing hard to wrap up its response to the federal Surface Transportation Board's Draft Environmental Impact Statement on DM&E's proposed \$1.4 billion expansion and rehabilitation project.

A major piece of the Brookings-based railroad's proposal calls for hauling coal from Wyoming's Powder River Basin across South Dakota and Minnesota to the Mississippi River. As planned, the trains would run through the heart of Brookings.

In its 50-page-plus response, which will be fine tuned in a planned final meeting at 4 p.m. today, the city's bottom line zeroes in on two key points:

See DECISION, page A2

Signature

Page 10

The Brookings Register



Warming trend
Partly cloudy tonight,
lows 5 to 10 above.
Partly sunny and
warmer Thursday,
highs near 30. Chance
of light snow Friday.
Page A2.

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WEDNESDAY, FEBRUARY 28, 2001

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Council wants reroute

**City willing to pay
part of construction
cost for bypass**

By JOHN KUBAL
The Brookings Register

It's official.

The Brookings City Council is telling the federal Surface Transportation Board the city wants DM&E coal trains to roll around town on an 8.5-mile bypass.

And the city is willing to ante up \$4 million to build the reroute and ensure local access and service to local shippers.

At a special meeting, held in two sessions Tuesday afternoon and evening, councilors voted 6-1 to approve a resolution calling for a bypass and 7-0 to approve a "Supplemental Discussion and Impact Assessment of Bypass Variation at Brookings, South Dakota." The council, assisted by City manager Michael Williams and City Attorney Steve Britzman and with advance from Dennis Micko, office manager for Banner Associates, a Brookings-based architectural and engineering firm, grappled with the resolution from 4 p.m. to 6:30 p.m. They then returned at 9:30 p.m. and worked until 10:17 p.m.

Councilor Sam Artz voted against the resolution. In a letter to *The Brookings Register* this morning, Artz said: "I have

consistently voted against the bypass every time it has been considered in some form while I have served on the City Council. I took that stance with full knowledge I was very deeply in the minority."

Artz, who also served on the five-member City Commission that was replaced in August 1999 by the City Council and a city manager, explained that as a commissioner he voted to support a bypass.

He said, "My thought at the time was that as long as my vote had no effect on the outcome there was no harm in voting with the other members. My vote to support the bypass provided unanimity, but it was not a vote from the heart."

Continuing, Artz said there was "no positive stance one can take on an issue of

this nature." He said he feared "this decision will worsen our city's relationship with our friends to the north."

On his approval vote for the other bypass proposal, Artz said in a phone call this morning he thought with the resolution behind him it was best to vote for the best bypass around the city.

Next stop for the documents is the STB, in response to the Draft Environmental Impact Statement on the DM&E's proposal for hauling coal from Wyoming's Powder River Basin across South Dakota and Minnesota to the Mississippi River. The DM&E plan would run the trains through the heart of Brookings.

All documents either have been or will

See **BYPASS**, page A2

BYPASS: Artz votes against resolution

continued from page A1

be forwarded to South Dakota Gov. William Janklow.

Key points in the five-page resolution, most of which are also in the 50-pages-plus supplemental discussion, were:

■ A call for the STB to approve the 8.5-mile bypass;

■ An offer of \$4 million to help defray the cost of the bypass, estimated to be \$26 million, and to support and preserve access and service to local shippers;

■ A willingness to support any other alignment associated with the longer bypass cited by the STB in the DEIS as the "preferred alternative."

The resolution also thanked Janklow "for his leadership in submitting and supporting the Brookings Bypass Proposal" and the Section of Environmental Analysis of the STB for "identifying the Brookings Alternative B-4 (bypass) ... as the preferred alternative."

And, finally, the resolution said "the City of Brookings seeks direction from the SEA/STB with regard to all the appropriate issues raised"

Banner drafted the lion's share of the city's response. But to assist the firm with additional expertise, the city is paying \$20,000 to a St. Paul, Minn., law firm and to Parsons Transporta-

tion Group, a Dallas independent transportation consultant.

The DEIS, released by the STB on Sept. 27, 2000, blessed a nearly 16-mile bypass plan submitted by the former Brookings City Commission as the environmentally preferred alternative to the run through town. But the STB also suggested the city of Brookings might have to help pay any bypass bill.

However, that plan was followed by a proposal from Railco, a group of Brookings business, civic, and educational leaders, for the less intrusive 8.5-mile bypass to take coal trains north around Brookings and through Brookings County.

MPLex board talks grand opening

By JERRAD NIEDERMAYER
The Brookings Register

It's been hosting events for more than a year now, but the Brookings Area MultiPlex has yet to launch a grand opening for the center.

That could change later this year.

At Tuesday night's MultiPlex Board of Directors meeting, Steve Peters, president of Compass Facility Management, Inc., which was hired last fall to

BROOKINGS AREA FORECAST

Sopnow

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Register photo by John Kubal
DM&E President and Chief Executive Officer Kevin Schieffer makes a point for the Brookings City Council during a special meeting Wednesday evening at City Hall. In the background are, left, City Attorney Steve Britzman and City Manager Michael Williams.

Meeting, after meeting, after meeting

■ Following a marathon meeting Wednesday, the Brookings City Council went into executive session to discuss negotiations with DM&E; the council meets again today in closed session to further deliberate.

By JOHN KUBAL
The Brookings Register

Credit DM&E President and Chief Executive Officer Kevin Schieffer with stamina and staying power.

For more than four hours at a special meeting Wednesday evening, a standing-behind-the-lectern Schieffer hammered home to a seated Brookings City Council his views on what was needed to bring discussions between the railroad and the city to closure.

The issue again was whether the DM&E's proposed coal-train route, part of a \$1.5 billion upgrade and rebuilding venture, from the Powder River Basin in Wyoming through South Dakota and Minnesota to the Mississippi River, should roll through or around the city.

The two sides have been working to reach an agreement, but following talks last week they reached an impasse. That led to an exchange of correspondence: a two-page paper, "City of Brookings' position

on the most recent proposal by the DM&E," which Schieffer responded to with a Nov. 6 letter to Brookings Mayor Virgil Herriott that said, "The city's 2-page white paper misstates DM&E's position."

Finally, that exchange was followed by a public meeting at the Brookings Area MultiPlex Monday evening. And following that 3-hour-plus packed gathering, Schieffer and the City Council agreed to keep talking.

Talk they did, at great length Wednesday evening, with both Schieffer and city officials presenting their sides of the issue. But unlike Monday's full house, the Wednesday meeting drew a handful of attendees, most of them

See MEETING, page A2

MEETING: Another executive session to be held today

continued from page A1

trackside home owners and members of the pro-bypass Coal Train Issues Coalition.

At the invitation of Brookings City Manager Michael Williams, Schieffer responded to the city's "white paper," ultimately zeroing in on key points contained in "The City Position." But he got there via a lengthy exchange of views, heated at times, with city councilors.

Schieffer said negotiations with the city had reached the point of "settlement discussions as opposed to partnership discussions, per se."

He added, "We have the equivalent of an adversarial litigation going on right now."

Herriott interrupted, saying, "I object to the use of those terms. They're not descriptive in my mind of where we're at. I think we're at a negotiating mode, not at the litigation mode."

And councilor Tom Bozied asked Schieffer when the mode shifted to adversarial.

Schieffer replied, "When you

filed the demand for the bypass going around Brookings." He added the filing was very harmful to DM&E's case for its project; but he said he was not ascribing ill motives to anyone.

Herriott said if protecting the best interests of the city was being adversarial, then there was an adversarial relationship and he accepted that.

But, he added, "I don't think it's quite fair to class us as being adversaries merely because we have a different point of view than you have."

Schieffer said, in reference to a bypass, "We oppose it. You support it. That's adversarial."

■ Bypass, through the city, or both?

Following that exchange, discussions settled down to covering a variety of aspects affecting the DM&E proposal. But ultimately, everything came down to the bypass issue.

The Draft Environmental Impact Statement released by the federal Surface Transportation Board in late September blessed a 16-mile bypass plan submitted by

the former Brookings City Commission as an environmentally preferred alternative to the run through town. But the STB also suggested the city of Brookings might have to help pay any bypass bill.

However, that was followed by another proposal by Railco, a group of Brookings business, civic, and educational leaders, for a less intrusive 8.5 mile bypass to take coal trains north around Brookings and through Brookings County. And both the city and DM&E have viewed the Railco bypass favorably, but from a different perspective.

The city wants the Railco route to replace the 16-mile bypass in the DEIS, which after additional input from interested parties and individuals will be issued as a final Environmental Impact Statement.

Schieffer said DM&E was amenable to the Railco bypass, but only if it was applied for separately and not tied to DM&E's present application pending with the STB.

"Clearly, it could be advanced

that way simultaneously with ours," he said. "The only thing I'm interested in doing from a legal standpoint is keeping our application clean of these new issues."

Schieffer explained that getting financing for DM&E's project would be difficult "if you have a dark cloud hanging over it."

DM&E's stance is that it wants the city to pull the 16-mile bypass proposal and come to an agreement on the best way to take coal trains through the city on a rebuilt rail system. And if the city wanted the Railco bypass, a separate application could be submitted at any time.

If those agreements were met, DM&E would contribute about \$8.3 million to a bypass, if the city decided one was needed. That offer would stand, regardless of when the city applied for a permit to build a bypass.

When the open session ended, the City Council went into executive session. Falling out of that was a decision to hold another executive session at 4:30 p.m. today.

Seymour

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Register



around 20. partly cloudy and cold Wednesday, high in the upper 20s. Dry Thursday Page A2.

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TALKS: Schieffer wants issue decided swiftly

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the date for final comments on the DEIS.

Williams said the city could not be rushed to meet the Nov. 14 date. But the city wanted public input and continued negotiations with DM&E.

Bob Foster, CABB chairman, thanked the city and DM&E for talking. He said the city had a resolution citing support of the DM&E project, but it had not been published.

Addressing negotiations, he said all the city had to negotiate with was the long bypass; and "they're using that as a club to force the Railco process."

Schieffer said he came for a dialogue and to answer questions.

He said his three-page letter laid out DM&E's position "as clearly as I know how."

Schieffer said, "We want to enter into an agreement, as well. But we've been at this for two years, and we're to the end of the process from our standpoint, in terms of the negotiations."

"If it doesn't work, it doesn't work; and we'll accept that. But the time is here to make some decisions and to give some direction. If there's a way to get to an agreement, let's get to an agreement."

Dwight Adams, CTCIC spokesman and a track-side resident, said one point not covered in the DEIS would be raised on Nov. 14 "under the socio-economic aspects of the coal-trains going through Brookings" was the property devaluation in Brookings.

He said, "We estimate that the total devaluation that has already occurred for over 200 homes in this community is between \$2 million and \$2.5 million."

If the project was completed and trains rolled through the city, those figures could reach \$10 million to \$15 million or more, Adams said.

In the open forum that followed, audience members spoke out both for and against the project.

And the meeting ended on an exchange between Schieffer and the City Council and an agreement to go back to negotiations.

Councilor Bill Davidson said, "It's a difficult issue. Emotions run high on both sides. We're trying to do what's best for our constituents."

Councilor Sam Artz said, "We've got to let it come through town. We've got to work on mitigation."

Schieffer said, "Let's find a common ground if we can and forge a proposal. If not, let's recognize that. Do it and do it quickly and find out if this is worth pursuing."

play-by-play announcing with a microphone and tape recorder.

In the first game he called, "an exhibition between the SDSU and University of Winnipeg men's basketball teams, Cole found himself struggling at the microphone."

See VOICE, page A2

City, DM&E to continue talks

■ Both sides are ready to go back to the bargaining table to resolve the issue of rolling coal trains through or around the city.

By JOHN KUBAL
The Brookings Register

"It ain't over 'til it's over." Apply those words of Yogi Berra, former New York Yankees catcher, to the state of talks between the city of Brookings and the DM&E railroad.

The issue is whether the DM&E's proposed coal-train route, part of a \$1.5 billion upgrade and rebuilding venture, from the Powder River Basin in Wyoming through South Dakota and Minnesota to the Mississippi River, should roll through or around the city.

Following talks last week, both sides reached a sort of impasse. That led to a two-page paper, "City of Brookings' position on the most recent proposal by the DM&E." In turn, DM&E President and Chief Executive Officer Kevin Schieffer responded with a Nov. 6 letter to Brookings Mayor Virgil Herriott, saying, "The city's 2-page white paper misstates DM&E's position."

But following a three-hour-plus packed public-meeting at the Brookings Area Multiplex Monday evening, Schieffer and the City Council agreed to keep talking.

At Monday's meeting, Herriott gave 15 minutes speaking time to City Manager Michael Williams. Citizens Against the Brookings Bypass, Schieffer, and the Coal Train Issues Coalition. Audience members got two minutes each to speak.

Herriott said the meeting was brought about by the federal Surface Transportation Board's release of the Draft Environmental Impact Statement on the DM&E proposal.

He explained the STB said, "If we could develop a community solution, they would look at it and hopefully be able to incorporate it into their final order."

Williams said the city and DM&E had accepted a proposal by Railco, a group of Brookings business, civic, and educational leaders, for a less intrusive 8.5 mile bypass to take coal trains north around the city and through Brookings County.

In the DEIS, the STB blessed a 16-mile bypass plan submitted by the former Brookings City Commission, as an environmentally preferred alternative to the run through town. But the STB also suggested the city of Brookings might have to help pay any bypass bill.

Williams said DM&E wanted "the city to remove its current conditional support of the project, which is conditioned on a bypass, to one of support for the project as submitted by the DM&E."

He said there was some agreement with DM&E that the Railco proposal was acceptable. But funding would be an issue, because even with the city putting up about \$4 million in funding and DM&E providing \$8.4 million, there could be a funding shortfall of about \$13 million.

Williams called that "far too much for the city of Brookings to bear." And additional funding sources had not been found, he added.

Finally, he said funding was an issue. The STB has scheduled a hearing on the DEIS on Nov. 14 in Brookings, but Jan. 5, 2001, is

See TALKS, page A2

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Casey III-1, Page 3

Thus is an extremely unlikely scenario from a transportation standpoint, since the major factor limiting the capacity of a unit-train system is the transportation "effectiveness" of the backhaul portion. DAME presumes that these firms will continue to operate two-way flow systems, with each agency retaining capacity that could be used for additional trucking capacity. If empty railcars could be moved to other tracks, the coal hauling capacity of the transport system would be effectively doubled. This is much more likely to occur than the scenario proposed by DAME.

A tabulation summarizing the results for the following reasons. First, the capacity of BNSF and UP could be expanded by 50% and still meet the congestion levels experienced by the current at-risk-of-leaving trains, respectively. Adding PMS could add capacity to 600 million carloads per year, which would be sufficient to meet the BNSF or UP. Second, the construction costs would be considerably reduced, since only a light rail system would be needed (loaded coal cars weigh ten times or more than empty cars). Thus, engineering constraints could also be relaxed, easily to A, B, C, and D, and the designs of curvatures, thereby eliminating many of the environmental impacts from the construction and reconstruction activities. DM&E engineering objections to using the existing corridors between Wall and Smithwick would disappear, as would the construction problem on the Wall EIR. A bypass a 1000 ft wide right-of-way would be feasible under these relaxed engineering constraints.

Using the per mile figures for "track rehabilitation" (\$457,900 per mile) and "bridge rehabilitation" (\$198,000 per mile) from the Transportation Decision (p. 41) and 15 percent engineering and contingency yields a "retail" cost of \$750,500 per mile. Increasing this figure by one-third for new construction would yield 51 million per mile. [Note that these were DMR's figures for heavy-haul "retail" cost, and thus likely overestimate what would actually be needed]. Using 660 miles of

Continued on Back Page

Continued from Page 3

Reconstruction and 200 miles of new construction then yields a total cost of just under \$700 million for the one-way "light-rail" project construction costs.

market. So far, the heart of DMLE concerned with 1 could be increased by 200 million tons per year, as opposed to DMLE's anticipated 100 million tons, and at half the cost, by introducing the 92% transport system to utilize a "loop" of one-way flows. It is my professional opinion that these over-engineered market professional could have been avoided by the DMLE system to utilize any preliminary processed substitutable raw materials. The system will ultimately be operated in this "PDS scenario" manner. This is the doubled capacity of this DMLE transport system goes to long way to explaining the declining share of DMLE's alleged rail "competitors" for the PDS.

transportation alternatives. There are at least three reasons. First, given the objections from impacted parties due to noise, vibration, and disturbance from DM&E's proposed ultimate traffic level of 40 trains per day, those objections would be even louder at the prospect of 80 to 120 trains per day, even unabated by the proposed noise barrier. Second, it is highly unlikely that Federal trains. Second, it is highly unlikely that Federal agency permit to cross public lands and "users" would be forthcoming in what would be perceived as a highly

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CRKW III-1, Page 1

inevitable balancing of the negative impacts of these codified flows (BNSF and UP get enhanced capacity and revenues, those along DM&S' route get the freights), and third and possibly most important, the STCS (December 10, 1998, Transportation Commission) could never have been issued to a system that would so clearly stimulate the existing users of the existing DM&S corridor.

that the regulated units should be able to generate greater absorption of PM₁₀ capacity, and that lower noise than DMLE's proposed scenario, it must be "argued as a reasonably foreseeable operational outcome of granting this environmental impact must be compared to expanding the ENR and OP facilities to achieve a similar overall increase in effective PM₁₀ capacity. The increased noise and disturbance impacts (ENR of 0.1-2.0 trains per day) must be addressed. The engineering feasibility of using existing conditions must also be re-evaluated under of "light rail" scenario impacts on environmental justice implications, and likelihood of adverse impacts such as garbage and toxics being generated to 20% higher, and the potential for increased PM₁₀ emissions to the train EIS.

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