



# Brown County Commission

*Brown County Court House*

*25 Market Street*

*Aberdeen, SD 57401*

*Ph- 605-626-7109 • Fax- 605-626-4010*

9-5-13

Ms. Cynthia Brown  
Chief – Section of Administration  
Surface Transportation Board  
395 E. Street, S.W.  
Washington, DC 20423 – 0111

234791  
ENTERED  
Office of Proceedings  
September 10, 2013  
Part of  
Public Record



RE: STB Finance Docket No. 35081 *Sub 2*

Dear Ms. Smith,

The Brown County South Dakota Board of Commissioners respectfully submits the enclosed resolution in support of the Honorable Dennis Daugaard, Governor of the State of South Dakota petition to the Surface Transportation Board to require Canadian Pacific to demonstrate compliance with the commitments which it may for capital improvements and safety compliance on that railroad trackage in South Dakota at the time of purchase thereof from the Dakota Minnesota and Eastern (DME) Railroad.

We appreciate your consideration in this matter of the importance of Canadian Pacific fulfilling obligations as required for the continuation of rail service in numerous counties in South Dakota.

Respectfully,

Duane Sutton  
Chair, Brown County Commission

Cc: The Honorable Daniel R. Elliott III  
The Honorable Ann D. Begeman  
The Honorable Francis P. Mulvey

*Resolution #75-13*

**RESOLUTION TO THE SURFACE TRANSPORTATION  
BOARD OF THE PETITION OF THE STATE OF SOUTH DAKOTA  
FINANCE DOCKET NO. 35081**

WHEREAS, Brown County is located in the north central region of the State of South Dakota and includes vast agricultural area on its prairies; and

WHEREAS, Brown County includes Aberdeen, the third largest city in South Dakota which is a wholesale, retail and commercial center with business and agricultural needs for rail services upon which it depends; and

WHEREAS, the County has many grain producers, wholesalers and distributors which depend upon rail services to deliver their materials and products and to receive shipments from outside the State of South Dakota; and

WHEREAS, the Canadian Pacific Railroad does currently service our Mansfield area, where both agricultural and commercial businesses depend upon reliable rail transportation to serve their needs; and

WHEREAS, the Honorable Dennis Daugaard, Governor of the State of South Dakota, has petitioned the Surface Transportation Board to require CP to demonstrate compliance with the commitments CP made for capital improvements and safety compliance on the Dakota Minnesota and Eastern (DME) railroad at the time of CP's purchase of the DME; and

WHEREAS, when the CP acquired the DME railroad in South Dakota, it made commitments to expend capital sums to improve the railroad lines; and

WHEREAS, such maintenance is vital to the continuation of rail service in numerous counties in South Dakota;

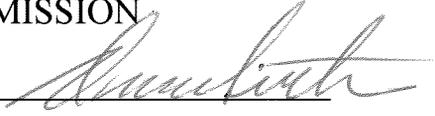
NOW, THEREFORE, the Brown County Commission does hereby adopt, in its entirety, the Petition of the State of South Dakota endorsing the same with the unqualified support to the prayer for relief set forth therein; and

Does direct its administrator to prepare and furnish a certified copy of this Resolution for submission to the Surface Transportation Board of the United States in such proceeding now known as Canadian Pacific Railway Company, et al. – Control – Dakota, Minnesota & Eastern Railroad Corp, et al, Finance Docket No. 35081.

Adopted by a aye vote this 3<sup>rd</sup> day of September, 2013.

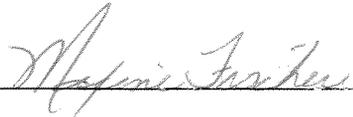
BROWN COUNTY

COMMISSION



Duane Sutton, Chairman

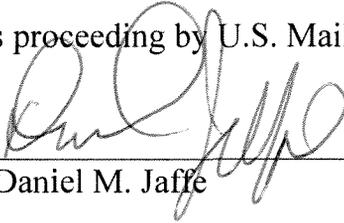
ATTEST:



Maxine Fischer, County Auditor

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10th day of September, 2013, I served copies of the forgoing on all parties of record to this proceeding by U.S. Mail, postage prepaid.

  
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Daniel M. Jaffe