

## Department of Transportation

### Office of the Secretary

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May 15, 2007

### VIA FEDERAL EXPRESS

Mr. Vernon A. Williams  
Secretary  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20024

Re: **Finance Docket No. 31874**  
**South Dakota Railway Company -- Termination of**  
**Modified Certificate and Notice of Interim Trail Use**

Dear Secretary Williams:

Pursuant to 49 C.F.R. § 1152.29, the South Dakota State Railroad Board ("SDRB"), a political subdivision of the State of South Dakota, hereby requests issuance of a Notice of Interim Trail Use ("NITU") with respect to a rail line from Ravinia, South Dakota (Milepost 54.5) to Platte, South Dakota (Milepost 83.3) (the "Ravinia-Platte segment") owned by the State of South Dakota and formerly operated by the South Dakota Railway Company ("SDRC") under a Modified Certificate of Public Convenience and Necessity. The State of South Dakota Department of Transportation ("SDDOT") is submitting concurrently in this docket a notice of intent pursuant to 49 C.F.R. 1150.24 to terminate SDRC's modified certificate operations on the longer rail line of which the Ravinia-Platte segment is a part. The Board and its predecessor have held that an NITU may be issued in a proceeding such as this involving the termination of operations under a modified certificate. See, e.g., Sammamish Transportation Company -- Notice of Interim Trail Use and Termination of Modified Certificate, Finance Docket No. 33398 (Sub-No. 1) (STB served February 26, 1998); Wisconsin and Calumet Railroad Company, Inc. -- Notice of Interim Trail Use and Termination of Modified Certificate, Finance Docket No. 30724 (Sub-No. 1) (ICC served August 8, 1989).

In support of its trails use request, SDRB states as follows:

### ***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 C.F.R. § 1152.29, SDRB is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the

Mr. Vernon A. Williams  
May 15, 2007  
Page 2

payment of any and all taxes that may be levied or assessed against the right-of-way described herein owned by the State of South Dakota and formerly operated by SDRC. The property extends from Milepost 54.5 (Ravinia, South Dakota) to Milepost 83.3 (Platte, South Dakota) in Bon Homme and Charles Mix Counties, South Dakota, a distance of approximately 28.8 miles.

A map of the property depicting the right-of-way is attached.

SDRB acknowledges that use of the right-of-way is subject to the user'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 the state on the same date it is being served on the Board.

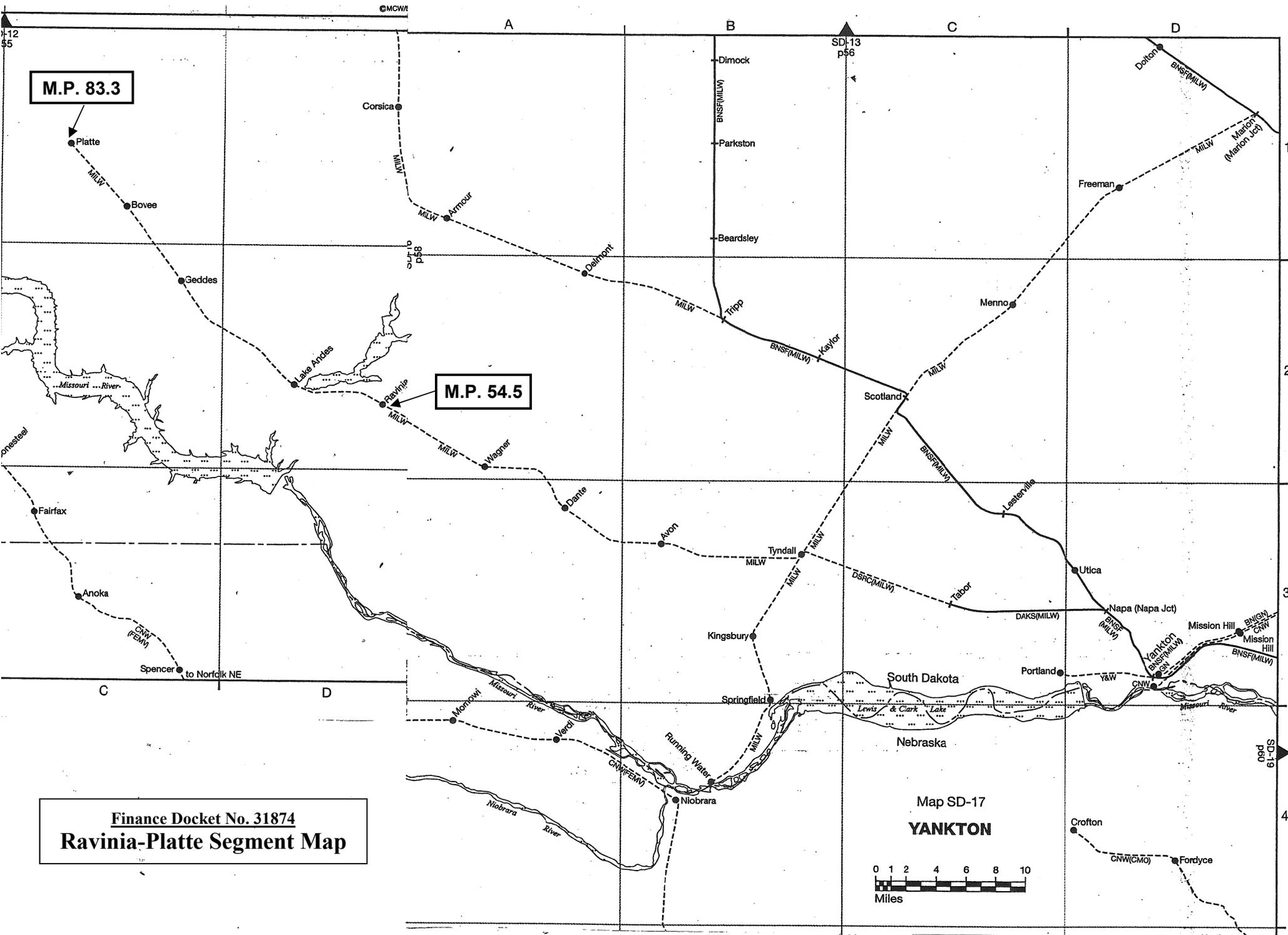
Respectfully submitted,



Todd Yeaton  
Chairman  
South Dakota State Railroad Board

Enclosures

cc: South Dakota Department of Transportation



M.P. 83.3

M.P. 54.5

Finance Docket No. 31874  
 Ravinia-Platte Segment Map

Map SD-17  
**YANKTON**  
 0 1 2 4 6 8 10  
 Miles

12  
 55

SD-13  
 p56

1

2

3

4

SD-13  
 p56