

SOUTH DAKOTA STATE RAILROAD BOARD MEETING AGENDA

Wednesday, April 20, 2022 at 11:00 a.m. CDT

Becker-Hansen Building/Commission Room – 700 East Broadway Avenue, Pierre, SD

MEMBERS PRESENT

VIA CONFERENCE CALL: Jerry Cope, Chairman
Jeff Burket, Vice-chairman
Jack Nelson
Greg Carmon

DOT STAFF PRESENT: Joel Jundt, Karla Engle, Kellie Beck, Jack Dokken, Perry Griffith, Misty Siedschlaw, and Kyle Weinman

OTHERS PRESENT

VIA CONFERENCE CALL: Dick Huff; Ryan Yanez – Ringneck & Western Railroad; Ed Sedlacek; Dan Bilka; Dan Kippley – Ellis and Eastern Railroad; and David Montoya – HDR

Chairman Jerry Cope called the meeting of the South Dakota Railroad Board (the “Board”) to order at 11:00 a.m. CDT. A roll call was taken, and a quorum was determined.

Cope opened the floor to the Board members to disclose potential conflicts of interest and to present requests for waiver pursuant to the South Dakota Codified Law (SDCL) chapters 3 – 23.

No conflicts of interest were disclosed, and no waivers were requested.

Cope asked for a motion to approve the February 16, 2022 Board meeting minutes.

A MOTION WAS MADE by Carmon and seconded by Burket to approve the Board meeting minutes for February 16, 2022. All present voted aye by roll call vote. The motion carried.

Karla Engle, Office of Legal Counsel, presented for Board consideration a proposed amendment to the Slover & Loftus legal services agreement with the South Dakota Department of Transportation (the “Department”). The amendment would increase the hourly attorney fee rate to \$450.00 and be retroactive to February 11, 2022.

A MOTION WAS MADE by Burket and seconded by Carmon to execute all documents necessary to amend the agreement for legal services with Slover & Loftus to increase the hourly legal fees from

\$380.00 to \$450.00 per hour effective February 11, 2022. All present voted aye by roll call vote. The motion carried.

Cope opened the floor to public input. Edward Sedlacek expressed his interest in purchasing additional excess railroad property in Tabor.

Secretary Joel Jundt presented the following items in the Secretary's Report to the Board:

- Federal legislative update. – On March 15, 2022 President Biden signed the Consolidated Appropriations Act of 2022, which provides full-year funding through September 30, 2022 for projects and activities of the Federal Government. The Act includes funding that will help the implementation of the Infrastructure Investment and Jobs Act, Public Law No. 117-58, November 15, 2021, also known as "Bipartisan Infrastructure Law ("BIL"). The Department will start to receive funding under the BIL for previously established programs while new programs continue to be developed.
- Special Transportation Circumstance (STC) / CRISI Appropriations. – Notice of funding will be scheduled for July for approximately an additional \$13 million dollars.
- State legislative update. Legislation was proposed this past session but did not pass related to funding to create quiet zones for railroad crossings. There is the potential to use federal STC funds for this purpose. At future meetings, the Board will receive additional information about the establishment of quiet zones to decide whether they are agreeable to use the State's designated STC funds for this use.

Jack Dokken, Program Manager for the Office of Air, Rail, & Transit, presented for Board consideration a proposal to sell excess railroad property in Tabor to Edward Sedlacek. The proposed property sale abuts excess railroad property that was previously sold to Mr. Sedlacek. Mr. Sedlacek would be expected to survey the proposed sale property and an appraisal of the property would be needed.

A MOTION WAS MADE by Carmon and seconded by Burkett to authorize the Secretary of the Department of Transportation (the "Department") or his designee to execute all documents necessary to sell the state-owned railroad property in Tabor to Edward Sedlacek. All present voted aye by roll call vote. The motion carried.

Dokken presented for Board consideration two requests to enter into agreements for control of noxious weeds on the state-owned Napa-Platte rail line and the state-sponsored railbanked section of the Mitchell-Rapid City (MRC) rail line.

Dokken explained that in May 2021, the State of South Dakota sold the MRC rail line to Ringneck & Western Railroad, but the Department remains the sponsor for the railbanked section of the MRC and therefore is responsible for maintenance, including weed control for this area.

The first request is a joint powers agreement with the Pennington County Weed Board for control of the noxious weeds on the MRC rail line located in the railroad right of way between Maple Street Yard in Rapid City and Interior in the amount of \$7,063 for the year 2022.

A MOTION WAS MADE by Burkett and seconded by Carmon to approve and authorize the Secretary to execute a joint powers agreement between the Department and Pennington County, South Dakota, for control of noxious weeds. The cost of the weed control services would be \$7,063.00 for the year of 2022. All present voted aye by roll call vote. The motion carried.

The second request is for an agreement with Dakota Helicopters Inc. for weed spraying services to control noxious weeds on the railbanked portion of the Napa-Platte rail line from Ravinia to Platte and the remainder of the MRC rail line from Interior to Kadoka. Dakota Helicopter Inc. quoted SDDOT the price of \$70.32 per acre. The total agreement for the spraying services would be approximately \$23,000 for the year 2022.

A MOTION WAS MADE by Nelson and seconded by Carmon to authorize the Department enter into an agreement with Dakota Helicopters Inc. for spraying service to control noxious weeds on the Napa-Platte rail line from Ravinia to Platte and on the MRC from Interior to Kadoka at the rate of \$70.32 per acre for the year 2022. All present vote aye by roll call vote. The motion carried.

Perry Griffith of the Office of Air, Rail and Transit, discussed recent findings on the observation tours of the state-owned Yale Line, Wolsey Interchange, and Britton Line.

With no other business to come before the Board, Cope adjourned the meeting at 11:33 a.m. CDT