

P.O. Box 2
Chamberlain, SD 57325-0002
Email: dsr512@midstatesd.net

November 5, 2024

Mr. Jeff Burket, Chairman
South Dakota State Railroad Board
1950 Mineral Place
Spearfish, SD 57783

Dear Jeff:

As you know, the State is party to a lease of a portion of the Napa-Platte rail line to Dakota Southern Railway. That lease provides a resolution procedure for such event that the South Dakota State Railroad Board receives a written complaint regarding the conduct of operations on this rail line. Please accept this letter as my written complaint about that very subject.

I am requesting that my complaint be addressed as an agenda item at the next public meeting of the Railroad Board. Documentation proving the validity of my complaint will be provided to the Board at that time.

So you can fully understand the nature of my complaint, and so you can make advance arrangements to resolve it, I provide the two details below:

1. My complaint is directed at the Railroad Board, specifically its failure to protect the public and its failure to enforce the provisions of the Napa-Platte lease. The SD DOT shares responsibility for those failures.
2. A big part of SD DOT's failure involves shortcomings of its in-house legal department, to include withholding information that should be provided to the Board. Therefore, I must ask that you arrange for outside legal advice for anything involving my complaint. This should include the services of a lawyer, from either the private or public sectors, as long as that person has no connection to the executive branch of state government.

In closing I stress that if anyone involved in this procedure finds it to be an uncomfortable subject, they misinterpret the situation. The problem has been festering for some time, and the complaint process provides an excellent opportunity to deal with it. I look forward to working with you and your fellow Board members to achieve that goal.

Sincerely,


Dick Huff