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August 7, 2025

309910

VIA ELECTRONIC FILING

Chief, Section of Case Administration
Office of Chief Counsel
Surface Transportation Board
Washington, DC 20423-0001

ENTERED
Office of Chief Counsel
August 7, 2025
Part of
Public Record

Re: FD 36086
***Dakota Southern Railway Company – Modified Certificate of
Public Convenience and Necessity – Yankton, Bon Homme, and
Charles Mix Counties, S.D.***

and

FD 36848
**Michael W. Williams – Control Exemption – McCloud Railway
Company; Ozark Valley Railroad, Inc.; and Washington & Idaho
Railway, Inc.**

Notice of Intent to Terminate Service

To the Chief of Case Administration:

Dakota Southern Railway Company (“DSR”) hereby tenders its 60-day Notice of Intent to Terminate Service pursuant to 49 C.F.R. § 1150.24 for the 20.9-mile railroad line (the “Line”) extending between milepost 0.0 at the intersection of the North Sioux City to Mitchell line at Napa Junction, South Dakota, and milepost 20.9 at Tyndall, South Dakota. The Line constitutes the entirety of DSR’s railroad system. Accordingly, upon effectuation of the subject modified certificate termination on October 6, 2025, DSR will cease to be a common carrier subject to the jurisdiction of the Surface Transportation Board (the “Board”).

As explained in the remedial petition for exemption filed on March 27, 2025 by Michael W. Williams (the “Williams Petition”) in the above-

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referenced FD 36848 proceeding, DSR originally leased and operated a longer railroad line owned by the State of South Dakota extending between Napa Junction and Ravinia, South Dakota in January of 2017, subject to Board-issued modified certificate authority. See Williams Petition at 13. However, in 2023, DSR's operating rights and corresponding operating authority were truncated to the current Napa Junction – Tyndall segment pursuant to *State of South Dakota Acting by and through its Department of Transportation – Petition for Declaratory Order*, FD 36697 (STB served Aug. 21, 2023) (terminating DSR's modified certificate authority between Tyndall and Ravinia, South Dakota).

The present notice of modified certificate termination will be served this day upon the South Dakota Department of Transportation. There are no active customers on the Line, which has been entirely devoid of customers for well more than six months from the date of this notice. Accordingly, there are no railroad customers to notify under the requirements of 49 C.F.R. § 1150.24(b).

DSR also tenders this notice as a supplemental record entry in the above-referenced (and pending) FD 36848 proceeding, since this notice, and DSR's pending termination of common carrier status may bear upon the Board's active consideration of Mr. Williams' remedial petition for exemption.

Respectfully submitted,

/s/ *R. A. Wimbish*

Robert A. Wimbish

Attorney for Dakota Southern Railway
Company

cc: All parties of record

**CERTIFICATE OF FILING AND SERVICE PURSUANT TO
49 C.F.R. § 1150.24(a) and (b)**

I, Robert A. Wimbish, certify that on August 6, 2025, a copy of the foregoing Notice of Intent to Terminate Service has been served upon the following:

South Dakota Department of Transportation
Division of Secretariat, Office of Secretary
ATTENTION: Joel M. Jundt
700 East Broadway Ave.
Pierre, SD 57501

There have been no customers along the subject railroad line for more than six months from the date of the subject notice of modified certificate termination.

/s/ *R. A. Wimbish*

Robert A. Wimbish
Counsel for Dakota Southern
Railway Company