

Resolution 2013-092

**RESOLUTION OF THE CITY OF RAPID CITY, SOUTH DAKOTA, SUPPORTING THE
PETITION TO ENFORCE CANADIAN PACIFIC RAILWAY COMPANY'S
INVESTMENT REPRESENTATIONS FILED BY THE STATE OF SOUTH DAKOTA
WITH THE SURFACE TRANSPORTATION BOARD
(FINANCE DOCKET NO. 35081)**

WHEREAS, the City of Rapid City is located along the Canadian Pacific Railroad in the western part of the State of South Dakota on the eastern edge of the Black Hills; and

WHEREAS, Rapid City, a South Dakota municipality, contains wholesale, retail, and commercial centers that serve a trade area of over 450,000 people within 200 miles; and

WHEREAS, Rapid City has many businesses, both agricultural and commercial, 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 Railway owns and operates the only west to east statewide railroad service which provides service to Rapid City, with connections to Eastern South Dakota and beyond to the central and eastern United States, especially the major grain markets and commercial manufacturing centers; and

WHEREAS, the maintenance and improvement of the Canadian Pacific line from Rapid City to Tracy, Minnesota, is vital to its continued operation; and

WHEREAS, the Canadian Pacific Railway also owns and operates the railroad line from Colony, Wyoming, to Rapid City, South Dakota, which provides rail service to ship bentonite from the mines at Colony east across South Dakota to eastern markets; and

WHEREAS, when the Canadian Pacific Railway acquired the Dakota Minnesota and Eastern (DM&E) Railroad in South Dakota, it made commitments to expend capital sums to improve the railroad lines; and

WHEREAS, such improvement is vital to the continuation of rail service to Western South Dakota in Pennington County.

WHEREAS, the Honorable Dennis Daugaard, Governor of the State of South Dakota, has petitioned the Surface Transportation Board to require the Canadian Pacific Railway to demonstrate compliance with the commitments it made for capital improvements and safety compliance on the track located in South Dakota that it purchased from DM&E Railroad; and

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Rapid City, that it does hereby adopt, in its entirety, the Petition of the State of South Dakota, endorsing the same with unqualified support for the prayer for relief set forth therein; and

BE IT FURTHER RESOLVED that the Common Council directs the Finance Officer 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.

Dated this 16th day of September, 2013.

WARD ONE COUNCIL REPRESENTATIVE

William Clayton

WARD ONE COUNCIL REPRESENTATIVE

Charity Doyle

WARD TWO COUNCIL REPRESENTATIVE

Steve Laurenti

WARD TWO COUNCIL REPRESENTATIVE

Ritchie Nordstrom

WARD THREE COUNCIL REPRESENTATIVE

Chad Lewis

WARD THREE COUNCIL REPRESENTATIVE

Jerry Wright

WARD FOUR COUNCIL REPRESENTATIVE

Amanda Scott

WARD FOUR COUNCIL REPRESENTATIVE

John B. Roberts

WARD FIVE COUNCIL REPRESENTATIVE

Bonny Petersen

WARD FIVE COUNCIL REPRESENTATIVE

Brad Estes

MAYOR OF RAPID CITY

Sam Kooiker

ATTEST

Finance Officer

(seal)