

City Council Agenda Item Memo

From: Steve Britzman, City Attorney

Council Meeting: June 11, 2024

Subject: Resolution 24-058: Railroad Safety Authority

Presenter: Steve Britzman, City Attorney

Summary:

Staff recommends approval of the attached Resolution approving the addition of the City of Brookings as a member of the continuing Brookings County Regional Railroad Authority.

Background:

In August of 1996, the Brookings County Regional Railroad Authority was formed, with the County of Brookings and the City of Volga joining as the initial members. The purpose was to perform all of the powers authorized under SDCL Chapter 49-17A, which is entitled Regional Railroad Authorities. It's believed that in 1996, there was financing of a railroad spur serving the South Dakota Soybean Processors which may have necessitated the formation of the Regional Railroad Authority. The Brookings County Regional Railroad Authority may have also been utilized for railroad spurs for Vera Sun (now Valero), and Rainbow Play Systems, and the benefit of continuation of the Brookings County Regional Railroad Authority remains. The Resolution before the Council is to include the City of Brookings as a member of the Railroad Authority, though the County Railroad Authority has always served the City of Brookings under State law even though the City of Brookings was not a member.

The Brookings Regional Railroad Safety Authority was established in July of 2009 and included the City of Brookings and County of Brookings. In 2009, there were railroad safety concerns related to possible increased rail traffic to transport coal through Brookings from a proposed additional rail line from the Powder River Basin. That project was terminated and the Railroad Safety Authority has been inactive for many years. Railroad safety issues can be addressed by the Brookings County Regional Railroad Authority, because State law authorizes the Regional Railroad Authority to operate and regulate railroads and railroad facilities, which would include addressing safety issues.

Item Details:

The Resolution authorizing the City of Brookings to join the Brookings County Regional Railroad Authority also designates the City Manager or their designee to serve as the official representative on the Brookings County Regional Railroad Authority.

Strategic Plan Consideration:

City Governance & Operations Policy Review—streamline services while maintaining appropriate governance over railroad activities.

Financial Considerations:

None

Options and Recommendation:

The City Council has the following options:

1. Approve as presented
2. Amend
3. Deny
4. Move the item to a Study Session
5. Discuss / take no action / table

Staff recommends approval.

Supporting Documentation:

Resolution