

ST LOUIS AGENDA (6 Hour Version)
SURVEYORS RIGHT-OF-WAY CONFERENCE

PART 1 - RAILROAD COLOR OF TITLE

This is an introduction to how railroad corridors are assembled and acquired. The railroads in the United States are well documented. Unfortunately for the surveyor, there is also an unfortunate history of mis-interpretation on how these corridors were established based on wild guesses, poor assumptions, local hearsay, blunders and occasional lies by those outside the railroad industry including title companies, attorneys, landmen, engineers and others. Focusing on Missouri and to a lesser degree, its surrounding states, common pratfalls will be examined and discussed. From the early railroad days of 1847-1854 in Missouri, the railroads' history of growth and development has been well documented with surveyors and "location engineers" leading the way. We will discuss why the courthouse is far from the only source of official record and why county level records often fail the surveyor.

PART 2 - RAILROAD VALUATION MAPPING & GLO FILING MAPS

One of the first things a surveyor usually consults is a right of way map for the railroad. These valuation maps ("Val Maps") that the surveyor covets are part of a federally mandated system of cadastre that most surveyors are not aware of that has huge amounts of supporting documents/ evidence that surveyors need to know and understand. The railroads were regulated and governed by the Interstate Commerce Commissions General Orders, which like the BLM Manual of Instruction, instructed how measurement, mapping and documentation was to be carried out. Key ICC General Orders that affect the surveyor the most will be provided and discussed. Where Federal Grant Railroad Rights of Way are involved, there were legislated maps and maps required by the General Land Office required to be filed. These GLO Filing Maps and the Railroad Land Grant Filing maps that came with them will be discussed in detail.

PART 3 - RAILROAD LICENSE/CONTRACT/ PERMIT (Why "easement" is a dirty word to railroads)

Railroads have learned over time that there are ways to limit risk and to control the environment they exist in by using license agreements / permits/ contracts, etc. and to minimize the use of easements where they can. Utility crossings, road crossings, encroachments, industry tracks and other use of railroad property is generally covered by license agreements and not an easement. These documents typically do not exist in the courthouse. Outlined will be what the surveyor needs to know about the railroad license contract system. In terms of where railroad corridors and highways intersect, the assumption of an easement may not hold true and the surveyor needs to know where he also needs to be looking. How do you know if a rail crossing is public or private and how do you document this?

PART 4 – RAILS TO TRAILS and ABANDONMENT

Currently, one of the major headaches for surveyors continues to be the abandonment issue and growing out of that, the poorly understood rails to trails process since 1976. Presented to the attendees will be :

- (1) How do you tell if a rail line is abandoned? (Hint: Local Government does NOT dictate how rail lines are abandoned)
- (2) How do you tell if the line has been railbanked or is officially been converted to a rail trail? (There are far too many fraudulent rail/trail claims out there)
- (3) How do you document that the line is officially abandoned?
- (4) Who owns the rail corridor at abandonment? (“reversion” is not always the case)
- (5) Understanding the “federal exemption” as applied to railroad corridors and why this supersedes state, county or local government rules.

About your instructor, Charlie Tucker:

Charles M. (Charlie) Tucker has over 40 years experience in railroad surveying and engineering. He holds a Bachelor of Science Degree in Surveying & Geodetic Science in the College of Engineering of The Ohio State University. Mr. Tucker was employed by The Atchison, Topeka & Santa Fe Railway Company (“Santa Fe Railway”) from 1980 until the company merged with Burlington Northern Railroad in 1996, forming what is now BNSF Railway Company. Since 1996, Mr. Tucker has been employed by Farnsworth Group and its predecessor He is employed as a project manager dealing with survey and railroad related disciplines. As part of his current work, he is frequently engaged as an expert witness by the law departments of several western railroads.

During his tenure at Santa Fe Railway, Mr. Tucker has held the titles of Engineering Aide, Engineering Technician, Survey Party Chief, Field Engineer, Office Engineer, Assistant Roadmaster, and Roadmaster at various locations in Colorado and on the western portion of the Santa Fe Railway system. He has had the unique opportunity to serve as Tunnel Construction Roadmaster on Santa Fe’s Franklin Canyon (California – East San Francisco Bay) in charge of a very successful seven Million dollar tunnel and track enlargement program. As an engineering staff member on the Santa Fe, Mr. Tucker has had to design, build and manage track and right-of-way for the railroad. Anyone who does this has to be well versed in railroad legal compliance, railroad history, railroad design and dealing with the adjoining public entities, especially in times of crisis and emergency. Those crisis include, but were not limited to fires, floods, earthquakes (1989 San Francisco quake plus others), explosions, riots (Los Angeles King Riots), derailments of all sizes and so on. Mr. Tucker was charged with keeping the railroad in operation during these occurrences and he did.

Mr. Tucker is active in the profession of Land Surveying as a member of the Professional Land Surveyors of Colorado and was a member of the Industrial Advisory Committee for the late Surveying Program at

Metropolitan State College in Denver. He also assists as a contributor/advisor to NSPS' Railroad Abandonment Committee.

In addition to his membership in the Professional Land Surveyors of Colorado, Mr. Tucker is also a member of The National Society of Professional Surveyors (NSPS), the Central Colorado Professional Surveyors Chapter of PLSC and the Southern Colorado Chapter of Professional Land Surveyors (former Secretary-Treasurer). Mr. Tucker maintains his professional development by attending at least one workshop/seminar per year and attending local and state surveying functions.

In a related professional volunteer area, Mr. Tucker has been a member of The American Railway Engineering and Maintenance of Way Association (AREMA, formerly the American Railway Engineering Association [AREA]) since 1984 and serves as a subcommittee chairman (SC-5 "Pipeline & Underground Utility Crossings) for AREMA Committee 1, "Roadway" and as vice-chairman of AREMA Committee 18, "Shortline & Light Density Railroads". He also serves as a volunteer assistant to the Archivist at the Richardson Memorial Library at the Colorado Railroad Museum (CRRM) in Golden, Colorado.

About The American Railway Engineering & Maintenance (of Way) Association [AREMA]:

AREMA is a professional association for railway engineering personnel that offers numerous educational opportunities and produces and publishes the recommended practices for railway engineering infrastructure including track, structures and communications & signals. AREMA is comprised of approximately 5,500 members all working together to further the development and advancement of both technical and practical knowledge of the industry. (Predecessor American Railway Engineering Association (AREA) was one of four railroad technical industry associations merged into AREMA in 1996)