

ATE, April 15, 2010, Railroad Titles - Jim Conmy

History

- Penn Central and Reading Railroad bankruptcies
 - Railroad properties
 - Railroad related properties
 - Non railroad properties
- Conrail and Amtrak
 - Main lines, freight and commuter, spur tracks, side tracks
 - Railroad properties not conveyed to Conrail and Amtrak
- East - Pre Civil War; Railroads are state chartered
 - Fee simple, fee simple determinable, eminent domain, easement
- Post Civil War; the South and the West
 - East: Corporation Acts; Coal and Steel
 - Mergers

Searching property owned by railroads

- Public records
- Railroad maps, valuation maps
- Railroad legal descriptions
- Entity names
 - Use of non public record and railroad sources; Railroad histories
- Post WW I: Railroads clean up title.
- Public Utilities

Governmental Jurisdiction

- States in the Northeast: What Federal jurisdiction?
- Federal interests:
 - Surface Transportation Board (Department of Transportation)
 - Successor to Interstate Commerce Commission
 - Office of Public Assistance, Gov't Affairs and Compliance
 - Department of Defense "Railbanking"
- Commonwealth of Pennsylvania
 - Department of Environmental Resources "Rails to Trails"
 - Environmental contamination
 - Department of Transportation
 - Public Utility Commission
 - Office of the Attorney General
- Local governments and IDAs
- Properties not subject to some or all governmental jurisdiction

Abandonment (Confusion in the Courts)

- Ownership by railroad. Successors to railroads
- Application for Abandonment
- Disuse is not abandonment
- Adverse Possession - Does not run against the sovereign