

**During the Fall Meeting, 2007, held in Arlington, Virginia the Board of Governors (BOG) approved the following motion to be presented to the Board of Directors (BOD).**

That the following language be presented for insertion into an existing statute (said statute to be determined by the Government Affairs Committee)

Prior to any railroad property or right of way being abandoned the following shall occur:

The exterior boundary of the Railroad property or right of way to be abandoned shall be located and mapped. Monuments, sufficient to accurately reproduce, upon the ground, the exterior boundary of said abandoned property or right of way shall be set using survey grade GPS or other comparable technology and the coordinates put on public record with ties to the State's plane coordinate system with appropriate railroad stationing and coordinate metadata supplied.

For further preservation we recommend the following language:

When a railroad gives notice of its intention to abandon a railroad line within each state, the DOT shall provide a copy of the notice to the County Surveyor or an equal applicable governing agency, of each county in which the line to be abandoned is located. The railroad shall provide the county with a reproducible copy of the right of way plats for the line to be abandoned. The copy of the right of way plats shall be provided prior to abandonment at no cost to the County and shall show the centerline of trackage as originally constructed and currently existing, together with ties to monumented public land survey corners when applicable as stated above.

**This motion was discussed thoroughly in Task Committee Number Three and many concerns raised regarding what should be monumented since every state is different. The purpose was to have the language generic enough to fit every state so that SOMETHING was being monumented. The fact remains that presently no monumentation is required. If this wording is inserted into an existing statute and is passed during our next legislative process then each state will have a Federal Statute as a base to add their own language at a state level.**

**Once the wording for the monumentation is finalized by the Committee and comments given by each state it will go to the Board of Directors at the Spring Meeting. If passed it will then go to the Government Affairs Committee (GAC). The GAC is already working on where to insert this language and how to possibly obtain funding to help defer the cost of the monumentation by the Railroad.**

**Please carefully review the language for the monumentation and for the suggested wordage for the railroad providing maps/plats to an applicable governing agency in the area in which tracks or other railroad property is being abandoned. Any comments must be received by January 15<sup>th</sup>, 2008 in order to finalize wording before the Spring Meetings. As**

**I am sure all of you are aware wordsmithing will occur to make this insertion “legislative friendly” but the basic monumentation wording will remain the same. Please send your comments to Debi Anderson at [surveyorlady@yahoo.com](mailto:surveyorlady@yahoo.com) with the subject line reading RAILROAD ABANDONMENT. I will pass any comments along to the rest of the committee for their review.**

## **ADDITIONAL INFORMATION**

**In order to gain support for this wording and possibly a sponsor the following white paper was written:**

### **Railroad Abandonment and its affect on landholders**

Railroads run through every state in the United States of America and there are thousands of adjoiners to these railroad properties. In most cases the railroads were in place before the surrounding land was surveyed or sold. Thousands of deeds in the USA call for the railroad right of way as their adjoiner making the tracks and/or its right of way, in effect, a man-made monument to property. When railroads are abandoned and their tracks removed then mile upon mile of monumentation is removed affecting almost every landowner adjoining that track.

The cost of a survey of property adjoining an abandoned railroad, once the tracks are removed, can escalate dramatically and in some cases cannot be established at all since an integral monument of that land has been destroyed.

If a property cannot be properly surveyed because of these problems, or if the line is in question, then many times a title company will not issue title insurance on a property and the land may not be able to be transferred with a warranty deed.

Because of the vast extent of railroads and their effect on landholders in every state the abandonment of a railroad should be done in steps conducive to the preservation of, at a minimum, the centerline of that track.

