

IDAHO – PART 5

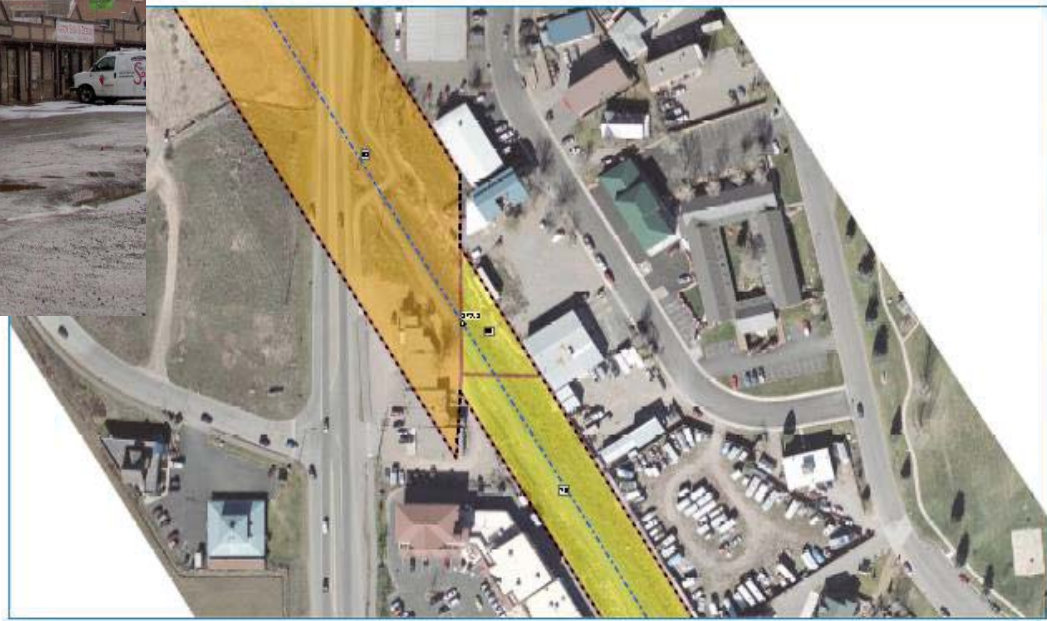
Time Permitting

- (1) – REAL WORLD CASES /RFTA
 - (1) Cole Subdivision
 - (2) R/W Fails – Bad Assumptions
 - (3) Carbondale
- (2) ON COLLECTING EVIDENCE –SOURCES
- (3) NARA RIP-91, RIP-114, RIP-116
- (4) THE COFFEYVILLE BELT
- (5) MARION & CHANUTE
- (6) CN VS NICOR – PLAINFIELD, IL 6-30-17

(1) THE RFTA EXPERIENCE



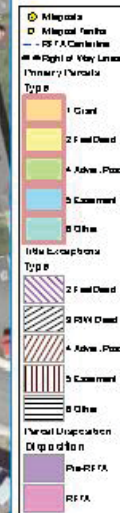
Ex- DRGW Aspen Branch (SP/UP)
NITU – RFTA Rio Grande Trail



ELEMENTS

1. "New " Highway (Road, Colorado State Hwy. 133 first appears in 1958 in farm pasture
2. Railroad has existed since 1886-1887
3. Shopping Center built in 1972
 - ▶ Federal Grant R/W (Orange)
 - ▶ No Easement across railroad (License)
 - ▶ Tax sale in 1966 by assessor legal description
 - ▶ NO PLAT OF SURVEY (until after construction)

RFTA -Carbondale, Colorado



Title



Ownership Type Legend

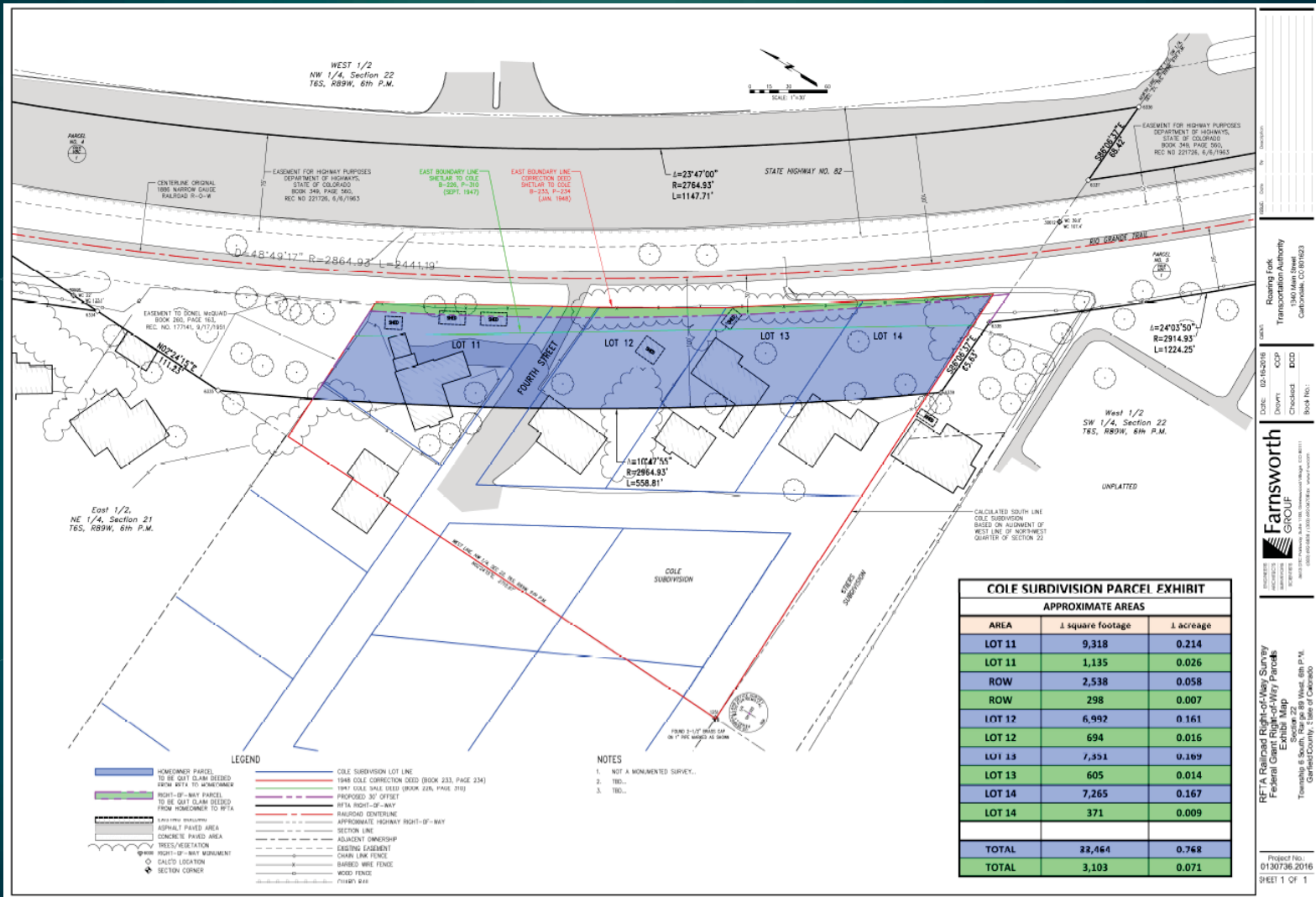
- 1 = Congressional Grant - Railroad Land Grant (Limited Fee or Fee Simple-Determining)
- 2 = Fee/Deed
- 3 = Conditional (Right of Way) Deed
- 4 = Prescriptive Right/Adverse Possession
- 5 = Easement
- 6 = Other (License, Contract, Permit, Ordinance, Court Decree, Charter, State PUC Decision (Administrative Law Decision) etc.)



ELEMENTS

1. Railroad in place since 1886-1887 D&RG
2. Federal Grant R/W (Acts 3-3-1875)
3. FRAUD
 1. Proposed Sale of R/W 1948-1964
 2. Proposed Ag. License on R/W 1949-1964
 3. SUBDIVISION PLAT & 3 Houses 1968-1970
 4. Subdivision immediately north 4 years later correctly shows FGROW and jogs...
 5. County Assessor Maps never caught on
 6. One House and Subdivision owned by retired District Court Judge (now deceased) ; Original Surveyor was the County Surveyor (both now long deceased)
 7. Title Company Has Fled The Country (No new policies issued in the Roaring Fork Valley since)
 8. Landowners currently suing title company and county for loss of marketable title. (Major Cloud on title?)

A Stab At A Solution



CONGRESSIONAL ACT REQUIRED TO EXTINGUISH FGROW REQUIRED

Following In The Footsteps....

UNION PACIFIC LOCATING ENGINEERS/SURVEYORS

GRENVILLE DODGE*

(T.D. Ted Judah – Dodge's Central Pacific Counterpart)

Arthur Ferguson

James A. Evans**

Peter Dey*

Samuel B. Reed*

Francis (Frank) Case *- (Later Denver Pacific)

Ogden Edwards

Hezekiah Bissell*

James Maxwell

H.K. Nichols**

Jacob Blickensderfer (Georgetown Loop)

Robert Blickensderfer* / Son

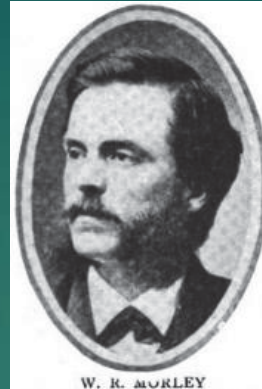
L.L. Hills**

William Jackson Palmer (KP/D&RG)

** Killed by Indians *GLO Deputy Surveyors

Atchison, Topeka & Santa Fe Ry.

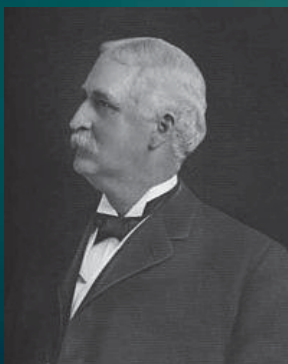
A.A. (Albert) Robinson*
Louis (Lewis) Kingman*
H. R. Holbrook* (DSP&P)
W.R. Morley*



Louis Kingman

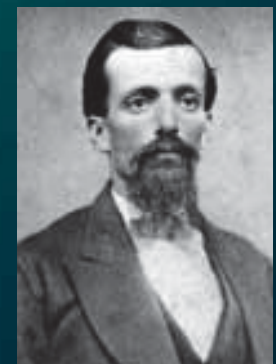
Thomas Sterritt
J.A. Noble* (Dodge City & Cimarron Valley fame, SE Colorado)
C.H. Coleman*
Jacob Blickensderfer*

Kingman, Robinson and William Jackson Palmer (D&RG) had paths crossed many times before and after the Civil War and the Royal Gorge War and the race over Raton Pass.



Albert Alonzo Robinson

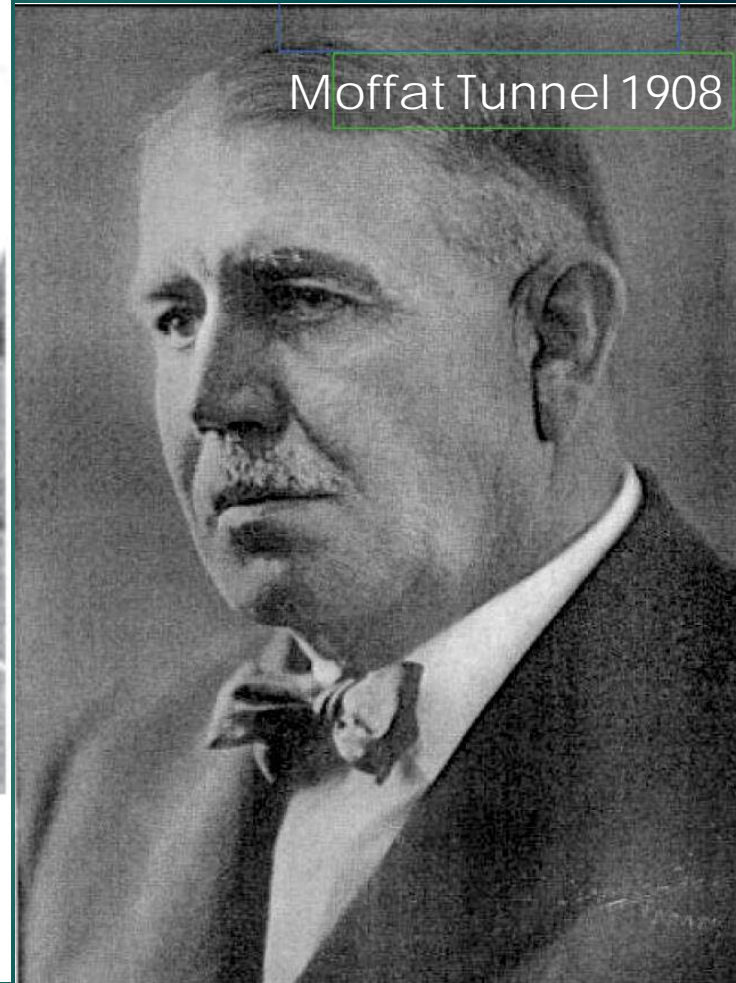
H. R. Holbrook



Major Louis D. Blauvelt(Boomer)



Louis D. Blauvelt at Clyde, Colorado, in 1900 during the construction of the Colorado Springs and Cripple Creek District.



IRONY: First Colorado Department of Highways Chief Engineer 1921-1930
GLO Deputy Surveyor, DNWP/D&SL, CC&CD, M&PP, C&S, DL&G, EPSW
Western Kansas surveyors will encounter him in multiple places (canals)...

LEASE & CONTRACT / PERMITS

WHY RAILROADS DISCOURAGE EASEMENTS (OR WHY
"EASEMENT" IS SUCH A DIRTY WORD TO RAILROADS)

Permitting/Safety



PROFESSIONALS
know their jobs so well that
safety becomes second nature ...



OR DOES IT?

BNSF / KCSR

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THE BRANDT CASE

16USC1247(d) vs 16USC1248

RIGHTS OF THE SOVEREIGN VS PRESEVING RAIL CORRIDOR

EASEMENT / THAT DIRTY WORD AGAIN

EASEMENT VS. "SOMETHING MORE"

www.supremecourt.gov/opinions/13pdf/12-1173_nlio.pdf

SUPREME COURT OF THE UNITED STATES

Syllabus

MARVIN M. BRANDT REVOCABLE TRUST ET AL. *v.*
UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT
No. 12–1173. Argued January 14, 2014—Decided March 10, 2014

THE PHILLIPS CASE : ROARING FORK VALLEY -COLORADO

97 F.3d 1375

PHILLIPS COMPANY , named: The Phillips Company,
Plaintiff-Counter-Defendant-Appellant,

v.

The DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY , a
Delaware corporation; Southern Pacific Rail
Corporation, a Delaware corporation,
Defendants-Counter-Claimants-Appellees,
The Surface Transportation Board, Amicus Curiae.

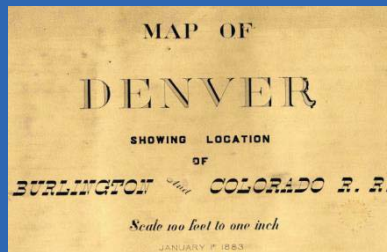
No. 95-1412.

United States Court of Appeals,
Tenth Circuit.

Oct. 16, 1996. <http://openjurist.org/97/f3d/1375/phillips-company-v-denver-and-rio-grande-western-railroad-company>

RETRACEMENT

- APPROACH
- FOLLOWING IN THE FOOTSTEPS OF THE ORIGINAL RAILROAD LOCATION ENGINEER/SURVEYOR
- CHECKLISTS



Retracement Tips Abandoned R/W

- Scavenging and detective work pays big dividends
- Gather as many R/W maps as possible (bias)
- If you find standard plans: JACKPOT!
- Old photos, sketches, ICC files, road viewer reports
- Know your local historians and their resources
- History and evidence have value
- ILLINOIS statutes / legislative archived files



Retracement Tips Abandoned R/W

- Locate old fixed objects on R/W
- R/W Posts
- Poleline cut-offs
- Bridge Piling Cutoffs (Match To Standard Plans)
- Old culverts and or headwalls
- Locate limits of cuts & fills, especially on long tangents
- Fixed ties with spike holes still present



Retracement Tips Abandoned R/W



- Road crossings with ties, tie plates or rail abandoned in place
- Locate limits of ballast & split
- Signal foundations and or signal appliances
- Terrain analysis basics
- Dig for culverts and boxes with covered ends
- Closeout notes, bridge & building records, contracts

CHECKLIST #1 -DOCUMENTATION

- **COLLECTION OF EVIDENCE/ PRIMARY**
 - RAILROAD VALUATION MAPS
 - RAILROAD DV-107 LAND SCHEDULES
 - GLO/GRANT FILING MAPS WHERE APPLICABLE
 - ICC FIELD NOTES
 - BLM/GLO FIELD NOTES
 - OLD ADJOINING MAPS & PLATS (RECORDED/UNRECORDED)

CONTRIBUTING EVIDENCE

- ❑ FIELD NOTES/ DESCRIPTIONS USGS/NGS BENCHMARKS
- ❑ USGS PLANE TABLE & ALIDADE NOTES (Old 15 Minute Quads)
- ❑ OLDER AERIAL PHOTOGRAPHS (Preferably low level)
- ❑ IN URBAN AREAS
 - ❑ FIRE INSURANCE MAPS
 - ❑ POSTAL SERVICE MAPS
 - ❑ COUNTY ROAD VIEWER REPORTS



THE RECON SURVEY

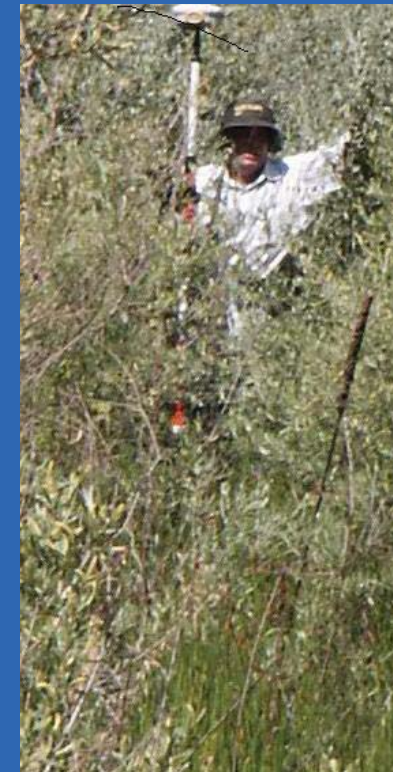
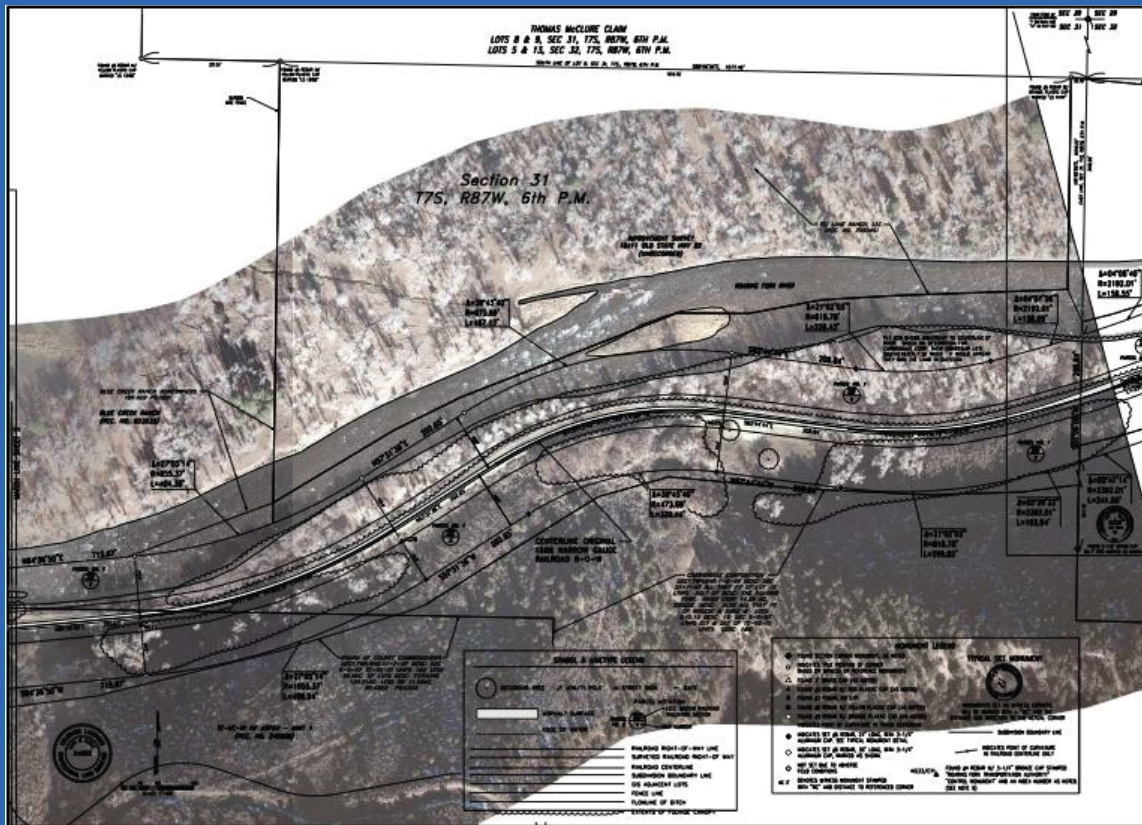
- ❑ GET FAMILIAR WITH THE CURRENT LAY OF THE LAND/SCARS
 - ❑ LOCATE **OLD** IMPROVEMENTS THAT BRACKET THE OLD R/W
 - ❑ DRAINAGE WAYS IN UNDISTURBED AREAS
 - ❑ FORMER LOCATIONS OF DRAINAGE STRUCTURES
 - ❑ FORMER ROAD CROSSING AREAS
 - ❑ OLD FENCES/ FENCE RECORD TIES
 - ❑ REVERSE HIERARCHY OF RAILROAD SURVEY CONTROL

FIELD CREW JOB BRIEFING

- CREWS TO RECOVER OLD “HARD EVIDENCE FIRST”
 - ❑ ADJOINING LOCAL PLSS CONTROL
 - ❑ ADJOINING LOCAL METES AND BOUNDS CORNER SEARCH
 - ❑ POINTS THAT MATCH CORNERS FROM PARCELS IN DV-107 LAND SCHEDULES
 - ❑ OLD UTILITY EASEMENTS/ CONTRACTS
 - ❑ CORRELATION WITH CASINGS/ PROTECTION

BACK TO THE ORIGINAL RR SCAR

- LOCATE RECORD & SCAR DATA OVER CURRENT TOPO

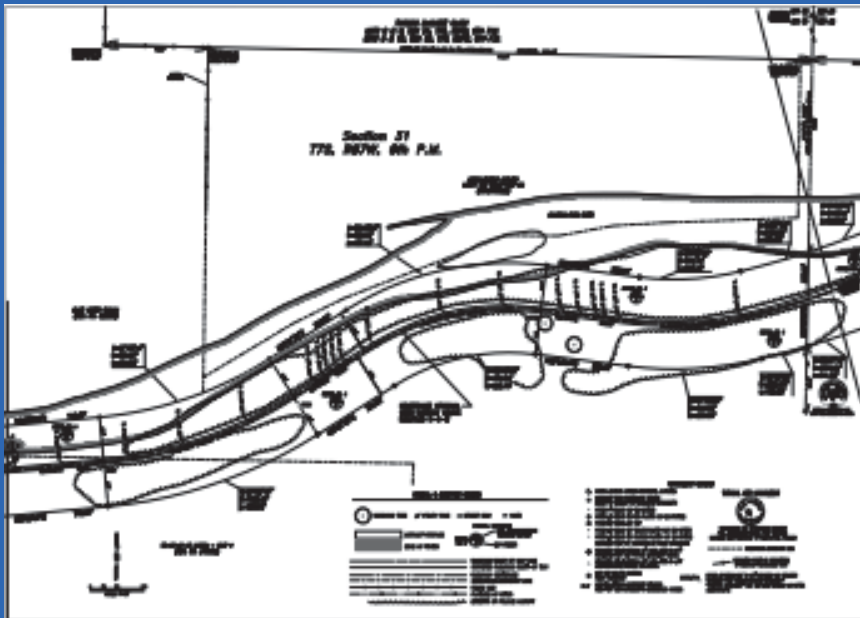


LOCATE THE ROADBED WHERE POSSIBLE / (Surviving Evidence)

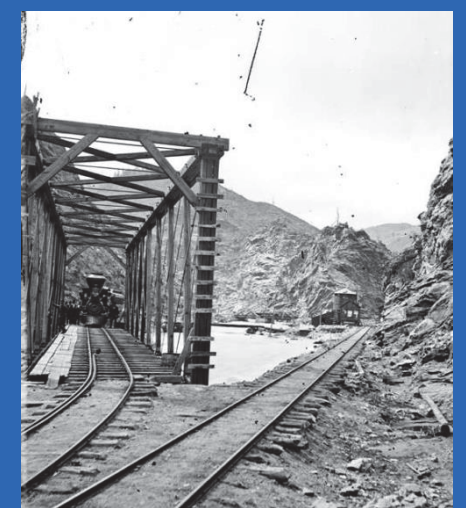
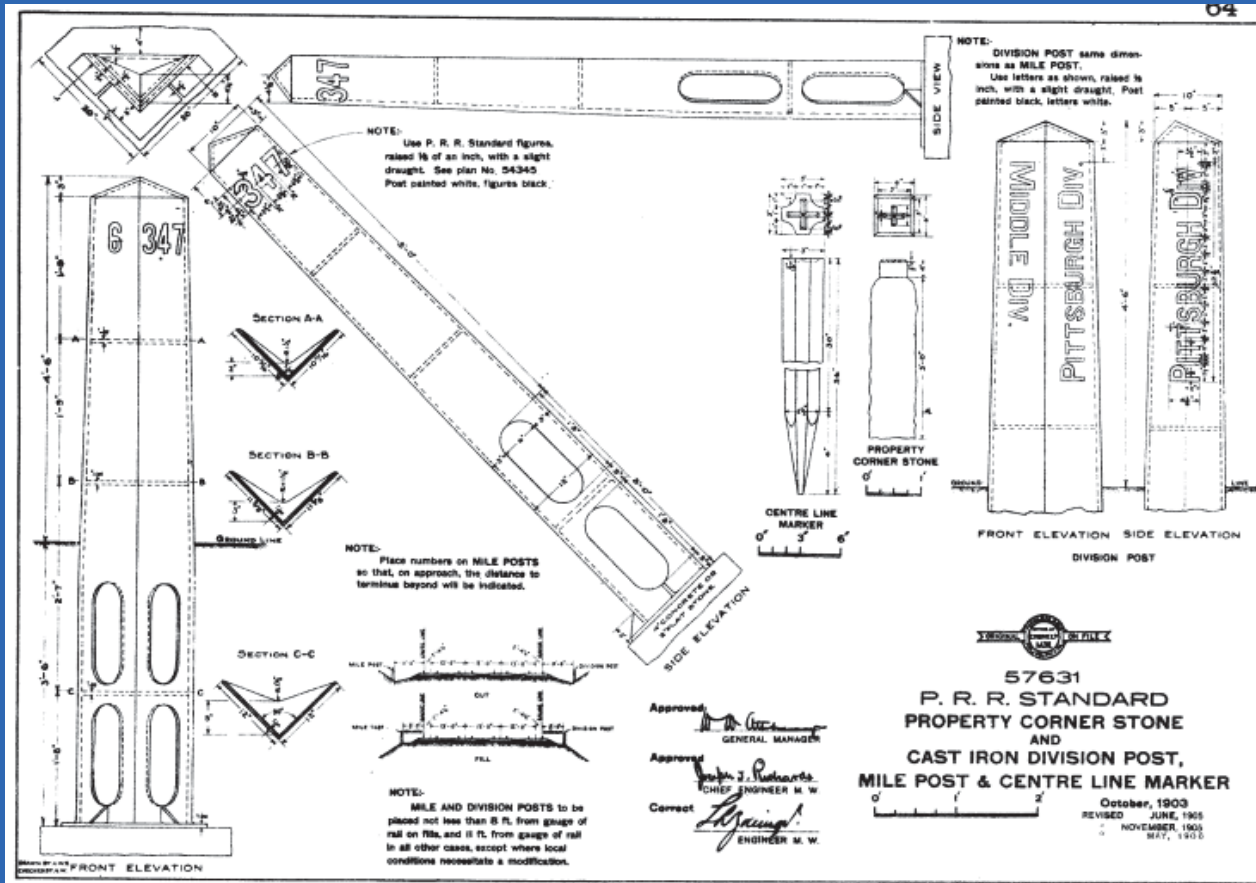


RECREATE THE INTENT

- ❑ WHAT WAS THAT ORIGINAL LOCATION ENGINEER TRYING TO DO?
- ❑ WHAT WAS THE ORIGINAL INTENT?
- ❑ TANGENTS FIRST/ CURVES SECOND



SEARCH FOR RAILROAD IMPROVEMENTS SET PER STANDARD PLAN, WHAT TO LOOK FOR



RAILROADS TEND TO HAVE DIFFERING STANDARDS
 DOES THE FIELD CREW KNOW WHAT TO LOOK FOR?



Glossary / Common Railroad Terminology

MODULE 17

- Headblock / Point of Switch
- Point of Frog / PF (theoretical vs. 1/2 “ PF)
- Lead
- Heel & Toe of Frog
- Clearance Point
- Anchor
- Angle Bar
- O.T.M.
- Track Foot vs. Lineal Foot
- Insulated Joint
- Track Throw
- Surface
- Bent
- EE Br. (etc.)
- Dump Plank
- Equivalent Curve (turnouts)
- Degree of Curve
- Gauge Corner
- Gauge Side / Curve Side / Field Side
- Equation

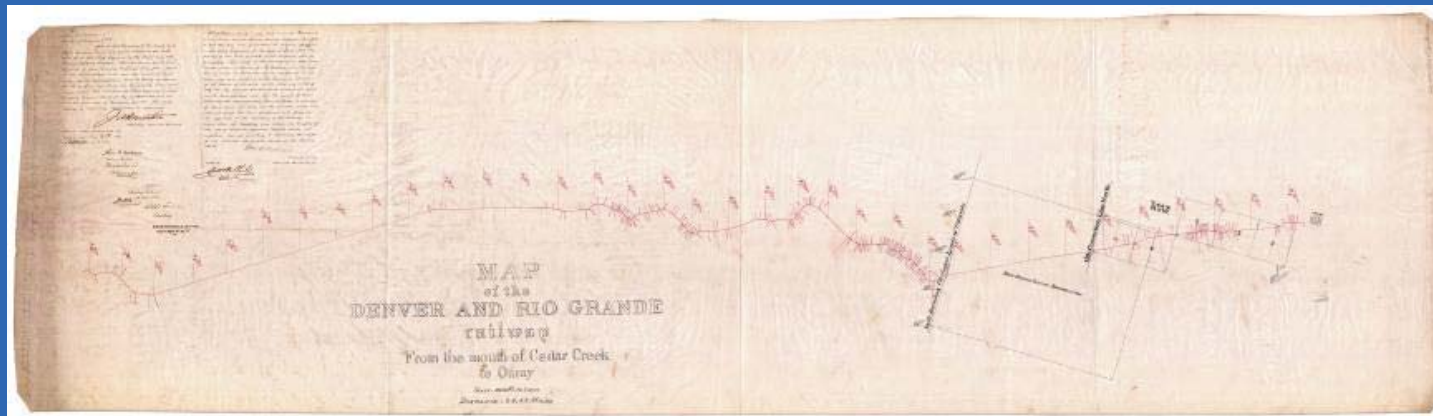
From multiple AREMA sources among others

BUILD A MOSAIC OF FOUND DATA

- ❑ LINES OF “BEST FIT”, DO YOU HAVE ENOUGH POINTS IN THE TANGENTS? SUGGEST MINIMUM OF 5 POINTS IN THE TANGENTS, 3 In CURVES
 - ❑ HOW LONG IS THE TANGENT (OVER 250 FEET?, 2-MACHINE RULE)
 - ❑ ARE OLDER FIXED IMPROVEMENTS THERE (BRIDGES AND Road X-ings Found)???
- ❑ HIERARCHY OF CONTROL RULES
- ❑ EXPECT MAINLINE CURVES TO BE RADIALY INSIDE OF RIGHT OF WAY CENTERLINE. (How much?, Calculate “h” or “o”, Radial offset in spiral calculation...Old track charts/ schematics may give old spiral data)

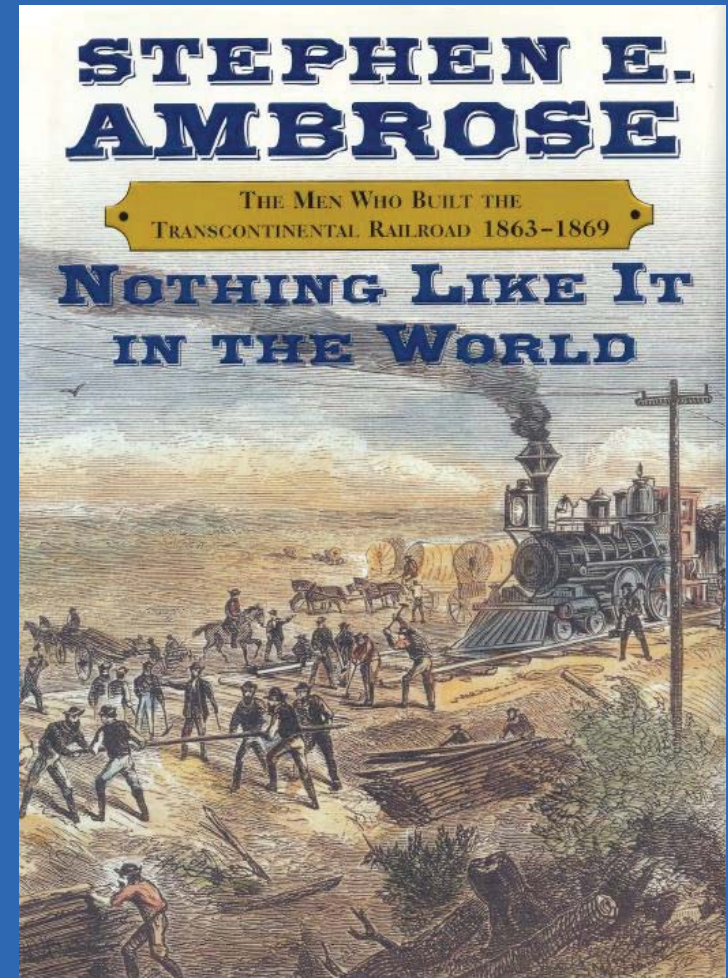
Websites

- www.ipogo.net/spiral.html (10-Chord Spiral help, “Spirals for Dummies”)
 - www.archives.gov (National Archives, NARA-Rockville, MD)
 - More websites linked to your state contact sheet, railroad & museum specific
-
- LOOK FOR LINKS TO PAPER EPHEMERA
 - BUILD A RELATIONSHIP WITH YOUR LOCAL ARCHIVISTS
 - PLACES TO LOOK FOR PHOTOGRAPHIC AND NEWSPAPER EVIDENCE
 - FINDING AIDS AT STATE AND NATIONAL ARCHIVES



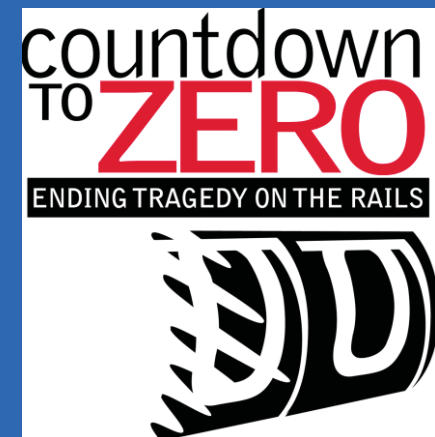
Required Reading

- Steven Ambrose's *“Nothing Like It In The World”* (New York: Simon & Schuster; 2000)
- Edward Gillette's *“Locating the Iron Trail”* (Boston: The Christopher Publishing House; 1925)
- Textbooks on histories of the individual railroads that you are retracing...look at the bibliographies for sources of additional evidence (Photographic or text)



RAILROAD SURVEYOR'S CHECKLIST

- FIELD CREWS:
 - GOT SAFETY EQUIPMENT?
 - GOT ON TRACK SAFETY CERTIFICATION FOR THE RAILROAD YOU'RE WORKING ON? RAILROAD: _____
 - GOT RAILROAD ACCESS PERMIT?
 - GOT FLAGMAN?
 - GOT STATEMENT OF ON TRACK SAFETY?
 - GOT MAPS/TIMETABLE/TRACK CHART?
 - GOT SAFETY & JOB BRIEFING?



RAILROAD SURVEYOR'S CHECKLIST

- OFFICE STAFF:
 - GOT CURRENT R/W MAP?
 - GOT VERIFICATION OF WHAT RAILROAD? : LINE HISTORY: _____
 - GOT RAILROAD ACCESS PERMIT ISSUE RESOLVED & PRE-PLANNING DONE?
 - GOT LAND SCHEDULE? DEEDS FROM FORM DV-107
 - GOT GLO FILING MAP? (IF APPLIES)
 - GOT SUPPORTING DOC.'s? ARCHIVAL DATA?
 - GOT FIELD CREWS FULLY JOB BRIEFED?
 - GOT RR STANDARD PLANS, GRAPHICAL SYMBOLS...?