In *Marvin M. Brandt Revocable Trust v. United States* the Court will decide who owns an abandoned federally granted railroad right-of-way: the United States or the land owner whose property the right-of-way runs through. The State and Local Legal Center (SLLC) filed an *amicus brief* in this case supporting the United States. State and local governments typically convert abandoned railroad rights-of-way into “Rails-to-Trails.”

In 1908 the United States granted the Laramie, Hahn’s Peak and Pacific Railroad Company a right-of-way to build a railroad over public land pursuant to the General Railroad Right of Way Act of 1875. In 1976 the predecessor to the Marvin M. Brandt Revocable Trust bought land surrounding part of this railroad right-of-way. In 2004 the railroad abandoned the right-of-way. The Trust argued that it owns the abandoned right-of-way. The Tenth Circuit disagreed concluding that a number of federal statutes provide that the United States retains a “reversionary interest” in General Railroad Right of Way Act of 1875 rights-of-way.

If the Supreme Court agrees with the Tenth Circuit, state and local governments will benefit. A federal statute, if applicable, grants the United States title to abandoned railroad rights-of-way *unless* a “public highway” is established on the right-of-way within one year of abandonment. Public highways include recreational trails.

The SLLC *amicus* brief argues that state and local governments have long relied on the federal statutes relevant to this case to build public highways in abandoned railroad rights-of-way.

Oral argument has been scheduled for January 14. The Supreme Court will issue an opinion in this case by June 30, 2014.

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