

To: Property Owners Fighting Back

bcc: Property Takers, taking as much as they can, as quietly as they can, as long as they can....

Washington State DOT was bragging at a meeting at the Enumclaw Library the other night that they were also accommodating the bicyclists. They also said the Growth Management Act was good because it helped them plan better. Of course they had no property owners on any of their committees or even brought up property owner concerns. The DOT did not even mention where the land from their extorted roads came from. With "better" ways to plan like this, who needs the DOT? Lets contract out road maintenance ourselves.

Here is interesting site below on yet another way land rustlers operate. Check out the bike stories.

Jack Venrick

100 Years Ago

Cattle & Horse Thieves Were Hung

Trespassers Were Shot On the Spot

There Was No Law, Just The Law of The Land

Justice Was Quick, a Rope and a Gun

Ranchers & Farmers With Their Hired Hands, Knew What To Do

Today Green Government Rustlers Are Hanging The Ranchers and Farmers

Now Government Law Rules The Land

Ironically, There is Now No Law in The Land

Enumclaw, WA

<http://home.earthlink.net/~dick156/>

National Association of Reversionary Property Owners

**Double click the blue above for a primer on
railroad rights of way**

NARPO

Property Rights Advocates

Property Owner's Rights on the Rails to Trails Issue

This Web Page is brought to you by Dick Welsh, the executive director of NARPO. NARPO's address: 227 Bellevue Way N.E. Suite 719 Bellevue, WA 98004 --- Due to ongoing virus problems, NARPO will not open any e-mail unless the subject line contains any of the following words: rail trail, trails, or property rights. NARPO's E-mail address is: dick156@earthlink.net

NARPO is a non-profit, tax exempt foundation dedicated to principles that private property ownership must be maintained in the hands of citizens and not the government. NARPO's major goal is to assist property owners in maintaining their complete land ownership and resisting government confiscation. We hope to keep you up to date on the latest court cases and federal and state law changes that effect the property rights of reversionary property owners to railroad rights-of-way. Feel free to browse and leave an e-mail message at the end of the page.

[Mr. Web-Counter](#) says you are visitor in thousands

YOU CAN DOWNLOAD ANY OF THE ISSUES AND ARTICLES LISTED ON THIS WEB PAGE BY USING THE PRINT FUNCTION ON THE FILE MENU OF YOUR WEB BROWSER.

Updated June 3, 2007

NARPO's Railroad Right of Way [Primer](#) on Railroad Easements and Reversionary Rights

NARPO has available a 1,050 page collection in loose leaf formation that has numerous media articles and testimonials and the bad effects of rails to trail and rail trails in general. The cost is \$120 which includes postal shipping. If you need faster shipping, then an additional freight charge of \$48 will be added on. If you want just the 600 plus pages that are media articles about trail crime and other trail problems, the cost is \$62.00 or \$84.00 for expedited freight. E-mail NARPO at:dick156@earthlink.net -- for your copy and remember to put the correct words(rails to trails or property rights) in the subject line or NARPO will not open the e-mail due to virus problems.

Site Index--page down to choice

The Latest News on Rails To Trails (RTC)

Trail Crime Statistics

Class Action Lawsuit Information

Ongoing Issues & Technical Papers

Court Cases on Rails To Trails Issues

Congressional Testimony on RTC Issues

Related Internet Links

THE LATEST NEWS ON RAILS TO TRAILS (RTC)

****May 21, 2007-Read an article by an emergency room physician about the bad effects of snowmobiles on people and on the environment--**

<http://www.northwoodswild.org/newspro/viewnews.cgi?id=EEEyukuykuakcmwUQ>

****May 20, 2007 An article about why you don't want a snowmobile trail near you.**

http://www.northwoodswild.org/downloads/arc_srg_snowmobilereport.pdf

****March 1, 2007-The Surface Transportation Board (STB) which regulates railroads and trail use has moved and their phone numbers have all changed. The new main number is 202-245-0245. The STB General Counsel is 202-245-0262. Other STB phone numbers can be found on the STB web site:**

<http://www.stb.dot.gov> This page has all the phone numbers

http://www.stb.dot.gov/stb/docs/KeyContacts_4-23-07.pdf The new address for the STB is 395 "E" Street, Washington, DC 20423.

****March 12, 2007-Click on the following link to see a case from the federal appeals court from Virginia where the court ruled that a property owner can sue for a Fourth Amendment violation of search and seizure when a city allowed people to trespass on private property for trail use. This is another tactic we can use to get control of our property rights.**

<http://pacer.ca4.uscourts.gov/opinion.pdf/052344.P.pdf>

****November 4, 2006-Bicyclists are always painted as such nice folks. See this NY Times articles for another view.**

http://www.nytimes.com/2006/12/29/opinion/29fri2.html?_r=1&th&emc=th&oref=slogin

****November 4, 2006-Aren't the trail zealots always telling us how trail users keep the trails free of crime and trash. See this story.**

<http://home.earthlink.net/~dick156/cct.doc>

****October 24, 2006-This story is by a bicycle group about the benefits of riding on roads versus trails.**

<http://www.bicyclinglife.com/EffectiveAdvocacy/TheRoadsWeHave.htm>

****October 15, 2006-This is an article about how trail users are not the eco-friendly they make themselves out to be. <http://www.washingtonpost.com/wp-dyn/content/article/2006/10/13/AR2006101301285.html?referrer=emailarticle>**

****September 24, 2006-Here is an interesting comment from an observer in Peoria, Illinois about a proposed rail trail. See this link**

<http://home.earthlink.net/~dick156/PeoriaTrail.doc>

****September 11, 2006—Five more trail crimes that came to our attention.**

http://www.wbay.com/Global/story.asp?S=5390980&nav=menu24_2

<http://www.nbc30.com/news/3617012/detail.html>

http://www.sptimes.com/2003/09/11/news_pf/Citrus/Man_accused_in_assault.html

<http://www.ci.berkeley.ca.us/news/2003/12dec/121003joggerassaulted.html>

<http://www.news10.net/printfullstory.aspx?storyid=19318>

****August 24, 2006-See this link http://www.washingtonpost.com/wp-dyn/content/article/2006/08/17/AR2006081701613_3.html**

to see how crowded some trails are and how dangerous they can be to life!

****July 11, 2006-Here is an article about two women killed on a popular trail near Seattle. The trail zealots tell us popular trails are crime immune because so many people are on the trail. That does not seem the case!**

http://seattletimes.nwsourc.com/html/localnews/2003124787_webhikersslain13.html

****July 15, 2006-Here is a letter to the editor by a former city councilman about eminent domain (Condemnation).**

<http://www.theithacajournal.com/apps/pbcs.dll/article?AID=/20060715/OPINION03/607150317/1014/OPINION>

July 12, 2006- A further story on the trail killings above. Read through the article and notice near the end where they say you shouldn't travel alone on trails. If these trails are so great and safe, why is it necessary to travel in a crowd to be safe? <http://archives.seattletimes.nwsourc.com/cgi-bin/texis.cgi/web/vortex/display?slug=forestcrime13m&date=20060713&query=Forest+Killings>

****April 26, 2006-**No eminent domain for trails in Monroe County, Indiana.

See this [here](#)

****April 26, 2006-**Who would ever had thought that trails could cause pollution!!

Click [here](#)

****MARCH 14, 2006—**Even 14,000 miles for the U.S. and they still have problems with rail trails.

Click [here](#)

****March 14, 2006—**This is an interesting article about how all trails are not good. See [here](#)

****February 13, 2006—**Here is a great federal site for finding copies of the land patent the government issued for your property.

Click [here](#) and click on the upper middle tab labeled "Standard". Then type in your state, county, section, township and range, and it spits out all the patents for that section of land. You can either get copies directly from the site or order them from the site. This is great info for those trying to prove they own the underlying title to the right of way especially if you are in the west and have government grant rights of way in the area.

****January 1, 2006—**Here is a case decided in September 2005 where the court rules that a fiber optic cable was not consistent with a railroad right of way use.

See the case [here](#) and then click on "Query in plain English" and type in "Home On The Range v AT&T" and slick okay. The 50 page case will come up in a .pdf file.

&&January 9, 2006—A Pennsylvania County Judge ruled for landowners in a very acrimonious case that has been ongoing for over 10 years.

The judge ruled that the landowners owned the railroad right of way in fee simple title. Also there was not a federal rails to trails designation attached to the abandonment. The judge also ruled that the landowners can go ahead with their lawsuit against the trail groups on trespass and slander of title. Click [here](#)

****January 3, 2006—Some articles about why bikers make bad trail companions.**

Click [here](#)

****January 1, 2006—An article about how the bike folks were pushing for a bad trail.**

Click [here](#)

****January 1, 2006—A bike advocate tells why bike trails are bad compared to riding on roads.**

Click [here](#)

****October 25, 2005--More shenanigans on the part of a planning board on trail issues.** Be aware that these planning boards put these trail plans in and then years later say that it has been the wishes of the people for all those years. Click [here](#)

****December 1, 2005—This article is about new federal EPA rules on pollution sites.**

The article delineates out what federal agencies must do before allowing federal action on a potential project. This very well pertains to the STB and how they allow trails on railroad rights of way which are nothing but linear toxic waste dumps in most cases. Click on [here](#)

****November 26, 2005—A website article about how bikes are better on roads that on trails.**

Click [here](#)

****November 20, 2005—An article from the Los Angeles Transportation Dept., about how it is safer for bikes to be on sidewalks rather than roads.**

Click [here](#)

****October 20, 2005--The article below describes a typical scenario for trails and eminent domain. A few holdouts face hostile seizure of their properties.**

Click [here](#)

****September 21, 2005—Here is a short letter to the editor concerning trails and hurricane Katrina and spending. Click [here](#)**

****7/20/2005 The link below is the testimony to Congress of Chuck Cushman executive director of the American Land Rights Association, he has wonderful examples of trails gone amok because of the National Trails Act. As he points out about how trails mutate, first the trail advocates claim that only the "willing" landowners will be expected to host a trail. Then the trail folks get impatient, which is quickly followed by eminent domain. They and their government agencies have all the power, while lonely landowners are left to fend for themselves. [here](#)**

****7/15/05 An article about a 1993 NARPO study on usage of rail trails.**

Click on: [here](#)

****4/15/05 Lawyer sues a town, resort, and 2 trail outfits when he gets injured on a recreational trail in Toronto.**

A personal-injury lawyer filed a \$1 million dollar lawsuit on behalf of himself when he got hurt on a trail after falling off his bike. A short article is followed by a bunch of bikers' comments. This is truly an inspiring event. Click [here](#)

****Farm awarded \$400,000 in trail lawsuit in Newton, N.H.**

A court awarded the settlement based on past damages and potential future damage to the farm, which adjoins a recreational trail. Click [here](#)

****4/4/05 Another very good court decision just came down for property owners on government grant rights of way.**

A very definitive decision by the U.S. Court of Appeals for the Federal Circuit says that property owners owning land abutting railroad rights of way where the right of way was granted to a railroad by the government, the right of way belongs to the abutting property owner. And if a rail trail has been put on the right of way after railroad abandonment, then the abutting property owner is due just compensation. To see a copy of the decision click [here](#). This case is cited as: Hash v. U.S. 403 F.3d 1308 (2005). If any property owner fits into this category, then they can use this decision to get their just compensation for having a trail through their property. You might want to call either John Groen in the western states at 425-453-6206 or Nels Ackerson in Washington, D.C., at 202-833-8833.

****4/4/05 An article on trail problems in Canada**

The article is an Adobe pdf file. Click [here](#)

****3/19/05 A very good court decision just came down for property owners**

The case below is a hot link to a Federal Claims Court decision on a federally granted right of way that is being turned into a rail trail. The property owner won a big decision on the ownership issue of the right of way easement. The decision is written in a way that positively affects all government granted rights of way and overrides many adverse decisions. It is 33 pages long, but well worth reading for those property owners affected. If you have any questions, please email me. Dick Welsh--NARPO Click [here](#). This case is cited as: Beres v. U.S. 64 Fed.Cl. 403, 427 (2005).

****3/15/05 Hope for property owner abutting a rail trail**

A group of property owners in south central Washington State spent a lot of time following what a trails' group and the railroad did after the trails' group acquired the rights for a trail on an abandoned rail line. They discovered the railroad had sold off some land that disconnected the rail line from a connection to another rail line. It just so happens that the federal rails to trails law exists under the fiction that a railroad can restart service and connect it to the national rail system. If a railroad cuts the possibility of future connection to the national rail system, then the STB loses jurisdiction and the rail trail can disappear. A court case to decide just that has been filed. For further information you can contact the attorneys representing the property owners—Nels Ackerson at 202-833-8833.

****1/15/05 To see a good form letter for a Freedom of Information Act (FOIA)**

request click [here](#). This form letter is geared toward a request to a federal agency, but it can be adopted for a FOIA request from any government entity. Any time you are involved with a controversy with a government entity, you need to know what they have been doing and what their plans are. The best way to get to see their files is with a FOIA request. Best of all, if the entity denies your request or doesn't answer in the proper time, you are entitled to daily damages and attorney fees. This form letter came from the Property Rights Foundation of America, <http://www.prfamerica.org>

****1/5/05 This is a very good write-up on the economic and physical effects of having snowmobile trails near or next to your property. This is a very well done**

paper and should be quotable when you are discussing the issue you're your elected and appointed officials. Click [here](#)

****12/13/04 [Sprint, Qwest, Other Telecoms Face New Multi-Billion Dollar Threat.](#)**

The 7th Circuit Court of Appeals in Chicago on December 13, 2004 handed down a decision that exposes Sprint, Qwest, Level 3, and Williams to more than \$3 billion of liability in federal and state class actions that we are pursuing nationwide. The decision reversed a controversial nationwide class action settlement favored by the telecom companies, which we had opposed. More details can be found in an article in [Telephony Online](#).

****Dec 10. 04 [Settles in More States](#)**

. As a continuation of our nationwide settlement negotiations in the AT&T Fiber Optic Class Actions, the presiding federal judge has set final approval of settlements in Massachusetts and Michigan for January 14, 2005. Details are found at a href=<http://att.fsiwebs.net/rrcorridors/>> here.

****Dec 1. 04 - Conrail Settles Class Action.**

The Circuit Court in Montgomery County, Indiana, has approved a class action settlement that will remove Conrail's claims on all of its abandoned railroad rights of way in Indiana. The Indiana Supreme Court earlier ruled in favor of our landowner clients in a landmark decision that established their ownership rights. A final fairness hearing is scheduled in Crawfordsville, Indiana on January 13, 2005.

****8/28/04 The U.S. Supreme Court has agreed to has a Connecticut eminent domain (Condemnation) case where a city condemned homes to give the land to a developer**

The city of New London, CT., wanted to raise their tax base so they condemned homes and businesses and sold the land to developers to put higher tax use businesses on the property. When government condemns land it is supposed to be for a public use, not a private use. The case will be heard in the spring of 2005. To see the press release from the Institute of Justice click [here](#)

****8/7/04 Here is an article about Union Pacific Railroad taking improper tax deductions for railroad rights of way going to trails**

from the New York Times. Click [here](#)

****7/20/04 A New Property Value Study by the City of Portland, OR., that shows owning land near or next to a trail or park devalues your property**

Click [here to read and download a copy of this study](#). The City of Portland, OR., paid for this study to see if their regulations and spending were worthwhile from a fiscal standpoint. Living next to a trail was worst than living next to a cemetery for devaluation of your property's worth. Anyone living next to one of these trails already knew this fact, but it took a distinguished college professor to do an in-depth study to show how trails devalue property next to or near a trail (or cemetery). NARPO's property value study (which is listed a little farther down this web page) from 1977 through 1998 showed the same result. You will need Adobe Reader to view this file.

****10/22/04 Trail crimes this past week**

[click here](#), [click here](#), [click here](#), [click here](#), [click here](#), [click here](#), and [click here](#).

****9/25/04 Trail crimes across America**

[click here](#), [click here](#), [click here](#), [click here](#), [click here](#), [click here](#), [click here](#), and [click here](#).

****9/18/04 Ten days of trail crimes across America**

[click here](#), [click here](#), [click here](#), [click here](#), and [click here](#).

****9/8/04 A week of trail crimes across America**

[click here](#), [click here](#), [click here](#), [click here](#), [click here](#), [click here](#), [click here](#), and [click here](#).

****8/26/04 A short week of trail crimes across America**

[click here](#), [click here](#), [click here](#), [click here](#), [click here](#), and [click here](#).

****5/1/04The Michigan Supreme Court finally gets it right**

A property owner didn't want her land taken by eminent domain (condemnation) so a private entity could use her land commercially so she sued to stop the condemnation. The Michigan Supreme Court ruled in her favor and threw out a 23 year old Michigan Supreme Court precedence decision. You can read this great decision at: [click here](#).

****4/10/04 Great News for abutting property owners in the Williamsburg, Mass.,area**

A Mass., court ruled that the property owners abutting a railroad right of way in Williamsburg were the rightful owners to the right of way. According to the news article below, this kills the proposed bike trail. See [here](#)

****A study on the false economic assumptions of trails**

Download [here](#) this study and show it to your local governments who are trying to push through a trail and justify the trail by its economics. This file is in .pdf format and Adobe Acrobat Reader is necessary to read the study. You can download a copy of Adobe Acrobat Reader [here](#)

****A study done over a 20 year period on property values**

on adjacent homes and property to a rail trail [found here](#)
This will be in Word 6.0 for Windows format. Read this and use it when you have to show elected officials how rails trails will affect your property values. For a color graph of this property value disparity on the Burke-Gilman Trail [click here](#)
You will need Adobe Reader to read and download this chart.

****3/10/04 Click on this URL to see that trails in Canada**

are just as bad on adjacent property owners as they are in the United States. Also note that the hidden agenda and political stalling by trail groups and local politicians have followed north across the border. [click here](#)

****12/28/03 A current article about the state of the class action lawsuits**

against telecommunication companies with fiber optic lines in railroad rights of way. [click here](#)

****10/6/03 An article on a settlement on a class action lawsuit.**

AT&T has settled with thousands of property owners owning land abutting railroads rights of way where AT&T and other communication companies have laid fiber optic cable in the rights of way. Abutting property owners can now apply for their share of the settlement. The contact number is in the [article](#)

****9/28/03 This direct [link](#) is a compilation of articles and other links on how to solve the problem of trespassing by ATVs and snowmobiles.**

This link has quite a few sublinks. "solving the ATV Problem" is a good one to start with.

****June 1, 2003, Two California property owners get \$360,000 rails to trails settlement from Federal government**

The federal government paid \$360,000 to two California property owners for a 600 foot piece of property taken by a rails to trails project. Pretty pricey trail at 600 dollars a foot; of course paid for by unknowing U.S. taxpayers. See the court results in the U.S. Court of Federal Claims web site-<http://www.uscfc.uscourts.gov/>. As of June 9, the two cases were not posted on the web site.

February 5, 1986 date of the taking, for a total of \$551,931.30; and \$894,855.60 in attorneys' fees. The United States will be writing a check for \$1,446,786.90!

The United States will be writing that check because, in 1983, Congress amended the National Trails Act, by enacting the Rails to Trails Act, which prevents railroad easements that cross private property from reverting to the landowners after railroads abandon rail service. Thus, the owners are denied the reversionary rights to which they are entitled by: their deeds, the contract into which they or their predecessors entered with the railroad, and state law. Instead, if the easements are sought for trail use, the United States instructs the railroads that they may abandon rail service only if they transfer the easement for that purpose.

6/6/2002 Rail trail collapsed from flooding

Contaminants from rail bed pollutes private property. Click [here](#) for media article.

1/ 23/2002-Indiana Property Owners Win \$7 Million from CSX Railroad

After seven years of court battles, the Indiana property owners finally won their suit against CSX Railroad. CSX had tried to sell the right of ways in Indiana for communication uses and not pay the abutting property owners who actually owned the land the rights of way were on. See the attached link for the press release from the lead attorney for the property owners-click [here](#)

Kansas Tax Appeals Board Rules Against Rails to Trails Tax Exemption

January 10, 2002-A non-profit rail trail group, which never had a nickel to their name, tried to get the Kansas Tax Board to give them an exemption from state property taxes. The Tax Board saw through their ruse and denied them the tax exemption. The rail trail group now has to pay their taxes or it is the end of their rail trail. Nobody will probably miss it anyway as hardly anyone used it.

THE RIGHT WAY TO CURE RIGHT-OF-WAY WRONGS

An article by Nels Ackerson recently published in The Telecom Real Estate Advisor [here](#) Included is a complete list of all the class action lawsuits in the United States on rail trail issues. In Adobe Acrobat (.pdf) format

Major Property Settlement with Railroad on Fiber Optic Cable Issue

August 29, 2001. Attorneys for property owners abutting Norfolk Southern Railroad rights of way in 15 midwestern states forged a settlement with Norfolk Southern where more than 50,000 property owners will receive millions of dollars plus a shareholder interest in a new corporation. The corporation, Class Corridor, LLC., will manage the fiber optic easements on the property owners rights of way and split the profits with the property owners. This is a very unique settlement the way it is structured. If you want further information on the settlement, contact the attorney for the property owners, Nels Ackerson at 202-833-8833. See the press release in MS Word format at [here](#)

Here is a great new web site on property rights

[click here](#)

Carmel, Indiana property owners win an injunction against MCI/WorldCom to stop work on a fiber optic project through their property.

On June 28, 2001, MCI/WorldCom was told to stop work because they were knowingly trespassing on land they did not own or have a right to be on. . See the attorney's press release in MS Word format at [here](#). See another press release on this case at [here](#).

After 15 years, Paul and Patricia Preseault finally got a compensation award from the Federal Claims Court on their rails to trails taking.

Tuesday, May 22, 2001, the Preseaults were awarded \$234,000 plus attorney fees Of 1.3 million for 15 years, interest on the \$234,000 for 15 years, expert witness fees, and other costs. See the Press Release below in MS Word [click here](#).

In a Spokane, Washington Spokesman Review article about trail crime

the police recommend you not walk alone. Sounds like a great place to recreate.

Massachusetts YMCA does not want a rail trail next to it because of the problems caused by these

[trails.](#)

How to search for deeds to railroad rights-of-way

The National Archives located in College Park, Maryland has all the original railroad right-of-way identification maps the railroads were required to file in 1913. These maps, sometimes called Plat or Evaluation maps, show how every railroad in America acquired their rights-of-way. The maps list who the railroads acquired the land from, the type of conveyance of the deed, and where the deed copy is stored in county records across the country. The National Archive's phone number is: 301-713-7250. The maps are stored in Record Group 134 in the civil reference branch. Mr. Dave Pfeiffer and Joe Schwatz are the most knowledgeable about the maps although age and retirement may have caught up to these gentlemen. The maps are five feet by three feet and usually cover one or more sections of land. You will need to know what railroad was using the land in 1913 and what section township and range your property is located. There are thousands of maps in the National Archive's possession. There is an index of the maps which narrows down the search so it only takes a few minutes to find the correct map. The College Park campus can be reached from the Washington, DC., office via a bus from the DC National Archives office. Security is very tight at the College Park campus so be prepared to be fingerprinted.

A great letter to the editor about a bad rail trail

[Click here](#)

A big reversionary rights win for property owners in Alabama

The Alabama Supreme Court on January 10, 2001, ruled an Alabama rails to trails statute would not work in Alabama because it took property (reversionary rights) without compensation.

The case is Chatham v. Blount County CV-97-208, will be published shortly in the 3rd Federal Reporter.

Three years of persistence for property owners helped to defeat a trail in Kansas

Residents of Lindborg, Kansas convinced their city council not to apply for funding for a rail trail. The residents worked three years to get the city council to not go along with the trail. This is a good example of persistent political action.

Great web site by Nels Ackerson's law firm; lots of articles and law cases about rails to trail and fiber optic land use issues.

[click here](#)

A trail in Idaho is granted a class action status in a suit for compensation against the federal government for a rails to trails taking [here](#)

Over \$5.1 million of our federal gas tax to rebuild a broken down depot

[Click here](#) for an article about \$5.1 million federal gas tax going to rehab an old railroad depot. Click on on the left side bar. Then arrow down to links. Then arrow down to Vol. 3 No. 1. The article is on page 1. You will need Adobe Reader to read this file.

How an Ohio property owner group got title to their land.

[and](#) see how persistence against a strong government rail to trails takings project can be defeated.

Law Review article on rails to trails counter arguments

**This is a very good law review article and can be seen by [here](#)
Click on "Past Issues", then click on Volume VIII Number III-Spring 1999
The official citation is: Emily Drumm, Addressing the Flaws of the
Rails-to-Trails Act, 8 KAN. J.L.PUB.POL'Y 158 (1999).
The publication is available in most law school libraries and on WestLaw and Lexis.**

A story on how road money is diverted for trails

For a copy of the Government Accounting Office (GAO) report on Rails To Trails click here

An article by trail proponent attorney>

where it shows there really are reversionary owners to railroad rights of way. click [here](#).

May 10, 2003 Five crime stories on rail trail in last 10 days.

**These five stories are in MS Word. See [here](#) and [here](#) and [here](#) and [here](#) and [here](#) and [here](#). or try this URL if the last file won't load on MS Word
http://www.thetimesonline.com/articles/2003/05/01/news/porter_county/ab7c32831ab01af186256d19001615a7.prt**

4/15/03 Another non-injury but serious, senseless crime

on a rail trail in Mass. Click [here](#).

September 6, 2002 China bans bikes from major cities. See [here](#)

Another senseless, heinous crime on a bike trail.

Two nuns were attacked and one was killed by a transient going through the area.

You can see the article [here](#) or at: [here](#).

9/19/03 After reading this trail crime article, why would you ever want your kid to be near a trail.

[click here](#). Trails seem like a natural place for perverts to congregate. Check out this [trail crime](#) and see how police seem to think trail crimes are low priority. Women are easy prey for the rapists on bike trails as [this article](#) will show.

9/9/03 Selected rail trail crimes for the week

click [here](#) and [here](#) and [here](#)

8/30/03 Selected rail trail crimes for the week

click [here](#) and [here](#) and [here](#) and [here](#) and [here](#) and [here](#) and [here](#) and [here](#).

8/24/03 The latest on why not to use trails

and reasons not to have trails in your neighborhood. Click [here](#) and [here](#) and [here](#) and [here](#) and [here](#) and [here](#) and [here](#) and [here](#)

8/17/03 More trail crimes

As more trails are built, us citizens have less chance to be safe. Click [here](#) and [here](#) and [here](#) and [here](#).

8/12/03 Stories about another murderous week on our nations' rail trails

click [here](#) and [here](#) and [here](#)

8/2/2003—Just a few of the trail murders, rapes, gropes, exposures, etc., for the week. Aren't trails great!!!

[here](#), [here](#), [here](#), [here](#), [here](#), [here](#), [here](#), [here](#), [here](#), [here](#), [here](#), [here](#), [here](#), [here](#)

7/22/2003—This 6/30/03 article is the fourth crime report on this trail in a short period of time.

But the local Anchorage, Alaska police still think it is safe to use the trail. I wonder how many rapes and assaults it take to warrant a safety concern? See the article [here](#)

7/19/2003—The latest in bike trail rampage

[click here](#) and [here](#) and [here](#)

7/13/2003 Another week of trail mayhem

See [here](#) and [here](#) and [here](#) and [here](#)

7/1/03/2003 Bike trails are sure dangerous and deadly.

See this weeks' crimes [here](#) and [here](#) and [here](#).

6/28/2003 Another child molester on a Kansas trail, see [article here](#)

6/18/2003 The below 8 hot links are articles in the past week about murders, rapes and thefts on rail trails throughout the county.

Seems to be typical of trails in general. See below [here](#) [here](#) [here](#) [here](#) [here](#) [here](#) [here](#) [here](#)

Another female assaulted on rail trail in Bloomington, Indiana, see article [here](#)

9/16/2002-PedNet: Trail Attack Reward Notice [here](#)

9/16/2002-Vandals strike Yough River Trail's Dickerson Run area [here](#)

6/16/2002-

KATY Trail Assault

See **KMIZ.com** archives for this 6/16/02 story.

4/16/2002 Another attempted rape on the Spokane, Washington trail [click here](#)

An April 2002 report on rail trail crime in Boise, Idaho [here](#)

This is an e-mail NARPO got on Feb. 20, 2002 about many trails incidents between trail users and landowners. Click [here](#)

Here is a series of articles from the Minneapolis Star Tribune, Feb., 24 and 25, about the problems on trails with ATVs. [here](#)

A recent bike trail crime incident, Dec. 11,2001, in Arlington, Mass., with one very lucky lady coming through it unscathed

See the [here](#)

Police Seek Leads in Assault of Teen on Interurban Trail

From the August 29, 2001 Seattle Times

**Mountlake Terrace, Washington-August 29, 2001. (a north suburb of Seattle)
Police are looking for leads in the sexual assault of a 13-year-old Edmonds girl who was attacked Saturday while walking on the Interurban Trail (old railroad right of way. Authorities have not ruled out the possibility that the attacker was the same man who raped a woman in roughly the same spot several weeks ago. Police said the girl in Saturday's attack was walking south on the trail when a man came up behind her and clasped a hand over her mouth. He dragged her into the woods and started to put his hand in her pants but then she said she was not the person, she told police, and he ordered her to run.**

The 31-year-old woman in the earlier attack was grabbed around midnight. Hours later, the police arrested a man who matched her description of the attacker. He is now out on bail and has not yet been charged

Subject: Letter to the editor-Indianapolis Star

Police seek suspects of 4 Carmel burglaries

Dear editor,

Let the Monon burglaries begin! Upon checking the addresses of the 4 recent Carmel burglaries, I discovered that all 4 businesses are near the Monon Trail. News reports of freshman soccer coach Richard Doucette's sexual conduct with a 15-year-old boy neglected to say that the incident occurred in a plaza along the trail. The trail is a magnet for all kinds of activity, healthy or not. My neighbors predicted that crime would increase along the Monon and it has.

Tom Harleman

11080 Willowmere Dr.

Indianapolis, IN 46280

317-844-2884 Home

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this week on the Monon Trail Channel 6 News wonders, we wonder, how much crime goes on around the Monon. The Indianapolis Police Department gave us some numbers. Now, since no one keeps exact numbers about crimes committed on the Monon Trail, the closest they could give us is crimes committed within a quarter mile of the trail. And here's what we found out. Police tell us that during the first five months of this year, first five months, between Fall Creek and 6800 North, there was a lot of crime around that popular trail. Police count 143 cases of what they consider property theft, 120 assaults, 57 burglaries, 46 stolen cars, 18 robberies, 4 rapes, and 2 homicides.

Another recent trail crime link. [here](#)

Another violent crime on a rail trail. Click on this URL for the Spokane, Washington Spokesman Review article about the crime. The police recommend you not walk alone. Sounds like a great place to recreate. [here](#)

This article shows a Massachusetts YMCA does not want a rail trail next to it because of the problems caused by these trails. [here](#)

Another senseless crime on a bike trail around Seattle, Washington

Would this stabber have done this on a city street? No way; too many people around. Trails are a magnet for the criminal and pervert element.

Trail crime in Indianapolis on the Monon Trail click [here](#) This media article is in MS Word format.

News story about crime on a Spokane, Washington trail [click here](#). This media article is in MS Word format

Two news stories about a killing in Seattle next to the Burke-Gilman Trail

Where the police are searching the trail for the killer—Seattle Times 11/04/99

Another murder on a trail

A murder on the Centennial Trail east of Spokane, Washington on April 28, 2000

An article from the Traverse City Michigan Record-Eagle about toxic waste contamination on trails in Michigan and other places.

[click here](#)

CLASS ACTION LAWSUIT INFORMATION

U.S. Court Of Federal Claims Rules Compensation Due Abutting Property Owners

[here](#)

Nationwide class action lawsuit on Rails To Trails compensation for landowners [click here](#) for a news article about

the latest class action lawsuit for compensation against the United States for rails-to-trails projects. This class action lawsuit is for all landowners in the United States who have compensation claims for the taking of reversionary rights in rails-to-trails projects. Because this class action lawsuit was filed in Federal District Court, all claims against the government have to be for \$10,000 or less. If you have had reversionary rights taken which you believe amount to more than a \$10,000 claim, then you will have to file a separate claim in the U. S. Court of Federal Claims in Washington, D.C., for your just compensation.

GREAT NEWS FOR PROPERTY OWNERS NATIONWIDE

On May 12, 1999, AT&T has settled a class action lawsuit by Indiana property owners. Depending on the number of miles of abandoned railroad right of way AT&T has laid their fiber optic lines in Indiana, will determine the final cost figure to AT&T, but the final numbers will be in the many millions of dollars to the property owners. AT&T was sued because they had laid their fiber optic cables in railroad rights of way; these rights of way belonged to

the abutting property owners not the railroad who had charged AT&T over \$25,000 per mile to lay the fiber optic lines in the rights of way. The settlement abandoned railroad rights of way. The settlement was for \$45,000 per mile. Today's settlement only affects Indiana property owners who own land next to abandoned railroad rights of way. There will be another class action lawsuit filed or property owners in Indiana who own land next to operating railroad rights of way which have fiber optic cables laid in the right of way. There also have been class action lawsuits filed in most other states to accomplish the same thing for other property owners which will involve many multi-million dollar settlements to property owners throughout the United States. Stay tuned for more news on this issue.

Today's court settlement will be a blow to rails to trails groups as they have been active in selling these fiber optic companies rights to lay fiber optic cables in abandoned railroad rights of way the trails groups have turned into trails pursuant to the federal rails to trails act, 16 U.S.C. 1247(d). Court suits will be filed against any government agency or private group that have involved themselves in selling any rights to rails to trails type of rights of way. Hopefully, there will be some government agencies and private trails groups that will possibly go broke trying to pay compensation to the affected property owners. Some of these private trails groups are funded by wealthy trust-fund babies so we will go after their wealth to pay the property owners.

If you have MS Word you can download the press release at [here](#)this URL. The attorney is Nels Ackerson and can be reached at 202-833-8833

ONGOING ISSUES and TECHNICAL PAPERS

Letter to Kansas city council on pending property owner bill. The letter shows with graphs and text how trails are very costly without any economic benefit to the community or the state. Click [here](#).

An article by Wayne Hage about the modern origins of the environmental movement and how it affects our property rights. Click [here](#). The info about CARA is not current as CARA did not pass the Congress yet.

Article from the L.A. Daily Journal, 2/4/00, about compensation

for abutting property owners of rails to trails projects. You will need a reader that reads .tif files. Click [>here](#) and [here](#)

Delaware-New Jersey Farm Bureau [here](#)

NEBRASKA FARM BUREAU Press Release from November 8, 1998 concerning rails to trails. The press release is in MS Word format so open the file in MS Word or use a converter if you use other word processors. Click [here](#)

COURT CASES on RAILS To TRAILS ISSUES

Indiana property owners win a very important court decision against the Penn Central Railroad on February 4, 1999. An Indiana judge awarded over \$600,000 in legal fee sanctions against Penn Central for delaying a class action lawsuit filed against Penn Central by Indiana property owners. Sanctions are approved when a judge thinks attorneys are not playing the legal game fairly. This is a huge blow to Penn Central and their actions to defend against very well represented property owners. Nels Ackerson of Washington, D.C., (202) 833-8833, is representing the property owners in this class action lawsuit.

January 1999--In a Michigan case on reversionary rights, the U.S. Court of Appeals for the Sixth Circuit ruled in the property owners favor in a case called RLTD v. STB. Click [here](#). The Sixth Circuit said the STB was right by not claiming jurisdiction for a rail line that was out of service for over 20 years; thus the STB could not order a rails to trails action on the line.

December 30, 1997, decision by the U.S. Court of Appeals for the D.C. Circuit ruled in a Kansas landowner's favor today on a rail to trails issue, BECKER v. STB. The Court ruled that the Surface Transportation Board (old ICC) had no jurisdiction to issue an extension for a rails to trails permit because the railroad had already abandoned the rail line by pulling up the rails and ties. Once a rail line is abandoned, the STB loses jurisdiction to do any regulating on the rail line. This is a great win for property owners and property rights. The STB has extended trails use agreement as much as eight times over a period of 5 years while the abutting property owners are left in limbo about their property rights in the rail line. Becker v. STB - newspaper article [here](#)

An Indiana Supreme Court decision on reversionary rights. The Indiana Supreme Court on June 10, 1997, said that reversionary property owners to railroad rights of way are the ones to benefit from fiber optic and other utilities placed in the right of way, not the railroad or some trails group. The law in Indiana is much the same in all other states so this case should be used when property owners any place want to recover the rental fees the railroad and trails group are

getting for leasing fiber optic and other utilities in the railroad right of way. Contact NARPO or

Dave Ford at the Indiana Farm Bureau at 317-692-7802 for further information. The attorney

representing the Indiana property owners is Nels Ackerson at 202-833-8833.

Article by Mike Berger about the latest decision --[click here](#) for the Berger article Mike Berger was Preseault's attorney in the 1990 Supreme Court decision.

COURT CASE ON REVERSIONARY RIGHTS [here](#)

Belka v. Penn Central case no. 93-2457 6th Circuit on 1/10/96.

This case was decided on legal doctrine of impossibility. The reversionary property owners sued for their land back on a rails to trails case where the abandoning railroad sold off some of the right of way for other uses and then sold the remainder to the state of Michigan for a rails to trails project. The court ruled the sales of some parts of the right of way made it "impossible" to remake the right of way back into a railroad right of way in the future. Consequently, the Michigan rails to trails law could not function because of the "impossibility of turning the right of way back to a railroad as the Michigan law mandates must be done for the law to work.

CONGRESSIONAL TESTIMONY ON RAILS TO TRAILS ISSUES

NARPO's testimony before the U.S. House Transportation Committee on rails to trails Problems [click here](#)

NARPO's testimony before the U.S. House Appropriations Committee on March 4, 1997 [here](#)

NARPO's testimony before the Rail Subcommittee of the U.S. House Transportation Committee on Sept. 18, 1996 [here](#)'

Other Rails to Trails Articles

An article on WHY and HOW To affect an election, unelect bad officials and elect property rights oriented people-click [here](#)

Louisiana Property owners fight a trail. To see how to defeat a trail and unelect bad politicians at the same time, click [here](#).

Article by Congressional Research Service (CRS) on the whys and wherefores of the property rights movement [here](#) for CRS article.

A trail in Bellevue, Washington which is 1/4 mile long is costing the U.S. taxpayers \$640,000 which is being funded through ISTE A (ISTEA is your federal gas tax if you don't know what ISTE A is). Contact NARPO for a copy of the article on this trail. Whoever said trails were cheap recreation?

An article about what to do with rails to trails problems click [here](#)

A book review on a great book about Free Enterprise and the bad effects of government regulation --Ultimate Resources II--click [here](#)

An article about the problems with government intervention and how to debunk naysayers of small government-click [here](#)

An article on a trail in Indiana that cost \$89,000 per mile to build click [here](#)

An article about the \$89,000 per mile trail being defeated by the concerted efforts of the property owners and taxpayers of LaPorte County, Indiana. click-[click here](#)

A good article on the Fifth Amendment [here](#)

OTHER INTERNET LINKS

A property owner's site in Ohio which is opposing a rail trail through their property. [here](#)

The web site for Mountain State Legal Foundation and a copy of their article about the court win in the Missouri property owner class action lawsuit for compensation for reversionary property owners click [here](#)

A site produced by property owners in Hurley, Wisconsin that are fighting a rails to trails project. They also have very recalcitrant local officials trying to condemn their land for a snowmobile trail to different taverns; some of which are owned by local officials. RAPTOR fights land seizure tyranny being promoted through socialist government. Ayn Rand and Objectivism form the foundation for RAPTOR'S fight. click [click here](#)

A great property rights site for seeing what is happening on the Congressional, national and state scene in property rights. The American Land Rights Association has a huge data base of members who get fax updates on current Congressional issues. Also 100 direct links to other property rights sites. [here](#)

Texas Justice Foundation, a non-profit, public interest litigation foundation for limited government, property rights and free competitive markets [here](#)

Liberty Matters--one of the newer organizations focusing on property rights [here](#)

Another Property rights site [Here](#)

A great link--The American Association of Small Property Owners [here](#)

A link to U.S. Supreme Court, Federal Circuit Court, and State courts [here](#)

To see another Property Rights Web site click [here](#)with links to 100s of other property rights sites.

To see a paper on rails-to-trails problems click [click here](#)

The Right of Way Association Home Page click [here](#)

A nice article, Land Rights, Why Do They Matter?, by Bruce Yandle click [here](#)

Property Rights'Radicals'by Wayne Hage, a Nevada rancher click [here](#)

Due to ongoing virus problems, NARPO will not open any e-mail unless the subject line contains any of the following words: rail trail, trails, or property rights. You can leave me a message by e-mail at [mailto: dick156@earthlink.net](mailto:dick156@earthlink.net)